



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, August 10, 2021 at 6:00 PM

Typically there are no Public Comments at Work Sessions, but written comments are accepted by:

- *Email recorderteam@orc.city.org (deadline to submit written testimony via email is 3 p.m. on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

CONVENE WORK SESSION AND ROLL CALL

FUTURE AGENDA ITEMS

The Commission's adopted goals and available staff resources shall be considered when recommending future agenda items. The Commission may add an item to a future agenda with consensus of the Commission.

1. List of Future Work Session Agenda Items

DISCUSSION ITEMS

2. Oregon City Parks and Recreation Financial Support & Sustainability Strategy Policy
3. Oregon City Parks and Recreation Department Deferred Maintenance Assessment & Capital Improvement Plan
4. Housing Choices Code Update (HB 2001)
5. Oregon City Sidewalk Repair Assistance Program

CITY MANAGER'S REPORT

COMMISSION COMMITTEE REPORTS

A. Beavercreek Employment Area Blue Ribbon Committee - *Commissioner Frank O'Donnell*

B. Citizen Involvement Committee Liaison - *Commissioner Adam Marl*

C. Clackamas County Coordinating Committee (C4) - Appointed: *Mayor Rachel Lyles Smith*
Alternate: *Commissioner Adam Marl*

D. Clackamas County I-205 Tolling Diversion Committee - Appointed: *Commissioner Adam Marl* Alternate: *Commissioner Frank O'Donnell*

E. Clackamas Heritage Partners - *Commissioner Rocky Smith, Jr.*

F. Clackamas Water Environment Services Policy Committee -
Appointed: *Commissioner Rocky Smith, Jr.*

G. Downtown Oregon City Association Board - *Commissioner Denyse McGriff*

H. Metro Policy Advisory Committee (MPAC) - Appointed: *Mayor Rachel Lyles Smith* Alternate: *Commissioner Denyse McGriff*

I. OC 2040 Project Advisory Team - Appointed: *Commissioners Adam Marl and Denyse McGriff*

J. Oregon Governor's Willamette Falls Locks Commission - *Vacant until State Appoints Mayor Rachel Lyles Smith*

K. Oregon City Tourism Stakeholder's Group - Appointed: *Commissioners Frank O'Donnell and Rocky Smith, Jr.*

L. Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee - Appointed: *Commissioner Denyse McGriff*

M. South Fork Water Board (SFWB) - *Mayor Rachel Lyles Smith, and Commissioners Frank O'Donnell and Rocky Smith, Jr.*

N. Willamette Falls and Landings Heritage Area - Appointed: *Commissioner Denyse McGriff* Alternate: *Commissioner Frank O'Donnell*

O. Willamette Falls Legacy Project Liaisons - *Mayor Rachel Lyles Smith and Commissioners Frank O'Donnell*

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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.



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 08/10/2021

SUBJECT:

List of Future Work Session Agenda Items

BACKGROUND:

August 18, 2021

Housing Needs Analysis

September 7, 2021

Abandon and/or Semi-Abandon Buildings

Compatible Change Update

Willamette Falls Trust and Willamette Falls Legacy Project Updates

October 12, 2021

Charter Park Discussion (Last five – Sportcraft Landing, McLoughlin Promenade, Ermatinger House, Dement Park/Property, and Clairmont Way)

Internal Strategy for Homelessness Goal No. 4

OC 2040 Check-in After Summits

Additional Upcoming Items (These items are in no particular order)

Beavercreek Road Concept Plan (Thimble Creek) Funding Discussion

Boards and Committee's Orientation Manual Review and Discussion

Canemah Area - Encroachments in the Right-of-Way Policy Discussion

Clackamas County Water Environmental Services (WES) Rate Differential

Clackamette Park Boat Ramp

Climate Action Plan Presentation (City of Milwaukie)

Code Enforcement Complaint Process

Commission Policies Review

Commission's Rules of Procedure Review

Construction Excise Tax

Ethics Training

Metro Food Waste Program Requirements - Annual Review

Oregon Main Street Update by Sheri Stuart

Parks Special Event Fees and Application Process

Parking Rate Increase for Permitted Parking in Downtown Oregon City (Green, Purple, Orange, etc. Zones)

Railroad Quiet Zone Funding Discussion

Request for Recording Pre-App Conferences Follow-up

South Fork Water Board - Mountain Line Easements Vacation

Transportation Demand Management (TDM) Plan Implementation Update

Water System Risk and Resiliency Review

Willamette Falls Legacy Project Operations and Maintenance Discussion



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Parks and Recreation Director Kendall Reid

Agenda Date: 08/10/2021

SUBJECT:

Oregon City Parks and Recreation Financial Support & Sustainability Strategy Policy

STAFF RECOMMENDATION:

Review the Departments communication plan and incremental approach to cost recovery targets and tax subsidy as illustrated in the Departments master fee schedule. Recommend staff bring the 'Financial Support & Sustainability Strategy Policy' to a regular Commission meeting for codification of policy through a resolution.

EXECUTIVE SUMMARY:

As part of Oregon City Parks and Recreation cost recovery work, the Commission requested the Oregon City Parks and Recreation Department bring back examples of the implications that the policy would have on Department fees as it relates to reaching cost recovery and tax subsidy targets. Additionally, there was a request to see information on how the Department plans to communicate the incremental changes to the community.

Two documents have been provided this evening. First, the Department's master fee schedule that shows 2020 & 2021 rates, as well as projected rates for 2022 & 2023. The spreadsheet illustrates current cost recovery, cost recovery or tax subsidy goals, and the required percentage increase to reach established goals. Second, is the Department's communication plan.

BACKGROUND:

Oregon City Parks and Recreation staff contracted with Amilia Consulting USA to help in a department-wide cost recovery analysis, and methodology creation. This work was completed in March 2021. This work entailed public engagement that included input from several community stakeholders, staff, and elected officials. Those invited included, Oregon City Parks Foundation, Citizen Involvement Committee, McLoughlin Neighborhood Association, Barkley Hill Neighborhood Association, Canemah and Rivercrest Neighborhood Associations, Two-Rivers Neighborhood Association,

Downtown Oregon City Association, Clackamas Heritage Partners, Unite Oregon City, Oregon City Chamber ED, County Aging & Disability Community Coordinator, and 9 staff members on the cost recovery taskforce.

On April 22, 2021, the Department brought the draft policy to the Parks and Recreation Advisory Committee (PRAC) for review and comments. PRAC unanimously supported the policy as written and has supplied a letter of support which is attached to the Commission packet.

On June 8, 2021, the Department brought forth the draft policy to Commission in a work session. The Commission discussion was overall support, but a request was made to see the policy in practice as it relates to fees, as well as the Departments Communication plan. The Commission made note of one edit to the policy as written and presented. The edit was made and reads as follows, "Therefore, it is important to establish a methodology way to subsidize programs at a higher-rate level for our residents participants."¹

OPTIONS:

1. Support the Department's efforts to move forward with the Financial Support and Sustainability Strategy Policy as a resolution.
2. Support the Oregon City Parks and Recreation Financial Support & Sustainability Strategy Policy with further edits with direction for the Department to move forward presenting it as a resolution after edits are made.
3. Support the Policy with further edits and request the Department to return to a future work session for further review and discussion.
4. Do not support the Oregon City Parks and Recreation Financial Support & Sustainability Strategy Policy.

¹ (Parsch, R. M. (2021, April 22). *Financial Support & Sustainability Strategy*. City of Oregon City, Oregon City. P.7)

Pool	2020	2021	2022	2023	Target Fee	
OCP&R Master Fee Schedule						
Drop in pricing						
Resident Youth / Seniors	\$ 3.50	\$3.75	\$5.00	\$5.25	\$5.08	
Resident Adult	\$ 3.75	\$4.00	\$5.25	\$5.50	\$5.42	
Non Res. Youth / Senior	\$ 4.50	\$4.75	\$6.00	\$6.25	\$6.44	
Non Res Adult	\$ 5.00	\$5.25	\$6.50	\$6.75	\$7.11	
Resident Family Swim	\$ 6.75	\$7.00	\$8.25	\$8.50	\$9.49	
Non Res. Family Swim	\$ 9.00	\$9.25	\$10.50	\$10.75	\$12.53	
Water Exercise Drop in pricing						
Resident Youth / Seniors	\$ 4.00	\$4.25	\$4.50	\$4.75	\$5.76	
Resident Adult	\$ 4.25	\$4.50	\$4.75	\$5.00	\$6.10	
Non Res. Youth / Senior	\$ 5.00	\$5.25	\$5.50	\$5.75	\$7.11	
Non Res Adult	\$ 5.50	\$5.75	\$6.00	\$6.25	\$7.79	will continue to raise 3% annual increase, round
Punch cards						
Resident Youth / Seniors - 10 punch	\$ 25.25	\$26.00	\$27.75	\$28.50	\$28.51	
Resident Adult - 10 punch	\$ 31.75	\$32.75	\$34.75	\$36.75	\$35.92	
Non Res. Youth / Senior - 10 punch	\$ 38.75	\$40.00	\$42.25	\$43.50	\$43.87	
Non Res Adult - 10 punch	\$ 47.75	\$49.25	\$51.75	\$53.25	\$54.01	
Resident Youth / Seniors - 20 punch	\$ 36.50	\$37.50	\$39.75	\$41.00	\$41.12	
Resident Adult - 20 punch	\$ 55.00	\$56.75	\$59.50	\$62.25	\$62.23	
Non Res. Youth / Senior - 20 punch	\$ 54.75	\$56.50	\$59.50	\$61.25	\$61.96	
Non Res Adult - 20 punch	\$ 82.75	\$85.25	\$89.00	\$91.50	\$93.49	
Resident Youth / Seniors - 40 punch	\$ 58.00	\$59.75	\$62.50	\$64.50	\$65.52	
Resident Adult - 40 punch	\$ 90.00	\$92.75	\$96.50	\$99.50	\$101.71	
Non Res. Youth / Senior - 40 punch	\$ 87.25	\$89.75	\$93.50	\$96.25	\$98.42	
Non Res Adult - 40 punch	\$ 134.50	\$138.50	\$143.50	\$147.75	\$151.88	will continue to raise 3% annual increase, round
Memberships						
Resident Youth / Seniors - Quarterly	\$ 49.00	\$50.50	\$55.50	\$60.50	\$59.37	
Resident Adult - Quarterly	\$ 54.50	\$56.25	\$61.25	\$66.25	\$66.12	
Non Res. Youth / Senior - Quarterly	\$ 82.00	\$84.50	\$89.50	\$94.50	\$99.33	

Non Res Adult - Quarterly	\$ 91.75	\$94.50	\$99.50	\$104.50	\$111.09	
Resident Youth / Seniors - Annual	\$ 98.50	\$101.50	\$106.50	\$111.50	\$119.32	
Resident Adult - Annual	\$ 109.50	\$112.75	\$117.75	\$122.75	\$132.54	
Non Res. Youth / Senior - Annual	\$ 165.75	\$170.75	\$175.75	\$180.75	\$200.72	
Non Res Adult - Annual	\$ 184.00	\$189.50	\$194.50	\$199.50	\$222.77	
Family Memberships						
Resident 2 person - Quarterly	\$ 98.25	\$101.25	\$111.25	\$121.25	\$119.02	
Non Res 2 person - Quarterly	\$ 169.50	\$174.50	\$184.50	\$194.50	\$205.13	
Resident 2 person - Annual	\$ 198.00	\$204.00	\$214.00	\$224.00	\$239.81	
Non Res 2 person - Annual	\$ 330.75	\$340.75	\$350.75	\$360.75	\$400.57	
Resident 3 person - Quarterly	\$ 107.75	\$111.00	\$121.00	\$131.00	\$130.49	
Non Res 3 person - Quarterly	\$ 184.75	\$190.25	\$200.25	\$210.25	\$223.65	
Resident 3 person - Annual	\$ 216.00	\$222.50	\$232.50	\$242.50	\$261.56	
Non Res 3 person - Annual	\$ 360.25	\$371.00	\$381.00	\$391.00	\$436.13	
Resident 4 person - Quarterly	\$ 117.25	\$120.75	\$130.75	\$140.75	\$141.95	
Non Res 4 person - Quarterly	\$ 200.00	\$206.00	\$216.00	\$226.00	\$242.16	
Resident 4 person - Annual	\$ 234.00	\$241.00	\$251.00	\$261.00	\$283.31	
Non Res 4 person - Annual	\$ 390.00	\$401.75	\$411.75	\$421.75	\$472.28	
Resident 5 person - Quarterly	\$ 126.75	\$130.50	\$140.50	\$150.50	\$153.41	
Non Res 5 person - Quarterly	\$ 215.25	\$221.75	\$231.75	\$241.75	\$260.68	
Resident 5 person - Annual	\$ 252.00	\$259.50	\$269.50	\$279.50	\$305.05	
Non Res 5 person - Annual	\$ 419.50	\$432.00	\$442.00	\$452.00	\$507.84	raise \$10 annually (\$20 over two years) to strive
Swim Lessons						
Resident Group Session	\$ 45.25	\$46.50	\$50.00	\$51.50	\$39.27	
Non Res. Group Session	\$ 65.25	\$66.50	\$68.50	\$70.55	\$56.17	
continue to raise 3% annually. Helps offset other						
Swim Lessons						
Private Lesson	\$ 25.00	\$25.75	\$30.75	\$35.75	\$35.69	
Semi-Private Lesson	\$ 36.50	\$37.50	\$42.50	\$47.50	\$51.98	

			raise \$5 annually to strive for 115% cost recovery		
Facility Rentals					
Resident Hourly Pool Rental	\$ 78.00	\$80.25	\$85.25	\$90.25	\$107.08
Non Res Hourly Pool Rental	\$ 98.00	\$100.25	\$105.25	\$110.25	\$133.77
Resident Hourly Community Room Rental	\$ 32.00	\$33.00	\$38.00	\$43.00	\$44.03
Non Res Hourly Community Room Rental	\$ 48.00	\$49.50	\$54.50	\$59.50	\$66.05
Resident Hourly Patio Rental	\$ 32.00	\$33.00	\$38.00	\$43.00	\$44.03
Non Res Hourly Patio Rental	\$ 48.00	\$49.50	\$54.50	\$59.50	\$66.05
			raise \$5 annually (\$10 over two years) to strive for 115% cost recovery. Higher on the continuum. *high indirect costs. L		
Summer Camps					
Resident Pre-K Camp	\$ 44.74	\$ 53.68	\$ 58.75	\$ 63.75	\$62.86
Non Res Pre-K Camp	\$ 64.74	\$ 73.68	\$ 78.75	\$ 83.75	\$86.28
Resident Rivercrest Camp	\$ 154.14	\$ 184.97	\$ 190.00	\$ 195.00	\$216.59
Non Res Rivercrest Camp	\$ 174.14	\$ 204.97	\$ 210.00	\$ 215.00	\$240.01
Resident Aqua Camp	\$ 74.10	\$ 89.00	\$ 92.00	\$ 94.75	\$ 68.39
Non Res Aqua Camp	\$ 94.10	\$ 109.00	\$ 112.00	\$ 114.75	\$ 83.76
			Raise \$5 annually in pre-k & rivercrest & 3% Aqua Camp (and non-resident 50% more than resident cap cost)		
Lifeguard Certification Class					
Resident	\$ 127.50	\$131.25	\$151.25	\$171.25	\$ 171.58
Non Resident	\$ 148.50	\$151.25	\$171.25	\$201.25	\$ 197.73
			raise \$20 annually (\$40 over 2 years) to reach 85% cost recovery		

Current CR	Required Increase	Target CR	Drop-In Range	Required Subsidy
22.14%	35.50%	30.00%	15-40%	-\$106,923

ing to nearest 0.25 and \$1 annually to reach 40% CR

Current CR	Required Increase	Target CR	Drop-In Range	Required Subsidy
29.18%	9.66%	32.00%	15-40%	-\$48,536

ing to nearest 0.25 + \$1 to reach close to 32% CR

Current CR	Required Increase	Target CR	Drop-In Range	Required Subsidy
12.76%	17.55%	15.00%	15-40%	-\$138,650

to reach 15%, along with marketing campaign to increase sales of memberships to 500

Current CR	Required Increase	Target CR	Skill Based Beg/Int.	Required Subsidy
118.40%	-15.54%	100.00%	70-100%	\$14,366

or highly subsidized areas (i.e. memberships) and the fee is inline with market value.

Current CR	Required Increase	Target CR	Skill Based Adv/Compt	Required Subsidy
82.96%	38.62%	115.00%	100-120%	-\$9,148

y. Higher on the continuum and help us reach market value for private lessons.

Current CR	Required Increase	Target CR	Rentals	Required Subsidy
26.23%	33.43%	35.00%	100-170%	-\$163,815

for 35% cost recovery.

look at managing costs and incremental increases.

Current CR	Required Increase	Target CR	Enrich/Wellness	Required Subsidy
46.97%	17.10%	55.00%	45-70%	-\$38,367

Current CR	Required Increase	Target CR	Enrich/Wellness	Required Subsidy
91.09%	-23.15%	70.00%	45-70%	-\$2,231

camp

of \$20 max from resident to non-resident fee). Higher CR in Aqua camp offsets subsidy in pre-k & rivercrest.

Current CR	Required Increase	Target CR	Skill Based Adv/Comp	Required Subsidy
65.02%	30.73%	85.00%	100-120%	-\$2,695

5% cost recovery and by 75% of market position

OCP&R Master Fee Schedule
Pioneer Center

			Target Fee Res. Target Fee Nre								
	2020	2021	2022	2023			Current CR	Required Increase	Target CR	Rentals Range	Required Subsidy
Ballroom Rental-No Alcohol	\$65/hour + \$125 Janitorial + \$500 Deposit	\$65	\$75 R \$95 NR	\$85 R \$105 NR	\$97.16	\$117.16	20.07%	49.48%	30.00%	100-170%	-\$117,187
Ballroom Rental-Alcohol	\$85/hour + \$125 Janitorial + \$600 Deposit + \$400 Security Fee	\$85	\$95 R \$115 NR	\$105 R \$125 NR	\$127.06	\$147.06					
Ballroom Serving Area	\$125 (Optional)	\$125	\$135 R \$155 NR	\$145 R \$165 NR	\$186.85	\$206.85					
Basement/Classroom Rental	\$20/hour	\$20	\$30 R \$50 NR	\$40 R \$60 NR	\$29.90	\$49.90					
Basement Rental-After Hours	\$20/hour + \$25 Janitorial + \$100 Deposit	\$20	\$30 R \$50 NR	\$40 R \$60 NR	\$29.90	\$49.90					
Raise fees by \$10 annually (\$20 over two years) to bring closer market position. Establish R/NR fees. Look at expense management to bring down subsidy.											

Pool	2020	2021	2022	2023	Target Fee					
OCP&R Master Fee Schedule										
Drop in pricing						Current CR	Required Increase	Target CR	Drop-In Range	Required Subsidy
Resident Youth / Seniors	\$ 3.50	\$3.75	\$5.00	\$5.25	\$5.08	22.14%	35.50%	30.00%	15-40%	-\$106,923
Resident Adult	\$ 3.75	\$4.00	\$5.25	\$5.50	\$5.42					
Non Res. Youth / Senior	\$ 4.50	\$4.75	\$6.00	\$6.25	\$6.44					
Non Res Adult	\$ 5.00	\$5.25	\$6.50	\$6.75	\$7.11					
Resident Family Swim	\$ 6.75	\$7.00	\$8.25	\$8.50	\$9.49					
Non Res. Family Swim	\$ 9.00	\$9.25	\$10.50	\$10.75	\$12.53					
Water Exercise Drop in pricing										
Resident Youth / Seniors	\$ 4.00	\$4.25	\$4.50	\$4.75	\$5.76					
Resident Adult	\$ 4.25	\$4.50	\$4.75	\$5.00	\$6.10					
Non Res. Youth / Senior	\$ 5.00	\$5.25	\$5.50	\$5.75	\$7.11					
Non Res Adult	\$ 5.50	\$5.75	\$6.00	\$6.25	\$7.79	will continue to raise 3% annual increase, rounding to nearest 0.25 and \$1 annually to reach 40% CR				
Punch cards						Current CR	Required Increase	Target CR	Drop-In Range	Required Subsidy
Resident Youth / Seniors - 10 punch	\$ 25.25	\$26.00	\$27.75	\$28.50	\$28.51	29.18%	9.66%	32.00%	15-40%	-\$48,536
Resident Adult - 10 punch	\$ 31.75	\$32.75	\$34.75	\$36.75	\$35.92					
Non Res. Youth / Senior - 10 punch	\$ 38.75	\$40.00	\$42.25	\$43.50	\$43.87					
Non Res Adult - 10 punch	\$ 47.75	\$49.25	\$51.75	\$53.25	\$54.01					
Resident Youth / Seniors - 20 punch	\$ 36.50	\$37.50	\$39.75	\$41.00	\$41.12					
Resident Adult - 20 punch	\$ 55.00	\$56.75	\$59.50	\$62.25	\$62.23					
Non Res. Youth / Senior - 20 punch	\$ 54.75	\$56.50	\$59.50	\$61.25	\$61.96					
Non Res Adult - 20 punch	\$ 82.75	\$85.25	\$89.00	\$91.50	\$93.49					
Resident Youth / Seniors - 40 punch	\$ 58.00	\$59.75	\$62.50	\$64.50	\$65.52					
Resident Adult - 40 punch	\$ 90.00	\$92.75	\$96.50	\$99.50	\$101.71					
Non Res. Youth / Senior - 40 punch	\$ 87.25	\$89.75	\$93.50	\$96.25	\$98.42					
Non Res Adult - 40 punch	\$ 134.50	\$138.50	\$143.50	\$147.75	\$151.88	will continue to raise 3% annual increase, rounding to nearest 0.25 + \$1 to reach close to 32% CR				
Memberships						Current CR	Required Increase	Target CR	Drop-In Range	Required Subsidy
Resident Youth / Seniors - Quarterly	\$ 49.00	\$50.50	\$55.50	\$60.50	\$59.37	12.76%	17.55%	15.00%	15-40%	-\$138,650
Resident Adult - Quarterly	\$ 54.50	\$56.25	\$61.25	\$66.25	\$66.12					
Non Res. Youth / Senior - Quarterly	\$ 82.00	\$84.50	\$89.50	\$94.50	\$99.33					
Non Res Adult - Quarterly	\$ 91.75	\$94.50	\$99.50	\$104.50	\$111.09					
Resident Youth / Seniors - Annual	\$ 98.50	\$101.50	\$106.50	\$111.50	\$119.32					
Resident Adult - Annual	\$ 109.50	\$112.75	\$117.75	\$122.75	\$132.54					
Non Res. Youth / Senior - Annual	\$ 165.75	\$170.75	\$175.75	\$180.75	\$200.72					
Non Res Adult - Annual	\$ 184.00	\$189.50	\$194.50	\$199.50	\$222.77					
Family Memberships										
Resident 2 person - Quarterly	\$ 98.25	\$101.25	\$111.25	\$121.25	\$119.02					
Non Res 2 person - Quarterly	\$ 169.50	\$174.50	\$184.50	\$194.50	\$205.13					
Resident 2 person - Annual	\$ 198.00	\$204.00	\$214.00	\$224.00	\$239.81					
Non Res 2 person - Annual	\$ 330.75	\$340.75	\$350.75	\$360.75	\$400.57					
Resident 3 person - Quarterly	\$ 107.75	\$111.00	\$121.00	\$131.00	\$130.49					
Non Res 3 person - Quarterly	\$ 184.75	\$190.25	\$200.25	\$210.25	\$223.65					
Resident 3 person - Annual	\$ 216.00	\$222.50	\$232.50	\$242.50	\$261.56					
Non Res 3 person - Annual	\$ 360.25	\$371.00	\$381.00	\$391.00	\$436.13					
Resident 4 person - Quarterly	\$ 117.25	\$120.75	\$130.75	\$140.75	\$141.95					
Non Res 4 person - Quarterly	\$ 200.00	\$206.00	\$216.00	\$226.00	\$242.16					
Resident 4 person - Annual	\$ 234.00	\$241.00	\$251.00	\$261.00	\$283.31					
Non Res 4 person - Annual	\$ 390.00	\$401.75	\$411.75	\$421.75	\$472.28					
Resident 5 person - Quarterly	\$ 126.75	\$130.50	\$140.50	\$150.50	\$153.41					
Non Res 5 person - Quarterly	\$ 215.25	\$221.75	\$231.75	\$241.75	\$260.68					

Resident 5 person - Annual	\$ 252.00	\$259.50	\$269.50	\$279.50	\$305.05					
Non Res 5 person - Annual	\$ 419.50	\$432.00	\$442.00	\$452.00	\$507.84	raise \$10 annually (\$20 over two years) to strive to reach 15%, along with marketing campaign to increase sales of memberships to 500				
Swim Lessons						Current CR	Required Increase	Target CR	Skill Based Beg/Int.	Required Subsidy
Resident Group Session	\$ 45.25	\$46.50	\$50.00	\$51.50	\$39.27	118.40%	-15.54%	100.00%	70-100%	\$14,366
Non Res. Group Session	\$ 65.25	\$66.50	\$68.50	\$70.55	\$56.17					
continue to raise 3% annually. Helps offset other highly subsidized areas (i.e. memberships) and the fee is inline with market value.										
Swim Lessons						Current CR	Required Increase	Target CR	Skill Based Adv/Compt	Required Subsidy
Private Lesson	\$ 25.00	\$25.75	\$30.75	\$35.75	\$35.69	82.96%	38.62%	115.00%	100-120%	-\$9,148
Semi-Private Lesson	\$ 36.50	\$37.50	\$42.50	\$47.50	\$51.98					
raise \$5 annually to strive for 115% cost recovery. Higher on the continuum and help us reach market value for private lessons.										
Facility Rentals						Current CR	Required Increase	Target CR	Rentals	Required Subsidy
Resident Hourly Pool Rental	\$ 78.00	\$80.25	\$85.25	\$90.25	\$107.08	26.23%	33.43%	35.00%	100-170%	-\$163,815
Non Res Hourly Pool Rental	\$ 98.00	\$100.25	\$105.25	\$110.25	\$133.77					
Resident Hourly Community Room Rental	\$ 32.00	\$33.00	\$38.00	\$43.00	\$44.03					
Non Res Hourly Community Room Rental	\$ 48.00	\$49.50	\$54.50	\$59.50	\$66.05					
Resident Hourly Patio Rental	\$ 32.00	\$33.00	\$38.00	\$43.00	\$44.03	raise \$5 annually (\$10 over two years) to strive for 35% cost recovery.				
Non Res Hourly Patio Rental	\$ 48.00	\$49.50	\$54.50	\$59.50	\$66.05	Higher on the continuum. *high indirect costs. Look at managing costs and incremental increases.				
Summer Camps						Current CR	Required Increase	Target CR	Enrich/Wellness	Required Subsidy
Resident Pre-K Camp	\$ 44.74	\$ 53.68	\$ 58.75	\$ 63.75	\$62.86	46.97%	17.10%	55.00%	45-70%	-\$38,367
Non Res Pre-K Camp	\$ 64.74	\$ 73.68	\$ 78.75	\$ 83.75	\$86.28					
Resident Rivercrest Camp	\$ 154.14	\$ 184.97	\$ 190.00	\$ 195.00	\$216.59					
Non Res Rivercrest Camp	\$ 174.14	\$ 204.97	\$ 210.00	\$ 215.00	\$240.01					
Resident Aqua Camp	\$ 74.10	\$ 89.00	\$ 92.00	\$ 94.75	\$ 68.39	Current CR	Required Increase	Target CR	Enrich/Wellness	Required Subsidy
Non Res Aqua Camp	\$ 94.10	\$ 109.00	\$ 112.00	\$ 114.75	\$ 83.76	91.09%	-23.15%	70.00%	45-70%	-\$2,231
Raise \$5 annually in pre-k & rivercrest & 3% Aq camp (and non-resident 50% more than resident cap of \$20 max from resident to non-resident fee). Higher CR in Aqua camp offsets subsidy in pre-k & rivercrest.										
Lifeguard Certification Class						Current CR	Required Increase	Target CR	Skill Based Adv/Comp	Required Subsidy
Resident	\$ 127.50	\$131.25	\$151.25	\$171.25	\$ 171.58	65.02%	30.73%	85.00%	100-120%	-\$2,695
Non Resident	\$ 148.50	\$151.25	\$171.25	\$201.25	\$ 197.73					
raise \$20 annually (\$40 over 2 years) to reach 85% cost recovery and by 75% of market position										

PARKS MASTER FEE SCHEDULE						Target Fee		Target Fee									
		2021		2021		2022		2023		Resident	Non-Resident						
Park Shelter Reservations		1-50 attendees		51-100 attendees		1-50 attendees		51-100 attendees				Current CR	Required Increase	Target CR	Rentals Range	Required Subsidy	
Atkinson Park	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46	91.93%	8.78%	100.00%	100-170%	-\$11,703	
Canemah Children's Park	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
Chapin Park	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
Clackamette Park General Shelter	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
Clackamette Park Horseshoe Shelter	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
End of the Oregon Trail	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
Hillendal Park	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
Jon Storm Park	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
Rivercrest Park	\$	65.00	\$	85.00		\$67 R \$87 NR	\$87 R \$107 NR	\$	70.71	\$	92.46						
Wesley Lynn Park	\$	85.00	\$	105.00		\$87 R \$107 NR	\$107 R \$127 NR	\$	92.46	\$	114.22						
Tyrone S. Woods	\$	85.00	\$	105.00		\$87 R \$107 NR	\$107 R \$127 NR	\$	92.46	\$	114.22						
any new park shelters	\$	85.00	\$	105.00		\$87 R \$107 NR	\$107 R \$127 NR	\$	92.46	\$	114.22						
Rivercrest Spray Park (\$35/ppl max)	\$	45.00	\$	\$45		\$47 R \$67 NR	NA					raise \$2 per year (\$4 over 2 years) to reach 100% cost recovery. Establish NR fees to help offset tax subsidy for non-residents.					
Special Event Permit Fee:		2020		2021		2022		2023									
0 - 100 people	\$	75.00	\$	75.00	\$	75.00	\$	75.00	NA	NA							
101 - 200 people	\$	175.00	\$	175.00	\$	175.00	\$	175.00	NA	NA							
201 - 500 people	\$	275.00	\$	275.00	\$	275.00	\$	275.00	NA	NA							
501 - 2,000 people	\$	475.00	\$	475.00	\$	475.00	\$	475.00	NA	NA							
More than 2,000	\$	1,000.00	\$	1,000.00	\$	1,000.00	\$	1,000.00	NA	NA	Permit fee to stay the same. This is helps cover the tax subsidy of overall direct & indirect event costs.						
Special Event Park Usage Fee (daily rate)		2020		2021		2022		2023				Current CR	Required Increase	Target CR	Rentals Range	Required Subsidy	
Covered shelters in the parks (except Wesley Lynn and future park sites)	\$	170.00	\$	170.00		\$175 R \$195 NR	\$180 R \$200 NR	\$	216.10	\$	236.10	35.40%	27.12%	45.00%	100-170%	-\$35,471	
Wesley Lynn shelter and future park sites with reservable shelters	\$	210.00	\$	210.00		\$215 R \$235 NR	\$220 R \$ 240 NR	\$	266.95	\$	286.95						
Additional areas for 101+ attendees (grassy area/overflow parking, etc.)	\$	90.00	\$	90.00		\$95 R \$115 NR	\$100 R \$120 NR	\$	114.41	\$	134.41						
raise \$5 per year. Establish NR fees to help offset tax subsidy for non-residents. Look at expense management for events.																	
Portable Restroom Fee:		2020		2021		2022		2023									
1 ADA restroom (101+ attendees)	\$	190.00	\$	190.00		TBD	TBD	TBD									
1 ADA and 1 Deluxe restroom (225+ attendees)	\$	280.00	\$	280.00		TBD	TBD	TBD									
1 ADA and 2 Deluxe restrooms (350+ attendees)	\$	380.00	\$	380.00		TBD	TBD	TBD									
1 ADA and 3 Deluxe restrooms (475+ attendees)	\$	460.00	\$	460.00		TBD	TBD	TBD									
1 ADA and 4 Deluxe restrooms (600+ attendees)	\$	550.00	\$			TBD	TBD	TBD			rate is dependent on vendor pass through costs. Parks exploring leaving this up to event organizers. (expense mangt.)						
Field Use/Rentals		2020		2021		2022		2023				Current CR	Required Price Per Hour	Target CR	Rentals Range	Current Expenses	hours
Field Rentals		no charge		no charge		R \$3/per hour NR \$13	R \$5/ per hour NR \$15		2022	0.00%	\$2.96	100.00%	100-170%	-\$65,569		22129	
User Agreements		not in use currently		not in use currently		implement user agreements	user agreements in place			Current CR	Required Price Per Hour	Target CR	Rentals Range	Current Expenses		hours	
									2023	0.00%	\$5.04	170.00%	100-170%	-\$65,569		22129	
currently Parks does not charge a fee for field rentals/use. Establish a fee. If a group has continued use of a space or field Parks will enter into an agreement to establish fair and equitable fee with user groups.																	

*hours used 18020 OC youth sports
4000 with OC youth & baseball & soccer
22129 total

OCP&R Master Fee Schedule Pioneer Center											
		Target Fee Res. Target Fee Nre									
	2020	2021	2022	2023			Current CR	Required Increase	Target CR	Rentals Range	Required Subsidy
Ballroom Rental-No Alcohol	\$65/hour + \$125 Janitorial + \$500 Deposit	\$65	\$75 R \$95 NR	\$85 R \$105 NR	\$97.16	\$117.16	20.07%	49.48%	30.00%	100-170%	-\$117,187
Ballroom Rental-Alcohol	\$85/hour + \$125 Janitorial + \$600 Deposit + \$400 Security Fee	\$85	\$95 R \$115 NR	\$105 R \$125 NR	\$127.06	\$147.06					
Ballroom Serving Area	\$125 (Optional)	\$125	\$135 R \$155 NR	\$145 R \$165 NR	\$186.85	\$206.85					
Basement/Classroom Rental	\$20/hour	\$20	\$30 R \$50 NR	\$40 R \$60 NR	\$29.90	\$49.90					
Basement Rental-After Hours	\$20/hour + \$25 Janitorial + \$100 Deposit	\$20	\$30 R \$50 NR	\$40 R \$60 NR	\$29.90	\$49.90	Raise fees by \$10 annually (\$20 over two years) to bring closer market position. Establish R/NR fees. Look at expense management to bring down subsidy.				



Subject: Communication Plan for the Oregon City Parks and Recreation Departments Cost Recovery work

Goal: It is the goal of the Oregon City Parks and Recreation Department to manage expenses and set fees to maintain and ensure equitable and continued access to current parks, recreation facilities and public programs. The goal is to have new department fees effective on July 1, 2022.

Action: Communicate and market to the public and stakeholders the ‘why’ and ‘how’ the Department plans to use the Financial Support & Sustainability Strategy Model for operating, maintaining, and reinvesting in the future of the parks and recreation.

Plan, Timeline, and Deliverables:

Plan	Timeline	Deliverables
Display Model on Website summarizing work and listing objectives and intentions	Sept. 1, 2021	Announce upcoming work and intentions to the public
Email Stakeholder Group that assisted with cost recovery work during the public engagement phase.	Sept. 1, 2021	Announce upcoming work and intentions to our stakeholders and those we engaged during the public process
Meet with community user groups to discuss user agreements and fee adjustments	Oct. 1, 2021 – Dec. 31, 2021	Start the process of user agreements and IGA negotiations with implementation of user agreements no later than July 1, 2022.
Post fee adjustments in City publications (i.e. Trail News) Provide at least 6 months of notification to the public via all sources of City marketing.	Continuous (no less than 6 months’ notice to the public)	Communicate continuously through publications, social media, and newsletters when the new fees are set to go into effect.
Work with community partners to continue fundraising efforts for the Departments Scholarship Program and align practices with other City owned properties (i.e. EOT)	Continuous	Communicate continuously through publication, social media and the City newsletter about the available of scholarships and assistance programs.
Attend community meetings to speak about the Departments cost recovery efforts and solicit sponsorships and partners. (i.e. Good Morning Oregon City)	Continuous.	Celebrate and educate the community and businesses about the Departments efforts to be more sustainable, equitable and fiscally responsible.
Update the Parks and Recreation Advisory Committee	Every July 1	Enlist the support and update the Parks and Recreation advisory committee on the Departments cost recovery efforts

Analyze and publish the Department's cost recovery performance	July 1. 2022 – Dec, 31 2022	Every year analyze Departments cost recovery data utilizing the cost recovery software
Every two years analyze the master fee schedule compared to cost recovery analysis and start the process of informing the community, elected officials, and advisory board	Jan. 2023 – April 2023	Adjustment master fee schedule based on analysis results, new fee schedule to take effect July 1, 2024.

Parks & Recreation Financial Support & Sustainability Strategy Draft Policy

Rochelle Anderholm-Parsch, Aquatic & Recreation Manager

Tonight's Presentation & Discussion

- Two objectives to this evening's presentation
- Objective 1: Review the Department's Master Fee Schedule as it relates to subsidy goals and cost recovery targets.
- Objective 2: Review the Financial Support & Sustainably Strategy Communication Plan.



Draft Cost Recovery Policy Discussion

Master Fee Schedule

- Data shows the following.

- ☐ 2020 & 2021 Rates

- ☐ 2022 & 2023 Rates as it relates to Subsidy Goals

- ☐ Current Cost Recovery, Target Cost Recovery (CR), and Required Increase



Pool	2020	2021	2022	2023	Target Fee
OCP&R Master Fee Schedule					
Drop in pricing					
Resident Youth / Seniors	\$ 3.50	\$3.75	\$5.00	\$5.25	\$5.08
Resident Adult	\$ 3.75	\$4.00	\$5.25	\$5.50	\$5.42
Non Res. Youth / Senior	\$ 4.50	\$4.75	\$6.00	\$6.25	\$6.44
Non Res Adult	\$ 5.00	\$5.25	\$6.50	\$6.75	\$7.11
Resident Family Swim	\$ 6.75	\$7.00	\$8.25	\$8.50	\$9.49
Non Res. Family Swim	\$ 9.00	\$9.25	\$10.50	\$10.75	\$12.53
Water Exercise Drop in pricing					
Resident Youth / Seniors	\$ 4.00	\$4.25	\$4.50	\$4.75	\$5.76
Resident Adult	\$ 4.25	\$4.50	\$4.75	\$5.00	\$6.10
Non Res. Youth / Senior	\$ 5.00	\$5.25	\$5.50	\$5.75	\$7.11
Non Res Adult	\$ 5.50	\$5.75	\$6.00	\$6.25	\$7.79

Current CR	Required Increase	Target CR	Drop-In Range	Required Subsidy
22.14%	35.50%	30.00%	15-40%	-\$106,923

will continue to raise 3% annual increase, rounding to nearest 0.25 and \$1 annually to reach 40% CR

Draft Cost Recovery Policy Discussion

Master Fee Schedule

Pool	2020	2021	2022	2023	Target Fee
Facility Rentals					
Resident Hourly Pool Rental	\$ 78.00	\$80.25	\$85.25	\$90.25	\$107.08
Non Res Hourly Pool Rental	\$ 98.00	\$100.25	\$105.25	\$110.25	\$133.77
Resident Hourly Community Room Rental	\$ 32.00	\$33.00	\$38.00	\$43.00	\$44.03
Non Res Hourly Community Room Rental	\$ 48.00	\$49.50	\$54.50	\$59.50	\$66.05
Resident Hourly Patio Rental	\$ 32.00	\$33.00	\$38.00	\$43.00	\$44.03
Non Res Hourly Patio Rental	\$ 48.00	\$49.50	\$54.50	\$59.50	\$66.05

					Current CR	Required Increase	Target CR	Rentals	Required Subsidy
					26.23%	33.43%	35.00%	100-170%	-\$163,815

raise \$5 annually (\$10 over two years) to strive for 35% cost recovery. Higher on the continuum. *high indirect costs. Look at managing costs and incremental increases.

Draft Cost Recovery Policy Discussion

Master Fee Schedule

PARKS MASTER FEE SCHEDULE					Target Fee	
	2021	2021	2022		2023 Resident	2023 Non-Resident
Park Shelter Reservations	1-50 attendees	51-100 attendees	1-50 attendees	51-100 attendees		
Atkinson Park	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Canemah Children's Park	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Chapin Park	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Clackamette Park General Shelter	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Clackamette Park Horseshoe Shelter	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
End of the Oregon Trail	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Hillendal Park	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Jon Storm Park	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Rivercrest Park	\$ 65.00	\$ 85.00	\$67 R \$87 NR	\$87 R \$107 NR	\$ 70.71	\$ 92.46
Wesley Lynn Park	\$ 85.00	\$ 105.00	\$87 R \$107 NR	\$107 R \$127 NR	\$ 92.46	\$ 114.22
Tyrone S. Woods	\$ 85.00	\$ 105.00	\$87 R \$107 NR	\$107 R \$127 NR	\$ 92.46	\$ 114.22
any new park shelters	\$ 85.00	\$ 105.00	\$87 R \$107 NR	\$107 R \$127 NR	\$ 92.46	\$ 114.22
Rivercrest Spray Park (\$35/ppl max)	\$ 45.00	\$45	\$47 R \$67 NR	NA		

Current CR	Required Increase	Target CR	Rentals Range	Required Subsidy
91.93%	8.78%	100.00%	100-170%	-\$11,703

raise \$2 per year (\$4 over 2 years) to reach 100% cost recovery. Establish NR fees to help offset tax subsidy for non-residents.

Draft Cost Recovery Policy Discussion

Master Fee Schedule

Field Use/Rentals	2020	2021	2022	2023
Field Rentals	no charge	no charge	R \$3/per hour NR \$13	R \$5/ per hour NR \$15
User Agreements	not in use currently	not in use currently	implement user agreements	user agreements in place

		Current CR	Required Price Per Hour	Target CR	Rentals Range	Current Expenses	hours		
	2022	0.00%	\$2.96	100.00%	100-170%	-\$65,569	22129		
		Current CR	Required Price Per Hour	Target CR	Rentals Range	Current Expenses	hours		
	2023	0.00%	\$5.04	170.00%	100-170%	-\$65,569	22129		
currently Parks does not charge a fee for field rentals/use.									
Establish a fee. If a group has continued use of a space or field Parks will enter into an agreement to establish fair and equitable fee with user groups.									

Draft Cost Recovery Policy Discussion

Master Fee Schedule

OCP&R Master Fee Schedule						
Pioneer Center						
					Target Fee Res.	Target Fee Nres
	2020	2021	2022	2023		
Ballroom Rental-No Alcohol	\$65/hour + \$125 Janitorial + \$500 Deposit	\$65	\$75 R \$95 NR	\$85 R \$105 NR	\$97.16	\$117.16
Ballroom Rental-Alcohol	\$85/hour + \$125 Janitorial + \$600 Deposit + \$400 Security Fee	\$85	\$95 R \$115 NR	\$105 R \$125 NR	\$127.06	\$147.06
Ballroom Serving Area	\$125 (Optional)	\$125	\$135 R \$155 NR	\$145 R \$165 NR	\$186.85	\$206.85
Basement/Classroom Rental	\$20/hour	\$20	\$30 R \$50 NR	\$40 R \$60 NR	\$29.90	\$49.90
Basement Rental-After Hours	\$20/hour + \$25 Janitorial + \$100 Deposit	\$20	\$30 R \$50 NR	\$40 R \$60 NR	\$29.90	\$49.90

	Current CR	Required Increase	Target CR	Rentals Range	Required Subsidy						
	20.07%	49.48%	30.00%	100-170%	- \$117,187						
Raise fees by \$10 annually (\$20 over two years) to bring closer market position. Establish R/NR fees. Look at expense management to bring down subsidy.											

Draft Cost Recovery Policy Discussion

Master Fee Schedule

Communication Plan

Plan	Timeline	Deliverables
Display Model on Website summarizing work and listing objectives and intentions	Sept. 1, 2021	Announce upcoming work and intentions to the public
Email Stakeholder Group that assisted with cost recovery work during the public engagement phase.	Sept. 1, 2021	Announce upcoming work and intentions to our stakeholders and those we engaged during the public process
Meet with community user groups to discuss user agreements and fee adjustments	Oct. 1, 2021 – Dec. 31, 2021	Start the process of user agreements and IGA negotiations with implementation of user agreements no later than July 1, 2022.
Post fee adjustments in City publications (i.e. Trail News) Provide at least 6 months of notification to the public via all sources of City marketing.	Continuous (no less than 6 months' notice to the public)	Communicate continuously through publications, social media, and newsletters when the new fees are set to go into effect.
Work with community partners to continue fundraising efforts for the Departments Scholarship Program and align practices with other City owned properties (i.e. EOT)	Continuous	Communicate continuously through publication, social media and the City newsletter about the available of scholarships and assistance programs.
Attend community meetings to speak about the Departments cost recovery efforts and solicit sponsorships and partners. (i.e. Good Morning Oregon City)	Continuous.	Celebrate and educate the community and businesses about the Departments efforts to be more sustainable, equitable and fiscally responsible.
Update the Parks and Recreation Advisory Committee	Every July 1	Enlist the support and update the Parks and Recreation advisory committee on the Departments cost recovery efforts
Analyze and publish the Department's cost recovery performance	July 1, 2022 – Dec, 31 2022	Every year analyze Departments cost recovery data utilizing the cost recovery software
Every two years analyze the master fee schedule compared to cost recovery analysis and start the process of informing the community, elected officials, and advisory board	Jan. 2023 – April 2023	Adjustment master fee schedule based on analysis results, new fee schedule to take effect July 1, 2024.



Draft Cost Recovery Policy Discussion

Next Steps

1. Support the Department's efforts to move forward with the Financial Support and Sustainability Strategy Policy as a resolution.
2. Support the Oregon City Parks and Recreation Financial Support & Sustainability Strategy Policy with further edits with direction for the Department to move forward presenting it as a resolution after edits are made
3. Support the Policy with further edits and request the Department to return to a future work session for further review and discussion.
4. Do not support the Oregon City Parks and Recreation Financial Support & Sustainability Strategy Policy.



Draft Cost Recovery Policy Discussion

Questions?

Thank you for your time.



Draft Cost Recovery Policy Discussion



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Parks & Recreation Director Kendall Reid

Agenda Date: 08/10/2021

SUBJECT:

Oregon City Parks and Recreation Department Deferred Maintenance Assessment & Capital Improvement Plan

STAFF RECOMMENDATION:

Recommend staff release an RFP to procure a consultant to assist in the research and analysis of funding options to determine the best approach for the Parks and Recreation Department to strategically tackle its deferred maintenance and capital backlog.

EXECUTIVE SUMMARY:

Oregon City Parks and Recreation worked with a consultant, BVTA (Bureau Veritas Technical Assessments LLC) to conduct a full system deferred maintenance assessment. The scope of services included an assessment of all facilities including all parks, the cemetery, recreation facilities, library, police station, city hall, train depot, community development, public works, senior center, pool, and museums.

The assessment also included a thorough examination and lifecycle assessment of the buildings, property, and major systems including plumbing, mechanical, electrical, roofing, and general code compliance.

The final information from the deferred maintenance assessment report details extensive capital cost factors. Funding strategies and options are crucial to address the extent of existing and future needs.

BACKGROUND:

In 2017-2018 Parks and Recreation staff was directed to develop a comprehensive list of deferred maintenance with estimated costs to repair or replace park amenities, infrastructure, and park facilities.

Staff was then asked to prioritize the project lists based on safety, code compliance or ordinance.

On September 19, 2018, PRAC and City Commission had a joint meeting to discuss the deferred maintenance list and funding options for the future. \$27.4 million in capital deferred maintenance was identified, \$3.9 million in facilities and \$23.5 million in parks. The funding options that were presented included permanent tax rate increases, parks utility fee, and local option levy (5 years). In conjunction with deferred maintenance funding, capital funding options discussed were local option levy, general obligation bond, and a park utility fee.

Maintaining the integrity of Oregon City's parks and facilities continues to be a priority of staff, the community, the Parks and Recreation Advisory Committee, and City Commission. On January 8, 2021, a Request for Proposals (RFP) was issued to hire a consultant to conduct a City-wide deferred maintenance assessment. The intent was to develop a plan to address the need for immediate repairs, preventative maintenance, deferred project backlog, and capital replacement. Proposals were received on January 29, 2021, and Bureau Veritas Technical Assessments LLC (BVTA) was chosen as the vendor to help us create a strategic plan of action. This plan will allow the Department to be proactive regarding facility maintenance. The plan will provide a roadmap for future maintenance approaches, and it also supplies corrective recommendations to help reduce the maintenance backlog that currently exists.

OPTIONS:

1. Approve contracting with a consultant to research and analyze funding option to address the Departments deferred maintenance.
2. Request staff to return for additional conversation about the assessment
3. Take no action at this time

BUDGET IMPACT:

Amount: Unknown at this time

FY(s): 21/22

Funding Source(s): General Fund



**BUREAU
VERITAS**

Item 3.

FACILITY CONDITION ASSESSMENTS

City of Oregon City
AUGUST 2021

Presenter:
Matthew Anderson, RA
Program Manager

Successful Asset Management:

Managing assets and budgets through predictive and focused strategies, rather than by unpredictable or reactive actions.

Item 3.

TABLE OF CONTENTS

ABOUT BVNA

SCOPE OF WORK

REPORTING AND FINDINGS – PARKS

REPORTING AND FINDINGS – FACILITIES

ASSET CALC DATABASE

QUESTIONS

BUREAU VERITAS NORTH AMERICA

GLOBAL

\$5
Billion in Revenue

75,000
Employees

140
Countries

NORTH AMERICA

\$900
Million In Revenue

8,000
Employees

140
Offices and Laboratories in All
50 States and Throughout Canada



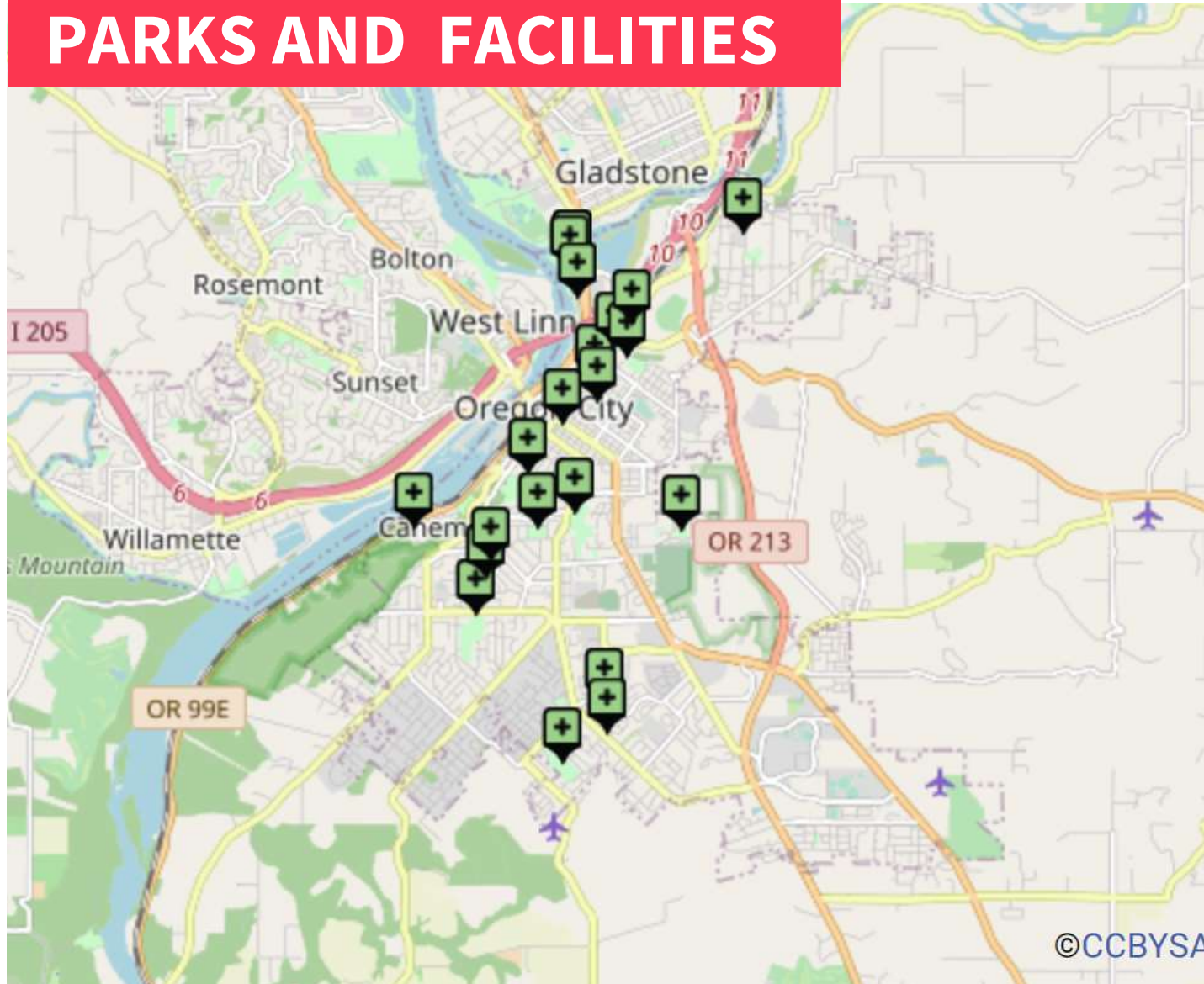
FACILITY CONSULTING

Item 3.

- FACILITY CONDITION ASSESSMENTS
- CAPITAL PLANNING
- ADA TRANSITION PLANS
- ENERGY AUDITS AND COMMISSIONING
- CMMS CONSULTING
- PREVENTIVE MAINTENANCE SCHEDULES



PARKS AND FACILITIES



PARKS

Abernethy Creek	1615 John Adams Street
Atkinson Park	1601 Jackson Street
Barclay Park	711 12th Street
Barclay Hills Park	13571 Barclay Hills Drive
Canemah Children's Park	815 4th Avenue
Chapin Park	340 Warner Parrott Road
Clackamette Park	1955 Clackamette Drive
Clackamette Cove Trail & River Access Trail	Main Street to Washington Street
DC Latourette Park	902 11th Street
End of the Oregon Trail (Site)	1726 Washington St.
Hartke Park	556 Hartke Loop
Hazelwood Park	920 Laurelwood Drive
Hillendale Park	19260 Clairmont Way
Jon Storm Park	1801 Clackamette Drive
Library	606 John Adams Street
Library Park	606 John Adams Street
McLoughlin Promenade	
Old Canemah Park	300 3rd Avenue
Park Place Park	16180 Front Avenue
Richard Bloom Tots' Park	802 6th Street
Rivercrest Park	131 Park Drive
Singer Creek Park	130 Linn Avenue
Sportcraft Landing	1701 Clackamette Drive
Stafford Park	569 Holmes Lane
Straight Cemetery	13014 Clackamas River Drive
Train Depot	1757 Washington St
Tyrone S. Woods Memorial Park	14511 Glen Oak Road
Waterboard Park	200 S John Adams Street
Wesley Lynn Park	12901 Frontier Parkway

PARK FACILITIES

Buena Vista House	1601 Jackson Street
End of the Oregon Trail (Buildings)	1726 Washington St.
Ermatinger House	619 6th Street
Fir Street (Future Public Works & Parks Facility)	13895 Fir Street
Mt. View Cemetery	500 Hilda Street
Pioneer Center	615 5th Street
Swimming Pool	1211 Jackson Street

Item 3.

Item 3.

40

COST ESTIMATING

REPAIR / REPLACEMENT COSTING

- Parametric cost analysis by system
- RS Means cost platforms

RSMeans data
from GORDIAN®

- Costs adjusted by region
- GC soft costs included
- Sales tax and project management costs not included
- Project management costs not included

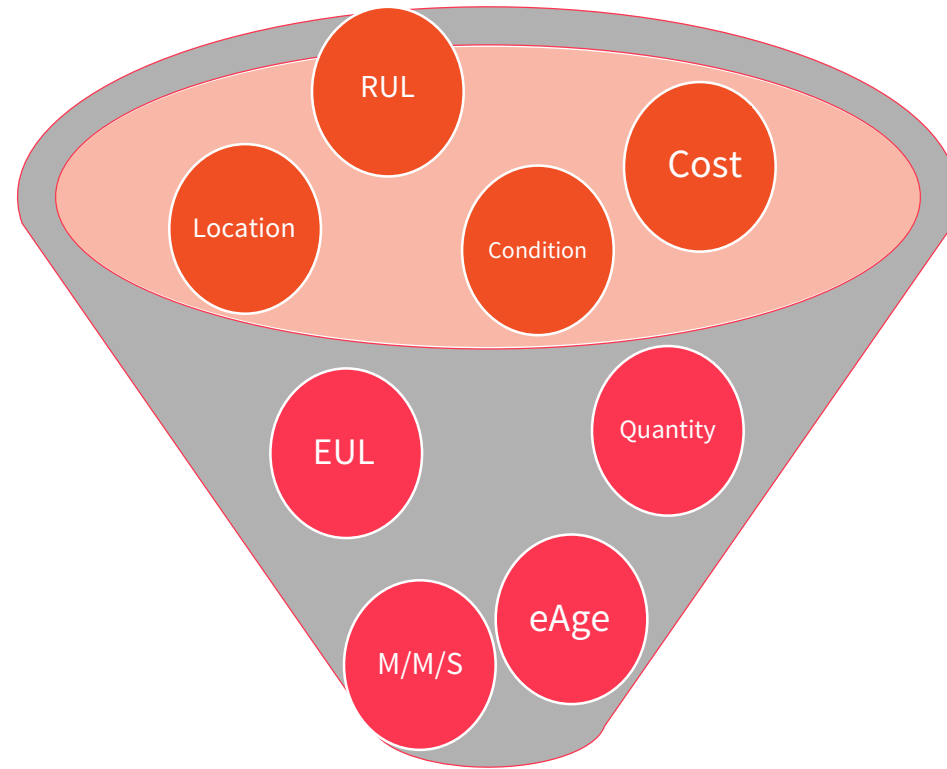
Costs for tasks from the Moran School

Item 3.

labor mark up 137.5%		Weight on labor 43.0%		materials mark up 110.0%		Weight on materials 57.0%			
	GPS marker #	Cost	Unit	Cost for Construction	change in labor	Labor cost	Change in materials	materials cost	New cost total
Ramp	1	662	LF	226.50	137.5%	\$133.92	239.5%	\$309.15	\$443.07
Exterior accessible route	12	8.96	SF	3.07	137.5%	\$1.81	239.5%	\$4.18	\$6.00
Van Parking 22' x11'	23	11300	EA	3,866.29	137.5%	\$2,285.94	239.5%	\$5,277.03	\$7,562.98
Van Parking (signs & striping)	200	840	EA	287.41	137.5%	\$169.93	239.5%	\$392.27	\$562.20
Parking access aisle 22' x 7'	28	5000	EA	1,710.75	137.5%	\$1,011.48	239.5%	\$2,334.97	\$3,346.45
Car parking 22 x 9'	26	6300	EA	2,155.54	137.5%	\$1,274.46	239.5%	\$2,942.06	\$4,216.53
ADA sign parking	187	280	EA	95.80	137.5%	\$56.64	110.0%	\$60.07	\$116.71
ADA sign Restroom	46	120	EA	41.06	137.5%	\$24.28	110.0%	\$25.74	\$50.02
Curb ramp detectable warning	236	640	EA	218.98	137.5%	\$129.47	110.0%	\$137.30	\$266.77
Stair hand rail	34	163	LF	55.77	137.5%	\$32.97	110.0%	\$34.97	\$67.94
Provide exterior accessible route	29	8.96	SF	3.07	137.5%	\$1.81	110.0%	\$1.92	\$3.73
Curb ramp	235	1750	EA	598.76	137.5%	\$354.02	239.5%	\$817.24	\$1,171.26
Reconstruct stair	47	424.95	SF	145.40	137.5%	\$85.97	239.5%	\$198.45	\$284.41
Clear accessible route	194	19.82	SF	6.78	137.5%	\$4.01	110.0%	\$4.25	\$8.26
ADA picnic table	2	1300	EA	444.79	137.5%	\$262.98	110.0%	\$278.89	\$541.87
Provide clearance for toilet	204	2750	EA	940.91	137.5%	\$556.31	110.0%	\$589.95	\$1,146.27
Provide clearance for door	203	1250	EA	427.69	137.5%	\$252.87	110.0%	\$268.16	\$521.03
Provide clear space for bench	51	4.37	SF	1.50	137.5%	\$0.88	110.0%	\$0.94	\$1.82
lav faucet	7	555	EA	189.89	137.5%	\$112.27	110.0%	\$119.06	\$231.34
New sink and counter	176	720	EA	246.35	137.5%	\$145.65	110.0%	\$154.46	\$300.11
New counter kitchen	52	1986	EA	679.51	137.5%	\$401.76	110.0%	\$426.05	\$827.81
Paint stair tread edge	36	35.2		12.04	137.5%	\$7.12	110.0%	\$7.55	\$14.67
New lavatory and counter	44	742	EA	253.87	137.5%	\$150.10	110.0%	\$159.18	\$309.28
New counter restroom				-	137.5%	\$0.00	110.0%	\$0.00	\$0.00
Door closer	10	366	EA	125.23	137.5%	\$74.04	110.0%	\$78.52	\$152.56
Roll in shower	230	8300	EA	2,839.84	137.5%	\$1,679.06	110.0%	\$1,780.58	\$3,459.64
ADA drinking fountain	40	5436	EA	1,859.93	137.5%	\$1,099.68	110.0%	\$1,166.17	\$2,265.85
Drinking fountain height	63	8000	EA	2,737.20	137.5%	\$1,618.37	110.0%	\$1,716.22	\$3,334.59
Drinking fountain height	214	2505	EA	857.08	137.5%	\$506.75	110.0%	\$537.39	\$1,044.44

CRITICAL DATA POINTS

Item 3.



Replacement Reserve Prioritization Capital Plan

TERMS TO KNOW

Item 3.

- **EXPECTED USEFUL LIFE (EUL)** – Industry Standard Life Expectancies
- **EFFECTIVE AGE** – Bureau Veritas Opinion on the age given the current conditions
- **REMAINING USEFUL LIFE** - Bureau Veritas Opinion on Number of Years Until Replacement
- **DEFICIENCIES** – Immediate Repairs and Short-Term Repairs
- **PLAN TYPES** – The Reason for a repair or replacement. They are: Safety, Performance Integrity, Accessibility, Lifecycle Repairs, Modernization/Adaptation
- **RESERVE ITEMS** – Assets whose replacement should be planned for in future years
- **IMMEDIATE REPAIRS** – Unsafe or life-safety, mission critical element, contribute to critical failure (Yr 1)
- **SHORT TERM REPAIRS** – Less critical deficiencies (Yrs 2 & 3)

IMMEDIATE NEEDS REPORT

Item 3.

Facility/Building	Total Items	Total Cost
Clackamette Park	3	\$42,300
Total	3	\$42,300

Clackamette Park

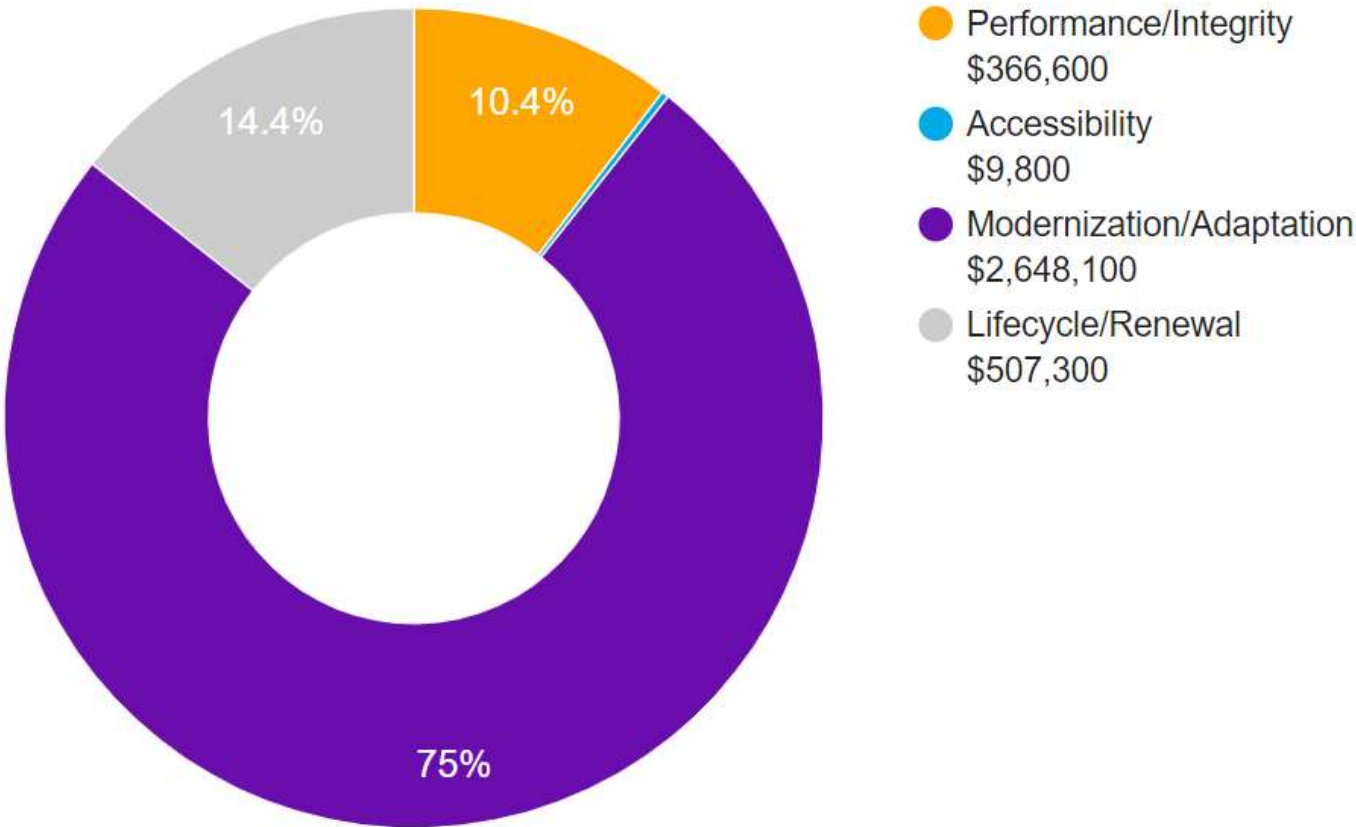
ID	Location	Location Description	UF Code	Description	Condition	Plan Type	Cost
2939411	Clackamette Park		Y1090	ADA Miscellaneous, Level III Study, Includes Measurements, Evaluate/Report	NA	Accessibility	\$9,800
2931723	Clackamette Park	Front parking lot overflow	G2020	Parking Lots, Pavement, Asphalt, Seal & Stripe	NA	Performance/Integrity	\$11,700
2938924	Clackamette Park	Multiple Locations	D2010	Backflow Preventer, Domestic Water, Various Sizes, Replace	Poor	Performance/Integrity	\$20,800
Total (3 items)							\$42,300

SYSTEMS EXPENDITURE FORECAST

Item 3.

System Expenditure Forecast						
System	Immediate	Short Term (1-2 yr)	Near Term (3-5 yr)	Med Term (6-10 yr)	Long Term (11-20 yr)	TOTAL
Facade	-	-	-	-	\$51,184	\$51,184
Roofing	-	-	-	-	\$34,949	\$34,949
Interiors	-	-	\$3,728	-	\$23,441	\$27,169
Plumbing	\$20,800	-	-	\$1,918	\$27,928	\$50,646
Electrical	-	-	-	\$6,813	\$4,695	\$11,508
Equipment & Furnishings	-	-	-	-	\$12,152	\$12,152
Special Construction & Demo	-	-	-	-	\$164,557	\$164,557
Site Utilities	-	-	-	\$150,597	-	\$150,597
Site Development	-	\$2,649,385	\$1,507	\$65,761	\$750,536	\$3,467,189
Site Pavement	\$11,700	\$255,172	\$142,382	\$212,072	\$1,134,775	\$1,756,101
Accessibility	\$9,750	-	-	-	-	\$9,750
TOTALS	\$42,300	\$2,904,600	\$147,700	\$437,200	\$2,204,300	\$5,736,100

PLAN TYPE REPORT



10-YEAR TOTAL: \$3,531,800



REPLACEMENT RESERVES

Item 3.

Building	Cost Description	Lifespan (EUL)	EAge	RUL	Quant	Unit	Unit Cost *	Subtotal	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Deficiency Repair Estimate
	Backflow Preventer, Domestic Water, Various Siz	30	30	0	5	EA	\$4,160.00	\$20,800	\$20,800											\$20,800
	Drinking Fountain, Wall-Mounted, Single-Level, F	15	8	7	1	EA	\$1,560.00	\$1,560								\$1,560				\$1,560
	Parking Lots, Pavement, Asphalt, Seal & Stripe	5	5	0	20000	SF	\$0.59	\$11,700	\$11,700					\$11,700					\$11,700	\$35,100
	Parking Lots, Pavement, Asphalt, Seal & Stripe	5	4	1	15000	SF	\$0.59	\$8,775		\$8,775					\$8,775					\$17,550
	Sidewalk, Asphalt, Replace	25	23	2	28000	SF	\$7.15	\$200,200			\$200,200									\$200,200
	Recreational Vehicle Park, Ramp and Supporting	50	48	2	1	EA	\$1,196,000.00	\$1,196,000			\$1,196,000									\$1,196,000
	Playground Surfaces, Engineered Wood Fiber, Ch	3	1	2	500	SF	\$2.60	\$1,300			\$1,300			\$1,300			\$1,300			\$3,900
	Play Structure, Swing Set, 4 Seats, Replace	20	10	10	1	EA	\$3,250.00	\$3,250											\$3,250	\$3,250
	Park Bench, Metal Powder-Coated, Replace	20	10	10	10	EA	\$910.00	\$9,100											\$9,100	\$9,100
	Trash Receptacle, Medium-Duty Metal or Precast	20	10	10	4	EA	\$1,105.00	\$4,420											\$4,420	\$4,420
	Fences & Gates, Fence, Chain Link 4', Replace	40	30	10	200	LF	\$23.40	\$4,680											\$4,680	\$4,680
	Picnic Table, Wood/Composite/Fiberglass, Repla	20	10	10	21	EA	\$1,105.00	\$23,205											\$23,205	\$23,205
	Signage, Property, Building or Pole-Mounted, Re	20	10	10	1	EA	\$1,950.00	\$1,950											\$1,950	\$1,950
	Site Walkway Fixture w/ Lamp, Bollard Style, Rep	20	10	10	4	EA	\$910.00	\$3,640											\$3,640	\$3,640
	Pole Light Fixture w/ Lamps, any type 20' High, w	20	10	10	2	EA	\$5,460.00	\$10,920											\$10,920	\$10,920
	Pole Light Fixture w/ Lamps, any type 20' High, w	20	10	10	12	EA	\$5,460.00	\$65,520											\$65,520	\$65,520
	ADA Miscellaneous, Level III Study, Includes Mea	0	0	0	1	EA	\$9,750.00	\$9,750	\$9,750											\$9,750
Boat Ramp	Parking Lots, Pavement, Asphalt, Seal & Stripe	5	4	1	56000	SF	\$0.59	\$32,760		\$32,760					\$32,760					\$65,520
Boat Ramp	Site Stairs & Ramps, Steps, Concrete (per LF of no	50	45	5	150	LF	\$54.60	\$8,190						\$8,190						\$8,190
Boat Ramp	Boat Launch, Ramp and Supporting Improvement	50	48	2	1	EA	\$1,300,000.00	\$1,300,000			\$1,300,000									\$1,300,000
Boat Ramp	Pole Light Fixture w/ Lamps, any type 20' High, w	20	10	10	3	EA	\$5,200.00	\$15,600											\$15,600	\$15,600
Restroom	Wall Finishes, any surface, Prep & Paint	10	5	5	1000	SF	\$1.95	\$1,950						\$1,950						\$1,950
Restroom	Flooring, any surface, w/ Paint or Sealant, Prep &	10	5	5	650	SF	\$1.95	\$1,268						\$1,268						\$1,268
Restroom	Interior Lighting System, Full Upgrade, Low Densi	20	10	10	650	SF	\$7.80	\$5,070											\$5,070	\$5,070
RV Park	Parking Lots, Aggregate/Stone, Surface Gravel, Re	7	4	3	60000	SF	\$1.82	\$109,200				\$109,200							\$109,200	\$218,400
RV Park	Picnic Table, Metal Powder-Coated, Replace	20	10	10	1	EA	\$1,105.00	\$1,105											\$1,105	\$1,105
RV Park	Pole Light Fixture w/ Lamps, any type 20' High, w	20	10	10	3	EA	\$5,460.00	\$16,380											\$16,380	\$16,380
Totals, Unescalated									\$42,250	\$41,535	\$2,697,500	\$109,200	\$0	\$24,408	\$41,535	\$1,560	\$1,300	\$0	\$285,740	\$3,245,028
Totals, Escalated (3.0% inflation, compounded annually)									\$42,250	\$42,781	\$2,861,778	\$119,326	\$0	\$28,295	\$49,595	\$1,919	\$1,647	\$0	\$384,011	\$3,531,601

FACILITY CONDITION INDEX

Item 3.

FCI = Repair Needs / Building Replacement Value = FCI (%)

What is the FCI percentage really telling us?



FINDINGS AND REPORTING - PARKS

PARKS

Abernethy Creek	1615 John Adams Street	Item 3.
Atkinson Park	1601 Jackson Street	
Barclay Park	711 12th Street	
Barclay Hills Park	13571 Barclay Hills Drive	
Canemah Children's Park	815 4th Avenue	
Chapin Park	340 Warner Parrott Road	
Clackamette Park	1955 Clackamette Drive	
Clackamette Cove Trail & River Access Trail	Main Street to Washington Street	
DC Latourette Park	902 11th Street	
End of the Oregon Trail (Site)	1726 Washington St.	
Hartke Park	556 Hartke Loop	
Hazelwood Park	920 Laurelwood Drive	
Hillendale Park	19260 Clairmont Way	
Jon Storm Park	1801 Clackamette Drive	
Library	606 John Adams Street	
Library Park	606 John Adams Street	
McLoughlin Promenade		
Old Canemah Park	300 3rd Avenue	
Park Place Park	16180 Front Avenue	
Richard Bloom Tots' Park	802 6th Street	
Rivercrest Park	131 Park Drive	
Singer Creek Park	130 Linn Avenue	
Sportcraft Landing	1701 Clackamette Drive	
Stafford Park	569 Holmes Lane	
Straight Cemetery	13014 Clackamas River Drive	
Train Depot	1757 Washington St	
Tyrone S. Woods Memorial Park	14511 Glen Oak Road	
Waterboard Park	200 S John Adams Street	
Wesley Lynn Park	12901 Frontier Parkway	

IMMEDIATE REPAIRS - PARKS

Item 3.

Facility/Building	Total Items	Total Cost
Atkinson Park Site	3	\$81,700
Chapin Park	1	\$6,800
Chapin Site	2	\$10,600
Clackamette Cove Trail & River Access Trail	1	\$2,600
Clackamette Park	3	\$42,300
End of the Oregon Trail Site	1	\$26,000
EOT Site	1	\$2,000
Hartke Park	1	\$24,400
Hazelwood Park	1	\$30,600
Hillendale Park	5	\$85,200

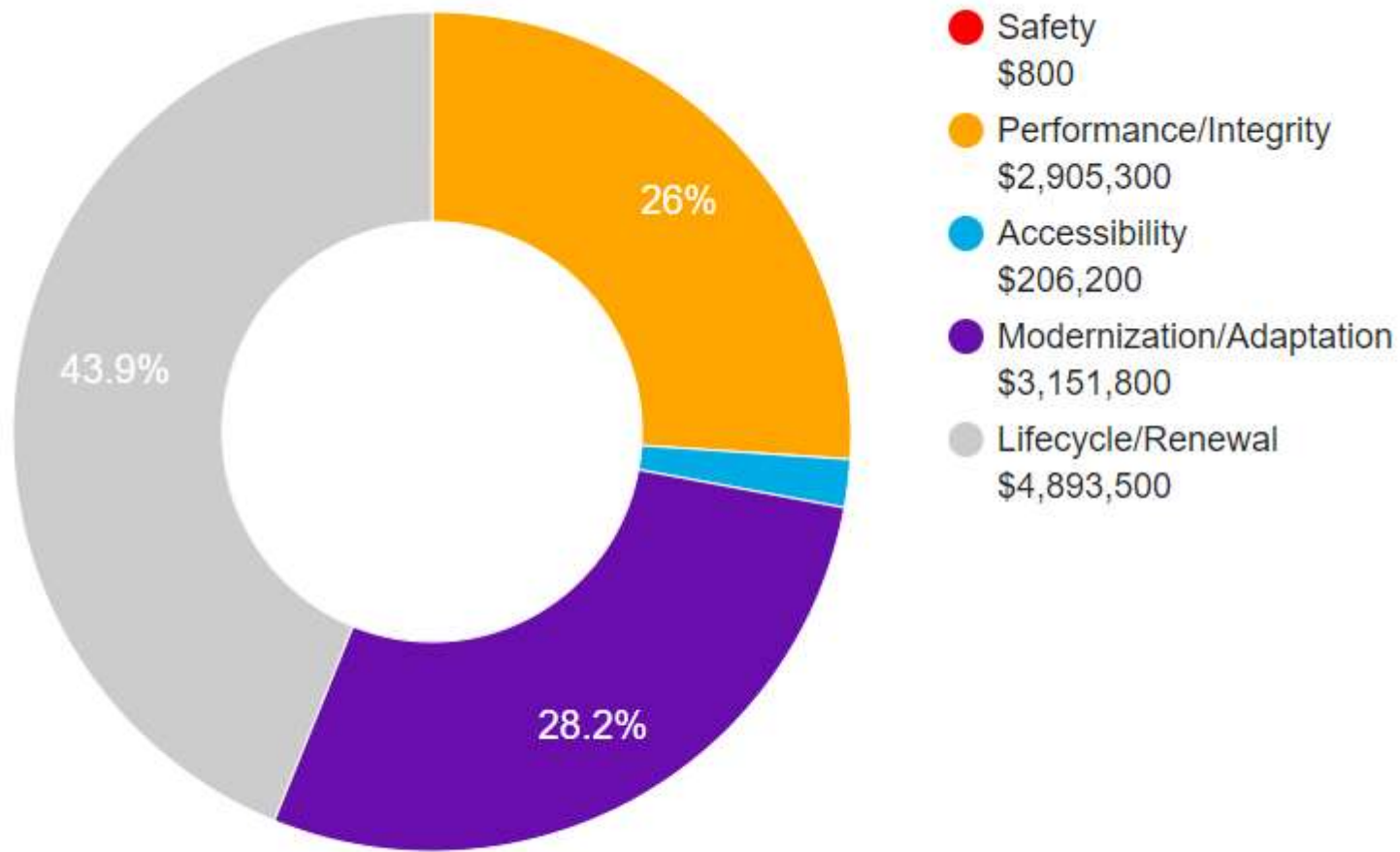
Facility/Building	Total Items	Total Cost
Jon Storm Park	3	\$12,600
McLoughlin Promenade	2	\$226,200
Old Canemah Park	2	\$105,000
Park Place Park	3	\$18,200
Restroom Building	1	\$500
Restroom Building	1	\$600
Rivercrest Park	1	\$9,800
Singer Creek Park	1	\$5,900
Stafford Park	2	\$22,800
Straight Cemetery	2	\$11,100
Total	37	\$724,900

SYSTEMS EXPENDITURE - PARKS

Item 3.

System Expenditure Forecast						
System	Immediate	Short Term (1-2 yr)	Near Term (3-5 yr)	Med Term (6-10 yr)	Long Term (11-20 yr)	TOTAL
Structure	-	\$2,569	-	\$87,354	\$5,635	\$95,558
Facade	-	\$2,344	\$253,385	\$218,780	\$622,206	\$1,096,715
Roofing	\$585	-	\$22,536	\$53,824	\$285,728	\$362,673
Interiors	\$520	\$2,276	\$39,092	\$44,349	\$269,319	\$355,556
Plumbing	\$48,360	\$9,930	\$26,397	\$156,460	\$269,745	\$510,892
HVAC	-	-	-	\$18,167	\$15,212	\$33,379
Fire Protection	-	-	-	-	\$14,181	\$14,181
Electrical	-	-	\$57,103	\$59,100	\$82,812	\$199,015
Fire Alarm & Electronic Systems	-	-	\$3,616	\$44,896	\$27,400	\$75,912
Equipment & Furnishings	-	-	-	-	\$36,042	\$36,042
Special Construction & Demo	-	-	\$41,733	\$1,091	\$743,015	\$785,839
Site Pavement	\$113,542	\$1,077,857	\$385,943	\$1,613,926	\$3,656,064	\$6,847,332
Site Development	\$335,000	\$4,011,601	\$458,903	\$1,150,319	\$5,598,600	\$11,554,423
Site Utilities	\$5,850	\$124,123	\$2,411	\$462,934	\$210,738	\$806,056
Follow-up Studies	\$26,000	-	-	-	-	\$26,000
Accessibility	\$194,415	-	-	-	-	\$194,415
TOTALS	\$724,300	\$5,230,700	\$1,291,200	\$3,911,200	\$11,836,700	\$22,994,100

PLAN TYPE CHART - PARKS



10-YEAR TOTAL: \$11,157,600

REPLACEMENT RESERVES-PARKS

Item 3.

Location	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total
Abernethy Creek	\$0	\$0	\$0	\$12,315	\$0	\$0	\$0	\$0	\$0	\$0	\$16,194	\$28,509
Atkinson Park	\$81,650	\$2,276	\$72,062	\$57,969	\$3,292	\$47,159	\$31,523	\$0	\$0	\$34,446	\$60,170	\$390,547
Barclay Hills Park	\$0	\$0	\$13,240	\$3,121	\$0	\$16,276	\$0	\$0	\$17,451	\$0	\$9,347	\$59,435
Barclay Park	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,223	\$1,223
Canemah Children's Park	\$0	\$0	\$15,171	\$0	\$0	\$25,545	\$0	\$2,398	\$18,115	\$0	\$29,795	\$91,023
Chapin Park	\$17,290	\$736	\$19,308	\$67,852	\$0	\$28,634	\$0	\$230,288	\$66,556	\$8,820	\$38,070	\$431,106
Clackamette Cove & River Access Trails	\$2,600	\$162,019	\$3,724	\$3,196	\$0	\$0	\$73,345	\$0	\$3,705	\$0	\$10,745	\$259,334
Clackamette Park	\$42,250	\$42,781	\$2,861,778	\$122,167	\$0	\$28,295	\$52,700	\$1,919	\$1,647	\$3,392	\$425,155	\$3,582,084
DC Latourette Park	\$0	\$0	\$0	\$2,841	\$0	\$0	\$3,105	\$0	\$0	\$3,392	\$41,144	\$50,482
End of the Oregon Trail	\$27,950	\$148,991	\$56,291	\$0	\$210,695	\$0	\$0	\$88,280	\$0	\$0	\$558,283	\$1,090,489
Ermatinger House	\$0	\$0	\$0	\$0	\$0	\$42,710	\$0	\$0	\$9,881	\$0	\$218,823	\$271,414
Hartke Park	\$24,440	\$84,625	\$0	\$5,114	\$0	\$32,854	\$11,176	\$1,359	\$0	\$0	\$0	\$159,568
Hazelwood Park	\$30,550	\$0	\$4,413	\$4,262	\$0	\$12,509	\$0	\$0	\$5,270	\$0	\$0	\$57,003
Hillendale Park	\$85,203	\$0	\$142,951	\$1,492	\$23,886	\$85,638	\$0	\$160,203	\$34,006	\$26,334	\$99,968	\$659,681
Jon Storm Park	\$12,480	\$117,163	\$6,206	\$0	\$0	\$3,391	\$0	\$11,912	\$0	\$0	\$31,956	\$183,106
Library Park	\$0	\$0	\$0	\$1,207	\$3,731	\$108,282	\$0	\$0	\$0	\$0	\$115,395	\$228,616
McLoughlin House	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
McLoughlin Promenade	\$226,200	\$0	\$12,344	\$0	\$52,674	\$9,042	\$0	\$12,951	\$0	\$0	\$558,807	\$872,017
Old Canemah Park	\$104,975	\$0	\$0	\$0	\$2,634	\$111,182	\$0	\$0	\$15,809	\$0	\$1,092	\$235,692
Park Place Park	\$18,655	\$0	\$50,547	\$2,237	\$0	\$4,521	\$2,328	\$2,398	\$29,189	\$0	\$69,360	\$179,236
Richard Bloom Tots' Park	\$520	\$0	\$2,758	\$4,475	\$3,849	\$8,628	\$0	\$4,477	\$3,294	\$0	\$10,832	\$38,833
Rivercrest Park	\$9,750	\$6,829	\$1,552	\$0	\$11,266	\$6,029	\$5,821	\$4,797	\$5,764	\$0	\$152,125	\$203,931
Singer Creek Park	\$5,850	\$0	\$0	\$3,594	\$0	\$0	\$0	\$0	\$0	\$0	\$239,710	\$249,154
Sportcraft Landing	\$0	\$239,012	\$12,137	\$0	\$56,332	\$0	\$20,956	\$7,914	\$0	\$0	\$5,591	\$341,940
Stafford Park	\$22,750	\$0	\$2,414	\$0	\$0	\$0	\$0	\$1,439	\$0	\$0	\$12,579	\$39,182
Straight Cemetery	\$11,160	\$0	\$0	\$2,131	\$0	\$0	\$0	\$0	\$0	\$0	\$4,999	\$18,290
Tyrone S. Woods Memorial Park	\$0	\$0	\$0	\$5,682	\$5,267	\$0	\$6,209	\$0	\$0	\$12,891	\$18,869	\$48,918
Waterboard Park	\$0	\$0	\$1,095,688	\$0	\$0	\$2,713	\$0	\$0	\$0	\$0	\$1,485	\$1,099,885
Wesley Lynn Park	\$0	\$0	\$53,788	\$0	\$0	\$47,328	\$0	\$32,696	\$16,468	\$0	\$140,606	\$290,886
Grand Total	\$724,273	\$804,431	\$4,426,392	\$296,814	\$373,627	\$620,734	\$204,058	\$563,029	\$227,155	\$85,883	\$2,831,176	\$11,157,559



REPLACEMENT RESERVES-PARKS

Item 3.

Location	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	20-Year Total
Abernethy Creek	\$0	\$0	\$0	\$0	\$0	\$0	\$18,628	\$0	\$0	\$0	\$47,137
Atkinson Park	\$0	\$37,640	\$2,291	\$4,424	\$56,321	\$0	\$0	\$44,944	\$0	\$84,996	\$621,163
Barclay Hills Park	\$17,275	\$0	\$1,903	\$18,877	\$122,970	\$0	\$20,628	\$2,206	\$0	\$53,533	\$296,828
Barclay Park	\$0	\$0	\$0	\$0	\$1,013	\$0	\$0	\$0	\$0	\$0	\$2,236
Canemah Children's Park	\$19,795	\$0	\$0	\$21,630	\$179,953	\$0	\$23,636	\$3,762	\$0	\$70,908	\$410,707
Chapin Park	\$25,193	\$677,450	\$62,170	\$27,529	\$120,104	\$0	\$140,095	\$125,033	\$0	\$145,572	\$6,760
Clackamette Cove Trail & River Access	\$24,293	\$0	\$4,295	\$0	\$35,444	\$98,569	\$0	\$4,980	\$0	\$0	\$426,915
Clackamette Park	\$59,294	\$0	\$0	\$1,966	\$1,641,400	\$66,651	\$182,640	\$0	\$0	\$252,287	\$5,735,839
DC Latourette Park	\$0	\$3,707	\$0	\$0	\$4,051	\$0	\$0	\$4,426	\$145,892	\$21,132	\$229,689
End of the Oregon Trail	\$0	\$244,318	\$0	\$283,157	\$2,025	\$0	\$113,054	\$0	\$0	\$124,441	\$1,857,484
Ermatinger House	\$0	\$0	\$0	\$0	\$176,861	\$0	\$0	\$13,279	\$0	\$201,688	\$663,242
Hartke Park	\$12,956	\$0	\$0	\$0	\$30,482	\$15,020	\$0	\$7,967	\$0	\$47,663	\$273,657
Hazelwood Park	\$5,758	\$0	\$0	\$6,292	\$17,216	\$0	\$6,876	\$0	\$0	\$74,665	\$167,810
Hillendale Park	\$35,630	\$0	\$5,871	\$78,900	\$621,407	\$0	\$42,544	\$0	\$153,585	\$122,915	\$1,720,534
Jon Storm Park	\$157,457	\$12,048	\$0	\$0	\$628,570	\$0	\$9,669	\$0	\$0	\$136,650	\$1,127,501
Library Park	\$0	\$0	\$0	\$0	\$13,772	\$0	\$0	\$0	\$0	\$129,137	\$371,525
McLoughlin House	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
McLoughlin Promenade	\$0	\$15,013	\$0	\$0	\$15,190	\$0	\$17,404	\$0	\$0	\$742,185	\$1,661,811
Old Canemah Park	\$0	\$0	\$0	\$0	\$8,912	\$0	\$0	\$0	\$0	\$0	\$244,603
Park Place Park	\$5,399	\$0	\$3,007	\$5,899	\$44,254	\$3,129	\$6,446	\$3,486	\$159,569	\$138,646	\$549,070
Richard Bloom Tots' Park	\$3,599	\$0	\$6,014	\$3,933	\$50,061	\$0	\$4,297	\$0	\$0	\$4,696	\$111,433
Rivercrest Park	\$0	\$0	\$0	\$17,501	\$515,150	\$7,823	\$0	\$0	\$10,258	\$116,505	\$871,168
Singer Creek Park	\$0	\$0	\$0	\$0	\$0	\$0	\$3,610	\$0	\$0	\$0	\$252,763
Sportcraft Landing	\$24,293	\$9,175	\$0	\$0	\$109,369	\$28,163	\$10,636	\$0	\$0	\$59,168	\$582,745
Stafford Park	\$0	\$1,668	\$0	\$0	\$22,178	\$0	\$1,934	\$0	\$0	\$0	\$64,961
Straight Cemetery	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$37,061	\$55,352
Tyrone S. Woods Memorial Park	\$0	\$7,414	\$0	\$7,079	\$11,139	\$0	\$0	\$8,853	\$8,206	\$196,640	\$288,250
Waterboard Park	\$0	\$0	\$0	\$0	\$42,533	\$0	\$0	\$0	\$0	\$133,833	\$1,276,176
Wesley Lynn Park	\$17,995	\$29,192	\$0	\$19,664	\$427,310	\$0	\$334,016	\$0	\$0	\$164,004	\$1,283,066
Grand Total	\$408,937	\$1,037,625	\$85,550	\$496,852	\$4,897,683	\$219,355	\$936,113	\$218,936	\$477,510	\$3,058,326	\$22,994,363



FINDINGS AND REPORTING - FACILITIES

Item 3.

IMMEDIATE REPAIRS – PARK FACILITIES

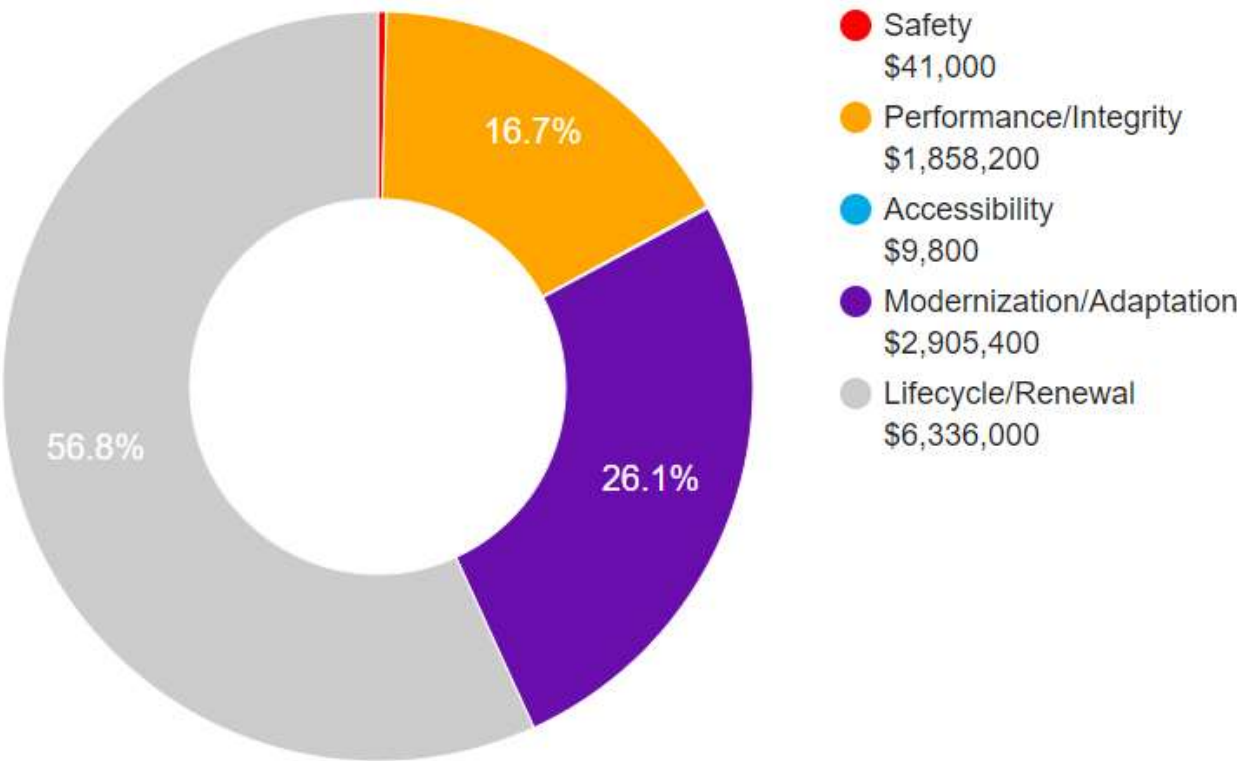
Facility/Building	Total Items	Total Cost
EOT Henderson Farm	4	\$42,600
EOT Interpretive Center (Wagons 1-3)	3	\$566,100
Fir Street (Future Public Works and Parks Facility)	1	\$10,700
Mt. View Cemetery	1	\$9,800
Pioneer Community Center	2	\$33,800
Swimming Pool	2	\$75,200
Total	17	\$739,000

SYSTEMS EXPENDITURE – PARK FACILITIES

Item 3.

System Expenditure Forecast						
System	Immediate	Short Term (1-2 yr)	Near Term (3-5 yr)	Med Term (6-10 yr)	Long Term (11-20 yr)	TOTAL
Structure	\$4,950	\$39,928	-	\$5,718	-	\$50,596
Facade	\$567,011	\$255,457	\$207,808	\$373,730	\$3,351,589	\$4,755,595
Roofing	-	\$403,932	\$158,357	\$442,659	\$2,434,698	\$3,439,646
Interiors	\$33,150	\$116,709	\$536,653	\$610,178	\$1,758,111	\$3,054,801
Conveying	-	-	-	-	\$11,739	\$11,739
Plumbing	-	\$2,605	\$409,047	\$401,373	\$147,757	\$960,782
HVAC	\$33,800	-	\$583,821	\$274,731	\$515,883	\$1,408,235
Fire Protection	-	-	\$171,209	\$9,593	\$16,333	\$197,135
Electrical	-	-	\$832,951	\$303,224	\$1,950,266	\$3,086,441
Fire Alarm & Electronic Systems	-	-	\$226,212	\$100,379	\$149,988	\$476,579
Equipment & Furnishings	-	-	\$263,131	\$78,328	\$288,088	\$629,547
Special Construction & Demo	\$37,440	-	\$33,922	\$43,884	\$661,389	\$776,635
Site Development	\$81,640	\$42,966	\$2,292,616	\$30,000	\$144,641	\$2,591,863
Site Pavement	\$51,675	\$240,858	\$42,528	\$718,835	\$322,815	\$1,376,711
Site Utilities	-	-	\$16,576	\$52,411	\$203,876	\$272,863
Follow-up Studies	\$8,450	-	-	-	-	\$8,450
Accessibility	\$9,750	-	-	-	-	\$9,750
TOTALS	\$827,900	\$1,102,500	\$5,774,900	\$3,445,100	\$11,957,200	\$23,107,600

PLAN TYPE CHART – PARK FACILITIES



10-YEAR TOTAL: \$11,150,400

REPLACEMENT RESERVES – PARK FACILITIES

Item 3.

Location	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total
Buena Vista House	\$0	\$37,374	\$12,137	\$10,217	\$0	\$31,115	\$0	\$5,719	\$0	\$0	\$20,179	\$116,740
EOT Henderson Farm	\$42,463	\$0	\$0	\$38,825	\$25,459	\$30,141	\$3,105	\$0	\$0	\$0	\$2,795	\$142,787
EOT Interpretive Center (Wagons 1-3)	\$566,150	\$0	\$0	\$265,358	\$0	\$143,306	\$0	\$106,754	\$30,054	\$0	\$87,791	\$1,199,414
EOT Restrooms	\$0	\$0	\$23,791	\$6,250	\$4,389	\$37,933	\$7,063	\$14,709	\$1,317	\$0	\$8,910	\$104,363
EOT Visitor's Center	\$0	\$0	\$0	\$24,586	\$22,825	\$40,462	\$0	\$28,619	\$54,015	\$0	\$0	\$170,508
Fir Street	\$10,725	\$14,060	\$32,583	\$0	\$0	\$30,744	\$0	\$284,193	\$8,234	\$80,739	\$459,468	\$920,745
Pioneer Community Center	\$33,800	\$18,674	\$139,848	\$464,888	\$106,811	\$895,421	\$9,779	\$189,302	\$412,787	\$50,886	\$171,390	\$2,493,585
Swimming Pool	\$75,150	\$18,077	\$193,803	\$470,385	\$122,906	\$535,005	\$54,974	\$11,991	\$758,271	\$2,120	\$70,329	\$2,313,010
Grand Total	\$827,868	\$689,964	\$412,504	\$3,616,936	\$298,778	\$1,859,204	\$86,097	\$1,086,420	\$1,264,679	\$133,746	\$874,148	\$11,150,343

REPLACEMENT RESERVES – PARK FACILITIES

Item 3.

Location	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	Total
Buena Vista House	\$8,368	\$0	\$3,436	\$0	\$31,603	\$0	\$0	\$1,660	\$0	\$0	\$161,807
EOT Henderson Farm	\$0	\$43,001	\$58,859	\$0	\$41,317	\$0	\$0	\$0	\$0	\$21,770	\$307,734
EOT Interpretive Center (Wagons 1-3)	\$0	\$156,175	\$218,114	\$0	\$410,621	\$0	\$39,751	\$236,366	\$235,022	\$470,000	\$2,965,463
EOT Restrooms	\$0	\$9,731	\$56,509	\$0	\$0	\$9,492	\$0	\$5,312	\$0	\$21,807	\$207,213
EOT Visitor's Center	\$3,599	\$38,553	\$74,278	\$0	\$127,208	\$0	\$14,826	\$0	\$0	\$95,327	\$524,298
Fir Street	\$0	\$37,533	\$0	\$0	\$1,278,608	\$0	\$43,511	\$2,602,680	\$0	\$2,478,148	\$7,361,225
Pioneer Community Center	\$21,774	\$297,300	\$91,847	\$82,194	\$242,537	\$24,408	\$19,553	\$205,979	\$29,634	\$84,291	\$3,593,101
Swimming Pool	\$19,075	\$140,402	\$155,305	\$0	\$654,089	\$99,748	\$11,281	\$193,607	\$0	\$143,753	\$3,730,270
Grand Total	\$67,364	\$900,629	\$661,097	\$84,554	\$2,957,734	\$148,667	\$157,285	\$3,276,809	\$282,848	\$3,420,283	\$23,107,613

FACILITY CONDITION INDEX – PARK FACILITIES

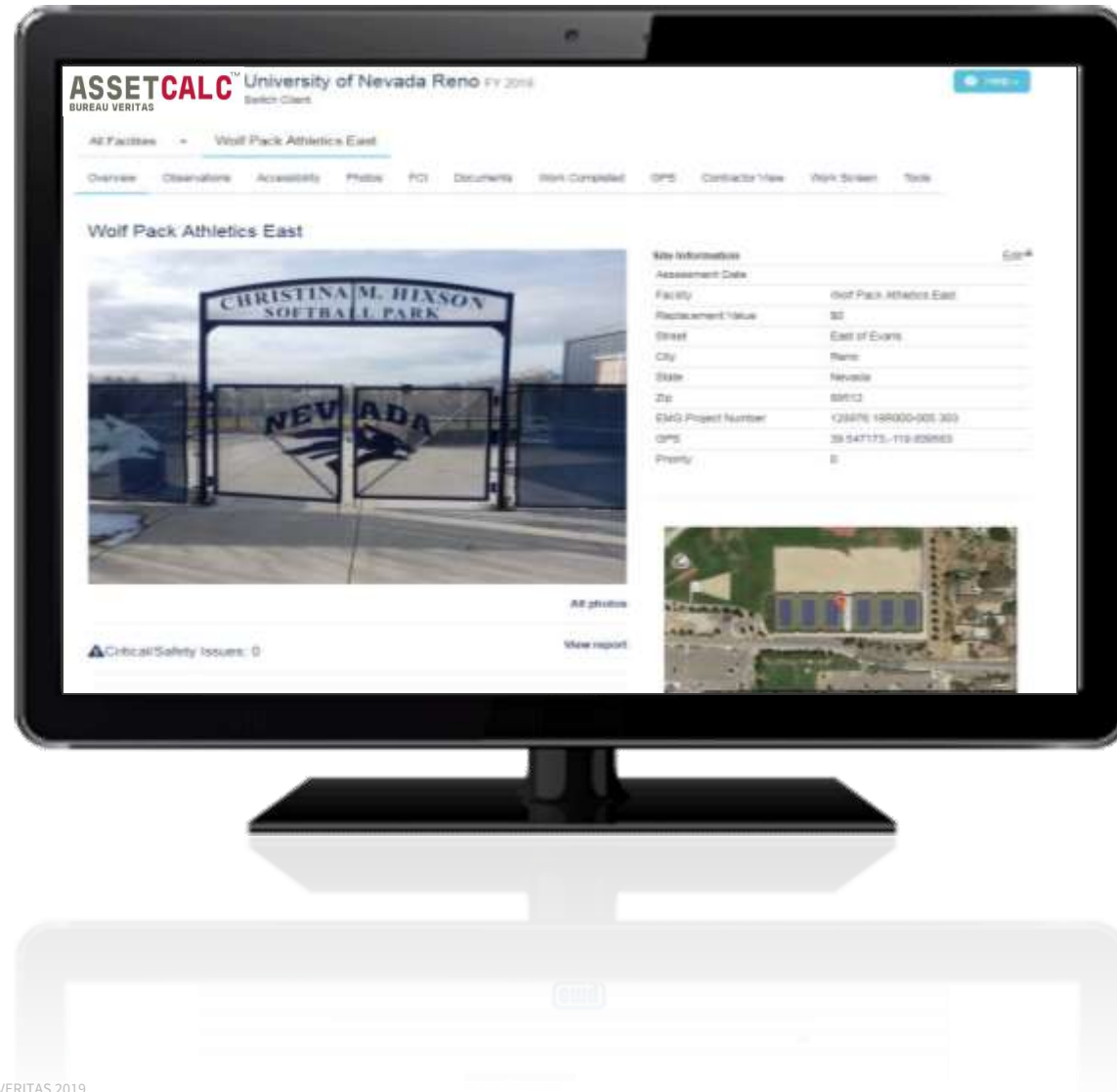
Item 3.

Facility(year built)	Cost/SF	Total SF	Replacement Value	Current	3-Year	5-Year	10-Year
Park Buildings / Buena Vista House (corner of Atkinson Park)	\$325	1,200	\$390,000	0.0%	15.3%	23.3%	29.9%
Park Buildings / End of the Oregon Trail Interpretive Center Buildings / EOT Henderson Farm (1994)	\$413	2,900	\$1,197,700	3.5%	6.8%	11.4%	11.9%
Park Buildings / End of the Oregon Trail Interpretive Center Buildings / EOT Interpretive Center (Wagons 1-3) (1994)	\$416	9,300	\$3,868,800	14.6%	21.5%	25.2%	31.0%
Park Buildings / End of the Oregon Trail Interpretive Center Buildings / EOT Restrooms (1994)	\$550	1,000	\$550,000	0.0%	5.5%	13.2%	19.0%
Park Buildings / End of the Oregon Trail Interpretive Center Buildings / EOT Visitor's Center (1994)	\$413	2,600	\$1,073,800	0.0%	2.3%	8.2%	15.9%
Park Buildings / Fir Street (Future Public Works and Parks Facility)	\$315	66,000	\$20,790,000	0.1%	0.3%	0.4%	4.4%
Park Buildings / Pioneer Community Center (1979)	\$416	16,000	\$6,656,000	0.5%	9.9%	24.9%	37.5%
Park Buildings / Swimming Pool (1800)	\$543	20,572	\$11,170,596	0.7%	6.8%	12.7%	20.7%

REPORTING/CAPITAL PLANNING TOOL: ASSETCALC™

ASSETCALC™
BUREAU VERITAS

Item 3.



INTEGRATION

- Single User
- Multi-User
- Unlimited Seats
- Cloud Based

FEATURES

- Tailored Reports
- Standard Reports
- Benchmarking
- FCI Index

EXPORT CAPABILITIES

- Excel CSV
- ODBC Files or Equivalent
- CMMS Export

TRAINING



ASSETCALC™ : BUILDING LIST

Item 3.



Oregon City, Oregon

Project Number: 148392.21R-000.017

FY 2021 Switch Client

All Facilities

All Assets

Reports & Graphs

Documents

Cost Library ▾

Capital Planning

manderson ▾

Help ▾

Admin ▾



Quick Links

All Facilities 33

Search...

Show Test Locations

Map View

Grid edit

More... ▾

Add Facility

* - Indicates recent activity in the last seven days

	Abernethy Creek	Overview	Observations 2		Work Screen	Docs	Photos
	Atkinson Park	Overview	Observations 22 *		Work Screen	Docs	Photos
	Barclay Hills Park	Overview	Observations 15		Work Screen	Docs	Photos
	Barclay Park	Overview	Observations 3		Work Screen	Docs	Photos
	Canemah Children's Park	Overview	Observations 22		Work Screen	Docs	Photos
	Chapin Park	Overview	Observations 65		Work Screen	Docs	Photos
	City Facilities	Overview	Observations 414 *		Work Screen	Docs	Photos
	Clackamette Cove Trail & River Access Trail	Overview	Observations 13		Work Screen	Docs	Photos
	Clackamette Park	Overview	Observations 53		Work Screen	Docs	Photos
	DC Latourette Park	Overview	Observations 13		Work Screen	Docs	Photos
	End of the Oregon Trail Site	Overview	Observations 23		Work Screen	Docs	Photos
	Ermatinger House	Overview	Observations 32		Work Screen	Docs	Photos
	Hartke Park	Overview	Observations 10		Work Screen	Docs	Photos
	Hazelwood Park	Overview	Observations 7		Work Screen	Docs	Photos
	Hillendale Park	Overview	Observations 68		Work Screen	Docs	Photos





BUREAU
VERITAS

Questions?



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 08/10/2021
From: Community Development Director Laura Terway

SUBJECT:

Housing Choices Code Update (HB 2001)

STAFF RECOMMENDATION:

Staff will be providing City Commission with a brief overview of HB2001 and the City's initial approach to meeting the requirements by June 30, 2022. Staff is looking for general concurrence with using the minimum compliance standards implementation approach, which requires showing compliance with the minimum standards found in [660-046-0000](#) rather than using the model code or pursuing the performance metric approach, which is further discussed below.

EXECUTIVE SUMMARY:

House Bill 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford. The law, passed by the 2019 Oregon Legislature, expands the ability of property owners to build certain housing types, like duplexes and tri-plexes, in residential zones. House Bill 2001 requires updates to local laws that currently limit the types of housing people can build. Oregon City is required to meet the requirements of HB2001 by June 30, 2022 and the City Commission has identified this project as a goal within the biennium with completion by that deadline. Visit <https://www.orcity.org/planning/housing-choices-code-update-house-bill-2001> to [sign up and join the project email list](#).

BACKGROUND:

In between single-family houses and large apartment buildings are a range of housing types: duplexes, triplexes, quadplexes, townhouses, and cottage clusters. These housing types were more common before World War II but face several barriers to development now and make up a small percentage of the overall housing in Oregon City. These limitations contribute to increased housing costs and fewer choices.

Increasing Housing Costs. Rent and home prices have increased at a much greater rate than incomes, pushing out Oregon City residents. Children growing up in Oregon City may not be able to afford to live here as adults.

Changing Households. Household compositions are changing, and the trend is accelerating. Future housing inventory must match the community's needs, including housing for smaller, young households and more seniors living with their adult children.

Addressing Systemic Injustices. Housing rules and regulations have historically been powerful [tools of racial exclusion](#). How the City's housing rules and regulations have been (or could be) tools of racial exclusion must be carefully examined.

House Bill 2001 will require updates to local laws that currently limit the types of housing people can build. All residentially zoned areas within the city limits that currently allow single-family homes will be affected. In Oregon City, this includes the following zones: Low-density Residential (R6, R8, R10), Medium-density Residential (R3.5, R5) and Historic Commercial. Land that is not zoned for single-family residential use, including but not limited to Multi-family, commercial, industrial, and public land are not affected. In addition, land that is outside of the city limits (not annexed) is also not affected by HB 2001 (but will be, once inside the city limits). HB 2001 guidance projects a planning level infill growth of 1% and greenfield growth of 3%.

Oregon City's recent [equitable housing code amendments](#), adopted by the City Commissions in 2019, have already implemented many of the requirements of House Bill 2001. However, additional updates will be needed for full compliance. The City will also implement any needed code amendments to ensure compliance with recently passed [SB 458](#) that allows land division to separate dwelling units for new middle housing allowed in cities.

LEG 18-0001 Oregon City Equitable Housing Project- Adopted 2018-2019

Oregon City's recent [equitable housing code amendments](#), adopted by the City Commissions over phases, have already implemented many of the requirements of House Bill 2001, such as the creation of clear and objective siting standards. However, additional updates will be needed for full compliance, such as allowing more middle housing types in the [Low Density Residential District](#) (R6, R8, R10) and allow duplexes on all lots in all residential zones. The equitable housing code amendment project was initiated by the City prior to the Statewide housing bill HB 2001, and primarily affected the medium and high-density residential zone districts, mixed use and commercial zone districts, although corner-lot duplexes are now permitted within low-density zones as a result of this project. The goal of this project is to identify barriers to "missing middle" housing in the zoning code and reduce those barriers in order to incentivize a greater variety of housing types. The results have been incorporated into the current zoning code, which includes a streamlined processes with clear and objective standards for permitting small and large scale [multi-family development](#), [single-family attached](#), [duplexes](#), [tri-plexes and four-plexes](#), manufactured homes and [home parks](#), [cluster housing](#), [internal conversions](#), and [accessory dwelling units](#).

REQUIREMENTS OF HOUSE BILL 2001

HB 2001 requires the City of Oregon City and other "Large Cities" with over 25,000 residents to amend their Land Use Codes to allow:

- Duplexes on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings; and
- Triplexes, quadplexes, cottage clusters, and townhouses in areas zoned for residential use that allow for the development of detached single-family dwellings.

The City "may regulate siting and design of middle housing." However, it may not adopt standards or requirements that result in unreasonable cost or delay in the development of middle housing. The City created clear and objective middle housing siting standards (setbacks, design, etc.) in 2018-2019 during the previous [Equitable Housing Project](#), which went through an extensive public engagement process. In honor of all the hard work of the community with the Equitable Housing project, the City does not anticipate amending any of the design standards unless HB2001 specifically requires it.

Implementation Approaches

The Oregon Land Conservation and Development Commission adopted [new rules](#) that include three ways or choices for cities to comply with House Bill 2001: 1. a model code, 2. minimum compliance standards, and 3. A performance metric approach. The model code is a set of ready-made land-use regulations that cities can directly apply; the minimum standards are, at minimum, actions that cities must take to comply with the house bill; and the performance metric requires that middle housing be allowed on a certain percentage of lots around the City and within census tracts. The new rules were adopted on December 9, 2020, and contain some prescriptive requirements (such as parking standards) as well as areas where cities have flexibility in implementation (such as minimum lot size in some districts). Some of the standards go further than the minimum requirements in HB2001 while others are the minimums. If cities do not adopt land-use regulations that comply with HB2001 by the June 2022 deadline, then the model code will directly apply.

Staff recommends that we conduct our own analysis of the minimum standards to identify places where the code needs amendments. We feel this approach is appropriate because we will have more flexibility to honor the past work of the community and make more tailored changes to the development code to suit our needs, though the City may choose to adopt a portion of the model code if the approach to a specific topic make sense for the community. As the minimum standards are also not entirely clear, if this approach is taken, we will work closely with the Department of Land Conservation and Development to assure our amendments comply with the new regulations.

The third option laid out in HB2001, is through the performance metric approach. [OAR 660-046-0205 c\(b\)](#), which allows local jurisdiction to exclude a small portion of the community from the changes. We believe this option has not been pursued by any

applicable city so far because it puts an additional burden on a city to ensure that HB2001 requirements are met. These include showing that it does not cause unreasonable cost or delay to the development of Middle Housing, equitable distribution of Middle Housing on 75 percent or more of all lots and parcels zoned for residential use within each census block group, and demonstrating continuing compliance with the OAR subsection in all applicable future code and comprehensive plan amendments.

Though the exclusions are limited to a great extent, the city must show why a specific area is excluded both initially and with subsequent requests for amendments. In other words, for the areas that can be excluded, the City must explain why and demonstrate that the exclusion does not cause an unreasonable cost or delay to middle housing in Oregon City as a whole. In addition, the best practices would encourage any exclusion to be equitable.

OAR 660-046-0205 C(b) -Performance Metric Approach

- B. Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2): A. Triplexes – Must be allowed on 80% of Lots and Parcels; B. Quadplexes - Must be allowed on 70% of Lots and Parcels; C. Townhouses - Must be allowed on 60% of Lots and Parcels; and D. Cottage Clusters – Must be allowed on 70% of Lots and Parcels.*

Staff has identified three potential areas/topics where the community may want to limit housing options through the performance metric approach (Transportation, Historic Resources, Natural Hazards).

Historic Resources

The performance metric option does not allow for a reduction of missing middle housing options in Goal 5 historic areas. The HB2001 text is very clear; Large Cities, no matter the implementation approach, may not limit a specific type of middle housing.

660-046-0010 3(a) Applicability

Large Cities may not apply the following types of regulations specific to Middle Housing:

- i. Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and*
- ii. Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.*

Regardless of the approach, as a part of this project staff recommends working with the Historic Review Board to review the existing multifamily design standards for new

construction and provide additional guidance for 2/3/4 plexes, cottage housing and townhomes.

Natural Hazards

HB2001 allows for a reduction of middle housing options (such as 3-4 plexes) in Goal 7 Natural Hazards areas outside of the performance metric option as long as duplexes are allowed everywhere single-family residential is allowed. Regardless of if uses are limited, the structures themselves will be subject to compliance with the overlay district which considers the size of structures and disturbance as well as the impacts on slopes and landslides. The City Commission could reduce the types of missing middle options within the Geologic Hazard Overlay District or could remain silent and limit the amount of disturbance area to be the same for all uses. The performance metric approach could achieve the same result but would require a large amount of analysis to show compliance and burden the city with showing compliance with HB2001 for all future Geo Hazard code amendments, which is not recommended.

Transportation

A city is not required to consider whether HB2001 amendments significantly affect an existing or planned transportation facility. Oregon City implements transportation improvements through the Transportation System Plan and adopted Capital Improvement List (CIP) which includes project that implement the Alternative Mobility Targets on 213/Redland & 213/Beavercreek. As discussed in the previous [equitable housing code project](#), infill middle housing that is built through the building permit process outside of the land use subdivision or partition process will be too dispersed in area and over time to affect any one intersection. Staff has had initial conversation with the City's transportation consultant John Replinger and he concurred that the transportation analysis would not vary from that in the 2019 equitable housing project and further transportation analysis can be performed later this year to guide code amendment options, if needed. Regardless of the implementation approach, staff recommends adopting as part of this process, a minimum level of middle housing capacity to be analyzed at the time of each subdivision/partition land use application, even if not proposed by the applicant, to ensure there is adequacy in the system and to remove that burden from the missing middle building permit process. Subdivisions with a larger ratio of proposed middle housing will be required to provide specific infrastructure capacity analysis at the time of land use review. The performance metric approach to remove middle housing from key intersections would require a large amount of analysis to show compliance and burden the city with showing compliance with HB2001 for all future transportation related code amendments, which is not recommended.

All three topics are constrained by the rules of HB2001 and long-term compliance requirements of the performance metric approach. Therefore, staff recommends using the minimum compliance standards found in OAR to conduct our own analysis of the minimum standards approach to identify places where the code needs amendments that are specific to Oregon City's needs.

Infrastructure Time Based Extension

HB 2001 allows cities an option of delaying the implementation of HB2001 if they can show that they cannot provide "sufficient infrastructure" to meet demand increases related to allowing middle housing in residential zones. A June 29, 2021 Memorandum by Wes Wegner, PE, Wallis Engineering provides an assessment of the water, sanitary sewer, and stormwater infrastructure implications of the code amendments contained in HB2001. HB2001 guidance projects a planning level infill growth of 1% and greenfield growth of 3%. The City opted to also look at a 3% infill rate in addition to the mandated growth rates above for a time-based extension request. Mr. Wegner found that the City does not meet the threshold to request an Infrastructure-Based Time Extension by June 30, 2021 using the growth rate dictated in HB2001 to analyze the adequacy of infrastructure.

Adoption Process

Because this project will result in changes to Oregon City's land use regulations (which requires a Legislative process), the Oregon City City Commission will be the decision-maker. Staff will provide a recommendation on the changes to the Oregon City Planning Commission, based on public engagement and consultant input to bring forward to a formal adoption process. The formal adoption process for any new or changed land use regulations includes a mailed postcard and public hearings before the Planning Commission, who will make a recommendation to City Commission. Then, City Commission will hold a public hearing and make the final local decision. The public hearing process is anticipated to begin in February 2022.

There are community involvement and engagement opportunities happening in the fall and winter of 2021, which include, but are not limited to: Planning and City Commission work sessions, city boards and commissions listening sessions drop-in open house, 1x1 conversations, city-wide digital survey, water bill mailing, outreach to the previous [equitable housing project advisory committee](#), current [OC2040](#) PAT and those who were previously involved in last year's severely rent burden conversation among others.

This project has an intentional focus on equity and inclusion in outreach and decision-making. Planning projects affect the entire community; however, traditional engagement efforts face challenges in reaching certain parts of the community. This structure has created disproportionate representation in the planning process and has resulted in the exclusion of some people and groups who are directly impacted by plans and policies.

Tentative Project Timeline

Phase	Deliverables	Timeline
City Commission Work Session/Grant Approval (August)	- Consultant Scope and Schedule - Initial City Commission direction	August 2021
Consultant Code Audit	Code Audit	September 2021
Public Outreach	- General Project Overview - Share results of code audit - Identify outreach questions based on code audit/options	Fall 2021
Proposed Code (November)	- Code framework & presentation materials - Draft code language	November 2021
Public Outreach	- Additional clarification questions of proposed code - General feedback	December 2021/January 2022
Legislative Package/Technical Review	- Public Notice - Legislative package submitted to the City	January 2022
Public Hearings	- Planning and City Commission work sessions & Hearings - City Commission Work session to review non-land use housing production incentives/ toolbox	February 2022-April 2022
Adoption		April 2022
June 30, 2022 HB 2001 DEADLINE FOR ADOPTION		June 30, 2022

OPTIONS:

1. Provide staff direction on the implementation approach to HB2001
2. Continue this item to a future work session with direction to staff to return with additional information.

BUDGET IMPACT:

Amount: N/A

FY(s):

Funding Source(s): S10,000 + DLCD led grant for consultant services

Enrolled House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH,
MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.
- (b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.
- (5) The department shall grant or deny a request for an extension under this section:
 - (a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.
 - (b) Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.
- (6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:
 - (a) Defining the affected areas;
 - (b) Calculating deficiencies of water, sewer, storm drainage or transportation services;
 - (c) Service deficiency levels required to qualify for the extension;
 - (d) The components and timing of a remediation plan necessary to qualify for an extension;
 - (e) Standards for evaluating applications; and
 - (f) Establishing deadlines and components for the approval of a plan of action.

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

- (A) Vacant lands planned or zoned for residential use;
- (B) Partially vacant lands planned or zoned for residential use;
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
- (D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development; and**

[(C) Demographic and population trends;]

[(D) Economic trends and cycles; and]

[(E)] **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]

(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
 - (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
 - (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.
- (c) For the purpose of the inventory described in this subsection, "buildable lands" includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;**
- (b) Household demographics in terms of age, gender, race or other established demographic category;**
- (c) Household incomes;**
- (d) Vacancy rates; and**
- (e) Housing costs.**

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[2] **(5) Subsection (1)(a) and (d) of this section does not apply to:**

- (a) A city with a population of less than 2,500.**
- (b) A county with a population of less than 15,000.**

[3] **(6) A local government may take an exception under ORS 197.732 to the definition of "needed housing" in subsection (1) of this section in the same manner that an exception may be taken under the goals.**

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) **"Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.**

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

- (a) Residential units.
- (b) Regulated affordable residential units.
- (c) Multifamily residential units.
- (d) Regulated affordable multifamily residential units.
- (e) Single-family *[units]* **homes.**
- (f) Regulated affordable single-family *[units]* **homes.**
- (g) **Accessory dwelling units.**
- (h) **Regulated affordable accessory dwelling units.**
- (i) **Units of middle housing, as defined in section 2 of this 2019 Act.**
- (j) **Regulated affordable units of middle housing.**

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

- (a) Required by geographic or climatic conditions unique to Oregon;
- (b) Necessary to be compatible with other statutory provisions;
- (c) Changes to the national codes are adopted in Oregon; or
- (d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 12. A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

SECTION 16. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State

House Bill 2001: More Housing Choices for Oregonians

In 2019, the Oregon Legislature passed House Bill 2001, a bipartisan bill to help provide Oregonians with **more housing choices**, especially housing choices **more people can afford**.

The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type.

House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs.

The Need for More Diverse, Affordable Choices

People need a variety of housing choices. Today, too many Oregonians are paying too much for the housing they have and are limited to renting or buying detached single-unit homes. Meanwhile, the composition of Oregon households is shifting; more than a quarter of households today are a single person living alone.



Before being outlawed, non-single-unit homes have long been built in our cities; this is a Salem triplex.

At different times in their lives, we have different needs. Imagine what sort of housing a young adult might want or be able to afford, or think of the needs of a retired person.

The Bill: Traditional Housing Types Allowed in Most Neighborhoods Soon

Under the bill, by June 30, 2021, Oregon's medium-sized cities must allow Oregonians to build duplexes in areas zoned for single-family dwellings. Most cities already allowed duplexes in certain circumstances.

By June 30, 2022, cities in the Portland Metro region and Oregon's other largest dozen cities (those over 25,000 population), must allow people to build duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas.

These houses can be more affordable and meet the housing needs of many younger people, older people, and people who work hard but can't afford a large detached house of their own.

The bill also provided \$3.5 million for technical assistance to cities, and has other details. Read the bill for details: olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled

Siting and Design Flexibility; Transformation Expected to be Gradual

While the bill re-legalizes certain housing types, the bill is about choices. People can still build detached single-family homes. We expect most homes in residential areas to be built as such.

Cities can set reasonable siting and design requirements on the houses, including making sure there is adequate infrastructure. The bill directs the Department of Land Conservation and Development (DLCD) to help cities figure this out.

While the law allows traditional housing types, DLCD expects the transformation of housing choices to be gradual. Cities have allowed some of these types in certain areas. Not many have been built. Local knowledge of how to build these housing types will grow over time. The building of them will depend on local housing markets.

Learn More and Sign Up to Stay Informed

www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx

Ethan Stuckmayer, Senior Housing Planner, ethan.stuckmayer@state.or.us (503) 934-0619

Division 46 Middle Housing in Medium and Large Cities

Rules as adopted by the Land Conservation and Development Commission December 9, 2020

660-046-0000 Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0235 establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and the review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure deficiencies.

660-046-0010 Applicability

1. A local government that is a Medium City or Large City must comply with this division.
2. Notwithstanding section (1), a Medium or Large City need not comply with this division for:
 - a. Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;
 - b. Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and
 - c. Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.
3. A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.
 - a. Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.
 - A. Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.
 - i. Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;
 - ii. Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and
 - iii. If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.
 - B. Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective

measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

- i. Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and
 - ii. Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.
- b. Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.
- c. Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:
 - A. Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and
 - B. Other hazard areas identified in an adopted comprehensive plan or development code; provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:
 - i. Increasing the number of people exposed to a hazard;
 - ii. Increasing risk of damage to property, built, or natural infrastructure; and
 - iii. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
- d. Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.
- e. Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.
- f. Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.
- g. Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to

protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-family dwellings to protect estuarine resources under Goal 16.

- h. Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.
- i. Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:
 - A. Increasing the number of people exposed to a hazard;
 - B. Increasing risk of damage to property, built or natural infrastructure; and
 - C. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
- 4. For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The Land Conservation and Development Commission adopts the following Middle Housing Model Codes:
 - a. The Medium City Model Code as provided in Exhibit A; and
 - b. The Large City Model Code as provided in Exhibit B.
- 5. This division does not prohibit Medium or Large Cities from allowing:
 - a. Single-family dwellings in areas zoned to allow for single-family dwellings; or
 - b. Middle Housing in areas not required under this division.

660-046-0020 Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 et seq. apply, unless the context requires otherwise. In addition, the following definitions apply:

1. "A Local Government That Has Not Acted" means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.
2. "Cottage Cluster" means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.
3. "Department" means the Department of Land Conservation and Development.
4. "Design Standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.
5. "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.
6. "Duplex" means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.
7. "Goal Protected Lands" means lands protected or designated pursuant to any one of the following statewide planning goals:
 - a. Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;

- b. Goal 6 Air, Water and Land Resource Quality;
 - c. Goal 7 Areas Subject to Natural Hazards;
 - d. Goal 9 Economic Development;
 - e. Goal 15 Willamette River Greenway;
 - f. Goal 16 Estuarine Resources;
 - g. Goal 17 Coastal Shorelands; and
 - h. Goal 18 Beaches and Dunes.
8. "Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more or a city with a population over 1,000 within a metropolitan service district. A Large City includes unincorporated areas of counties within a metropolitan service district that are provided with sufficient urban services as defined in ORS 195.065. Sufficient urban services means areas that are within an urban service district boundary.
 9. "Lot or Parcel" means any legally created unit of land.
 10. "Master Planned Community" means a site that is any one of the following:
 - a. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;
 - b. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or
 - c. Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.
 11. "Medium City" means a city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.
 12. "Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.
 13. "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).
 14. "Quadplex" means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.
 15. "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.
 16. "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
 - a. Connection to a public sewer system capable of meeting established service levels.
 - b. Connection to a public water system capable of meeting established service levels.
 - c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 - d. Storm drainage facilities capable of meeting established service levels for storm drainage.
 17. "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.
 18. "Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.
 19. "Triplex" means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.

20. “Zoned for Residential Use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

660-046-0030 Implementation of Middle Housing Ordinances

1. Before a Medium or Large City amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the Medium or Large City must submit the proposed change to the Department for review and comment pursuant to OAR chapter 660, division 18.
2. In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a Medium or Large City must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:
 - a. Waiving or deferring system development charges;
 - b. Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and
 - c. Assessing a construction tax under ORS 320.192 and ORS 320.195.
3. When a Medium or Large City amends its comprehensive plan or land use regulations to allow Middle Housing, the Medium or Large City is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

660-046-0040 Compliance

1. A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 et seq. and the provisions of this division.
2. A Medium or Large City may request from the Department an extension of the time allowed to complete the action under subsection (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.
3. A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).
4. A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1).
5. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:
 - a. The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or
 - b. 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).
6. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large city’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an

appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).

7. If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.
8. Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empted any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

660-046-0050 Eligible Local Governments

1. If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies it as a Medium City, the local government must comply with this division within one year of its qualification as a Medium City.
2. If a local government was not previously a Large City and a certified Portland State University Population Research Center population estimate qualifies it as a Large City, the local government must comply with this division within two years of its qualification as a Large City.

660-046-0100 Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq. and Goal 10 Housing for Medium Cities.

660-046-0105 Applicability of Middle Housing in Medium Cities

1. A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.
2. OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

660-046-0110 Provisions Applicable to Duplexes in Medium Cities

1. Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Medium Cities may regulate siting and design of Duplexes, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.
3. Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.
4. Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval process provided in OAR 660-046-0115;
 - c. Siting standards provided in OAR 660-046-0120;
 - d. Design standards in Medium Cities provided in OAR 660-046-0125;
 - e. Duplex Conversions provided in OAR 660-046-0130; and
 - f. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0115 Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0120 Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

1. Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.
2. Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.
3. Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.
4. Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.
5. Parking:
 - a. A Medium City may not require more than a total of two off-street parking spaces for a Duplex.
 - b. Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.
6. Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.
7. A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

660-046-0125 Duplex Design Standards in Medium Cities

1. Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.
2. A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

660-046-0130 Duplex Conversions

Additions to or conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code.

660-046-0200 Purpose of Middle Housing in Large Cities

OAR 660-046-0205 through OAR 660-046-0235 are intended to measure compliance with ORS 197.758 et seq. and Goal 10 Housing for Large Cities.

660-046-0205 Applicability of Middle Housing in Large Cities

1. A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.

2. A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:
 - a. Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3);
 - b. Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing in Master Planned Communities as follows:
 - A. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan after January 1, 2021, it must allow the development of all Middle Housing types as provided in OAR 660-046-0205 through OAR 660-046-0235.
 - i. A Large City must plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 20 dwelling units per net acre if located within a metropolitan service district boundary, and 15 dwelling units per net acre if located outside of a metropolitan service district boundary.
 - ii. If a proposed Middle Housing development exceeds the planned public service capacity of a Master Plan, the Large City may require the applicant demonstrate, through an amended public facility plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development.
 - iii. A Large City may require a mix of two or more Middle Housing types within a Master Plan or portions of a Master Plan.
 - iv. A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five dwelling units or more or manufactured home parks.
 - B. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-family dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-family residential structures and manufactured home parks.
 - c. Impacted by State or Federal Law: A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes are necessary to implement or comply with an established state or federal law or regulation on these types of lands.
3. A Large City may:
 - a. Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or
 - b. Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):
 - A. Triplexes – Must be allowed on 80% of Lots and Parcels;
 - B. Quadplexes - Must be allowed on 70% of Lots and Parcels;
 - C. Townhouses - Must be allowed on 60% of Lots and Parcels; and
 - D. Cottage Clusters – Must be allowed on 70% of Lots and Parcels.

- E. A Middle Housing type is “allowed” on a Lot or Parcel when the following criteria are met:
 - i. The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-family dwelling in the same zone;
 - ii. The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;
 - iii. Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and
 - iv. The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).
- F. A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in subsection (3)(b)(E) above, at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all lots and parcels zoned for residential use that allow for the development of detached single-family dwellings within each census block group, with at least four eligible Lots and Parcels as described in subsection (2) of this section, within a Large City.
- G. Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:
 - i. At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR Chapter 660, Division 18;
 - ii. At any future Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and
 - iii. With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR Chapter 660, Division 18, for Large Cities that are not subject to the Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once every six years after initial adoption of acknowledged land use regulations in compliance with this division.
- 4. Pursuant to OAR 660-046-0205 through OAR 660-046-0230, the following numerical standards related to Middle Housing types apply:
 - a. Duplexes – Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.
 - b. Triplexes and Quadplexes – Large Cities may allow more than four dwelling units on a lot, including any accessory dwelling units.
 - c. Townhouses – Large Cities must require at least two attached Townhouse dwelling units and must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.
 - d. Cottage Clusters –
 - A. A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.
 - B. A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.

660-046-0210 Provisions Applicable to Middle Housing in Large Cities

1. Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Large Cities may regulate siting and design of Middle Housing, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.
3. Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval processes provided in OAR 660-046-0215;
 - c. Siting standards provided in OAR 660-046-0220;
 - d. Design standards in Large Cities provided in OAR 660-046-0225;
 - e. Middle Housing Conversions provided in OAR 660-046-0230;
 - f. Alternative siting or design standards provided in OAR 660-046-0235; and
 - g. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0215 Permitted Uses and Approval Process

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0220 Middle Housing Siting Standards in Large Cities

1. Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.
2. The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:
 - a. Minimum Lot or Parcel Size:
 - A. For Triplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - B. For Quadplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - C. A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs A. or B.

- b. Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.
 - c. Setbacks: A Large City may not require setbacks greater than those applicable to detached single-family dwellings in the same zone.
 - d. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.
 - e. Parking:
 - A. For Triplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.
 - B. For Quadplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and
 - iv. For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.
 - C. A Large City may allow on-street parking credits to satisfy off-street parking requirements.
 - D. A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.
 - E. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - F. A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.
 - f. Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.
 - g. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Triplex or Quadplex development application.
3. The following governs Large Cities' regulation of siting standards related to Townhouses:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.
 - b. Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.
 - c. Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

- d. Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.
 - e. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories.
 - f. Parking:
 - A. A Large City may not require more than one off-street parking space per Townhouse dwelling unit.
 - B. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
 - C. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - g. Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse Project greater than that of a single-family detached dwelling.
 - h. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application.
4. The following governs Large Cities' regulation of siting standards related to Cottage Clusters:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:
 - A. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.
 - B. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - b. Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-family detached dwelling in the same zone.
 - c. Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.
 - d. Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.
 - e. Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.
 - f. Parking:

- A. A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.
- B. A Large City may allow but may not require off-street parking to be provided as a garage or carport.
- C. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
- g. Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.
- h. Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.
- i. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application.

660-046-0225 Middle Housing Design Standards in Large Cities

1. A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:
 - a. Design standards in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - b. Design standards that are less restrictive than those in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - c. The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or
 - d. Alternative design standards as provided in OAR 660-046-0235.
2. A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

660-046-0230 Middle Housing Conversions

1. Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in Large Cities pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.
2. If Middle Housing is created through the addition to, or conversion of, an existing single-family detached dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.
3. A preexisting detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:
 - a. The preexisting single-family dwelling may be nonconforming with respect to the requirements of the applicable code;
 - b. The preexisting single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single-family dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
 - c. The preexisting single-family dwelling shall count as a unit in the Cottage Cluster;
 - d. The floor area of the preexisting single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits; or
 - e. A Large City may apply a time limit on the conversion of a single-family dwelling to a Cottage Cluster not to exceed five years.

660-046-0235 Alternative Siting or Design Standards

A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed under subsection (1) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) below. Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements.

1. A Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:
 - a. The total time and cost of construction, including design, labor, and materials;
 - b. The total cost of land;
 - c. The availability and acquisition of land, including areas with existing development;
 - d. The total time and cost of permitting and fees required to make land suitable for development;
 - e. The cumulative livable floor area that can be produced; and
 - f. The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.

Large Cities Middle Housing Model Code

User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that “Large Cities” (defined as cities with a population of 25,000 or more and each county or city within a metropolitan service district) must allow: (1) all middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and (2) a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Middle housing, which HB 2001 defines as duplexes, triplexes, quadplexes, cottage clusters, and townhouses, provides an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of middle housing, provided that the regulations do not, individually or cumulatively, discourage middle housing development through unreasonable costs or delay. When regulating siting and design of middle housing, Large Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon’s housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay.

Large Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Large Cities do not wish to prepare their own standards or if Large Cities do not adopt the required code amendments by June 30, 2022, they must directly apply this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Large Cities throughout the state, and is consistent with the requirements and intent of HB 2001. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

Chapter 1. Combined Standards for All Middle Housing

Sections:

- A. Purpose
- B. Definitions
- C. Applicability
- D. Relationship to Other Regulations
- E. Duplex, Triplex, and Quadplex Examples

A. Purpose

The purpose of this middle housing model code (“code”) is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for middle housing developed in areas zoned for residential use that allow for the development of detached single family dwellings.

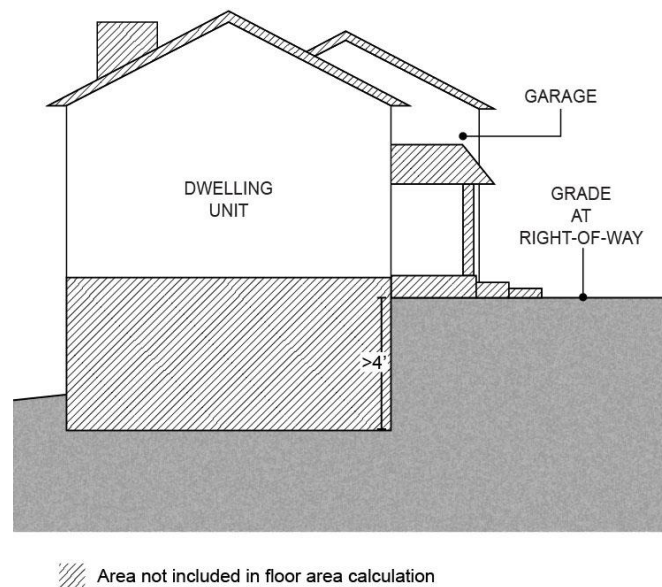
B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.
2. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
3. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
4. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
5. “Cottage cluster” means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
6. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

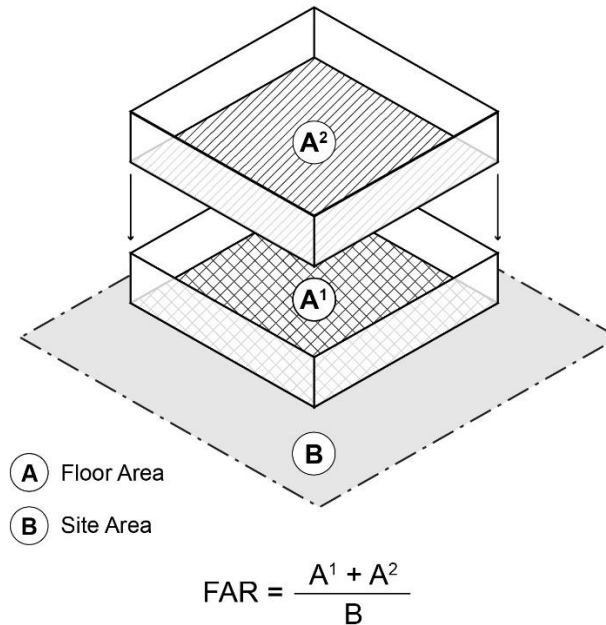
7. “Detached single family dwelling” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
8. “Door area” is the area of the portion of a door other than a garage door that moves and does not include the frame.
9. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
10. “Duplex” means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. See Figure 3 through Figure 8 in Section E for examples of possible duplex configurations.
11. “Floor area” means the total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):
 - Areas where the elevation of the floor is 4 feet or more below the adjacent right-of-way;
 - Roof area, including roof top parking;
 - Roof top mechanical equipment; and
 - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

Figure 1. Areas Excluded from Floor Area Calculation



12. “Floor area ratio (FAR)” means the amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



13. “Frontage” means the portion of a lot or parcel that abuts a street.
14. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
15. “Lot or parcel” means any legally created unit of land.
16. “Middle housing” means duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

17. “Quadplex” means four dwelling units on a lot or parcel in any configuration. See Figure 11 and Figure 12 in Section E for examples of possible quadplex configurations.
18. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.
19. “Story” means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:
 - A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point;
 - An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.
20. “Sufficient Infrastructure” means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
 - Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
21. “Townhouse” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” or “common-wall house.”
22. “Townhouse project” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.
23. “Triplex” means three dwelling units on a lot or parcel in any configuration. See Figure 9 and Figure 10 in Section E for examples of possible triplex configurations.
24. “Window area” means the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
25. “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes

lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

C. Applicability

1. Applicability of Code Sections.

- a. Code sections applicable to all middle housing types are: Chapter 1, Sections A (Purpose), B (Definitions), C (Applicability), and D (Relationship to Other Regulations).
- b. Code standards applicable to specific housing types are listed below:
 - Duplexes: Chapter 2.
 - Triplexes: Chapter 3.
 - Quadplexes: Chapter 3.
 - Townhouses: Chapter 4.
 - Cottage clusters: Chapter 5.

2. Applicability by Development Type and Location.

- a. Except as specified in subsection (b) of this section (C)(2), the standards in this code allow for the following development on lots or parcels zoned for residential use that allow for the development of detached single family dwellings:
 - New duplexes and those created through conversion of existing detached single family dwellings.
 - New triplexes, quadplexes, cottage clusters, and townhouses, and those created through conversion of existing detached single family dwellings or duplexes, on lots or parcels with Sufficient Infrastructure.
- b. Exceptions. The standards in this code do not allow the following, unless otherwise permitted by the development code through clear and objective standards, criteria, and procedures:
 - On Goal Protected Lands, the creation of triplexes, quadplexes, cottage clusters, or townhouses, or the creation of more than two dwelling units on a single lot or parcel, including accessory dwelling units.
 - On lands that are not zoned for residential use, the creation of middle housing.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other local jurisdictional standards applicable to a middle housing development, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions to public works standards granted to single family dwellings shall also be granted to duplexes.

3. Protective Measures. Middle housing shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

E. Duplex, Triplex, and Quadplex Examples

The following figures illustrate examples of possible configurations for duplexes, triplexes, and quadplexes. Other configurations may also be acceptable, provided the development meets the definition of duplex, triplex, or quadplex, pursuant to Section B.

Figure 3. Stacked Duplex

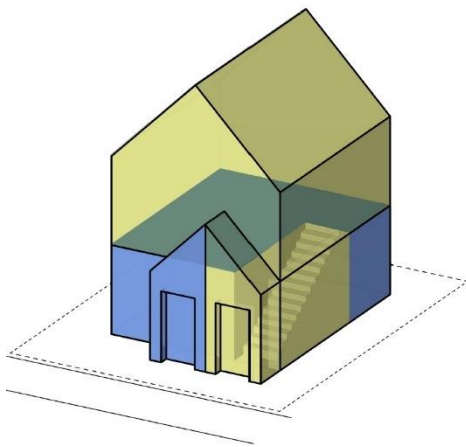


Figure 4. Side-by-Side Duplex

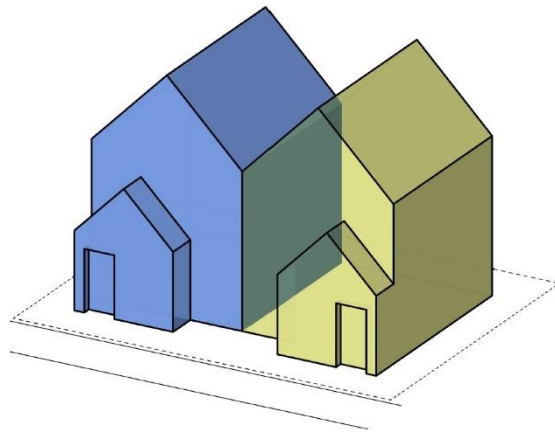


Figure 5. Duplex Attached by Breezeway



Figure 6. Duplex Attached by Garage Wall

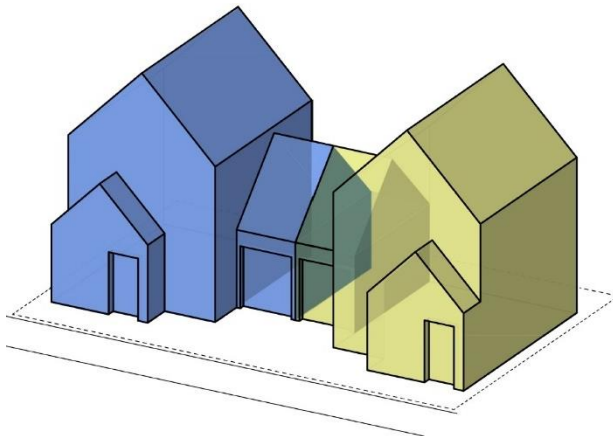


Figure 7. Detached Duplex Units Side-by-Side



Figure 8. Detached Duplex Units Front and Back

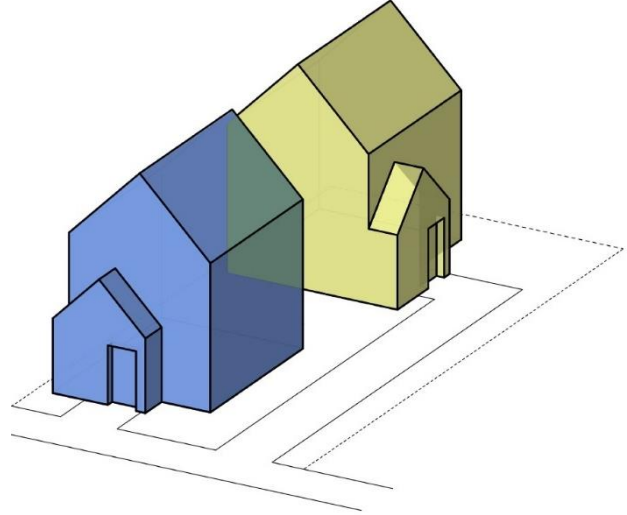


Figure 9. Attached Triplex Front and Back

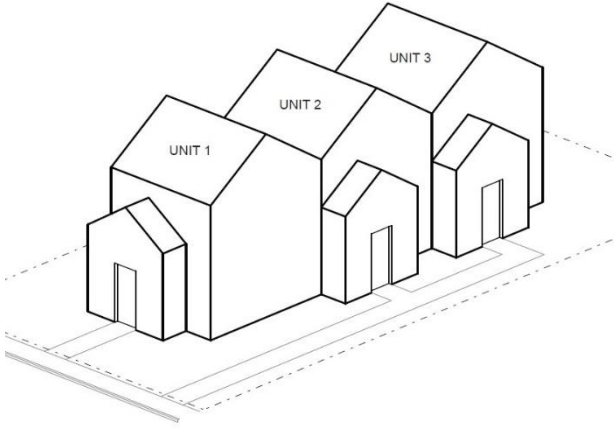


Figure 10. Attached Triplex Side-by-Side

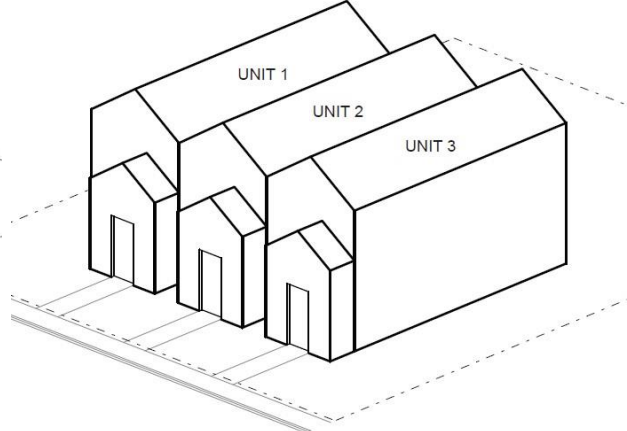


Figure 11. Stacked Quadplex

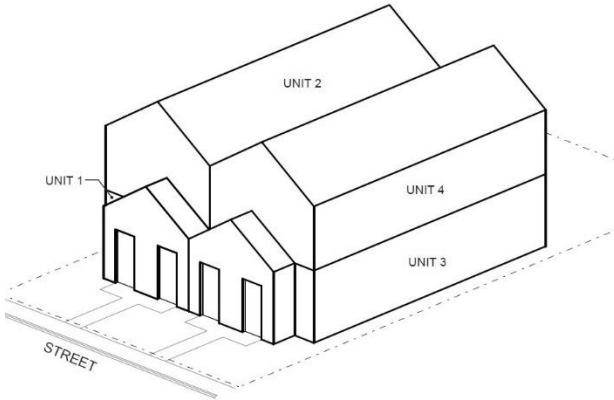
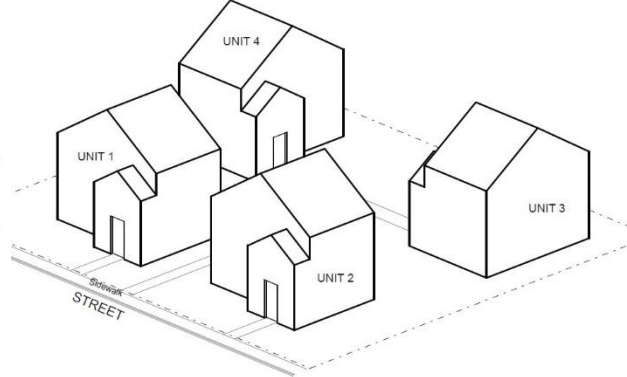


Figure 12. Detached Quadplex



Chapter 2. Duplexes

Sections:

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards
- D. Duplex Conversions

A. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.

B. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

C. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

D. Duplex Conversions

Conversion of an existing detached single family structure to a duplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards.

Chapter 3. Triplexes and Quadplexes

Sections:

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards
- D. Triplex and Quadplex Conversions

A. Permitted Uses and Approval Process

1. Permitted Use. Triplexes and quadplexes are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Triplexes and quadplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a triplex or quadplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a triplex or quadplex development application.

B. Development Standards

1. Applicability.
 - a. Triplexes and quadplexes shall meet:
 - The standards in subsections (2) through (7) of this section (B).
 - All other clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, lot size and dimensions, minimum and maximum setbacks, and building height), unless those standards conflict with this code and except as specified in subsections (1)(b) and (2) through (7) of this section (B).
 - b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:

- Maximum lot coverage, minimum landscape area, or minimum open space standards.
 - The jurisdiction's development standards other than those in subsections (2) through (7) of this section (B) that apply only to triplexes, quadplexes, or multifamily development.
2. **Number of Units.** This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.
 3. **Maximum Density.** The jurisdiction's pre-existing density maximums do not apply.
 4. **Setbacks.** Minimum front and street side setbacks greater than 10 feet and minimum rear setbacks greater than 10 feet are invalid, except for those minimum setbacks applicable to garages and carports.
 5. **Building Height.** A maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
 6. **Maximum Floor Area Ratio (FAR).** The maximum floor area ratio for all buildings onsite, cumulatively, is based on the minimum lot size for a detached single family dwelling in the same zone, as provided below:

Minimum Lot Size for Detached Single Family Dwellings	Maximum FAR
3,000 sf or less	1.4 to 1
More than 3,000 sf, up to and including 5,000 sf	1.1 to 1
More than 5,000 sf, up to and including 10,000 sf	0.7 to 1
More than 10,000 sf but less than 20,000 sf	0.6 to 1
20,000 sf or more	0.4 to 1

7. **Off-Street Parking.**
 - a. **Required Off-Street Parking.** The minimum number of required off-street parking spaces is:
 - i. In zones with a minimum lot size of less than 5,000 square feet, one (1) off-street parking space per development.
 - ii. In zones with a minimum lot size of 5,000 square feet or more, two (2) off-street parking spaces per development.

A credit for on-street parking shall be granted for some or all the required off-street parking as provided in subsection (b). No additional parking spaces shall be required for conversion of a detached single family dwelling to a triplex or quadplex, including those created through the addition of detached units.
 - b. **On-Street Credit.** If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

- i. The space must be abutting the subject site;
- ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
- iii. The space must be a minimum of 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

C. Design Standards

1. Applicability.

- a. New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet:
 - The design standards in subsections (2) through (5) of this section (C); and
 - All other clear and objective design standards that apply to detached single family dwellings in the same zone, unless those standards conflict with this code and except as specified in subsection (1)(b) of this section (C).
- b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:
 - Mandates for construction of a garage or carport.
 - The jurisdiction's design standards other than those in subsections (2) through (5) of this section (C) that apply only to triplexes, quadplexes, or multifamily development.

2. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

- a. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and
- b. The entrance must either:
 - i. Face the street (see Figure 13);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 14);
 - iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 15); or
 - iv. Open onto a porch (see Figure 16). The porch must:
 - (A) Be at least 25 square feet in area; and
 - (B) Have at least one entrance facing the street or have a roof.

Figure 13. Main Entrance Facing the Street

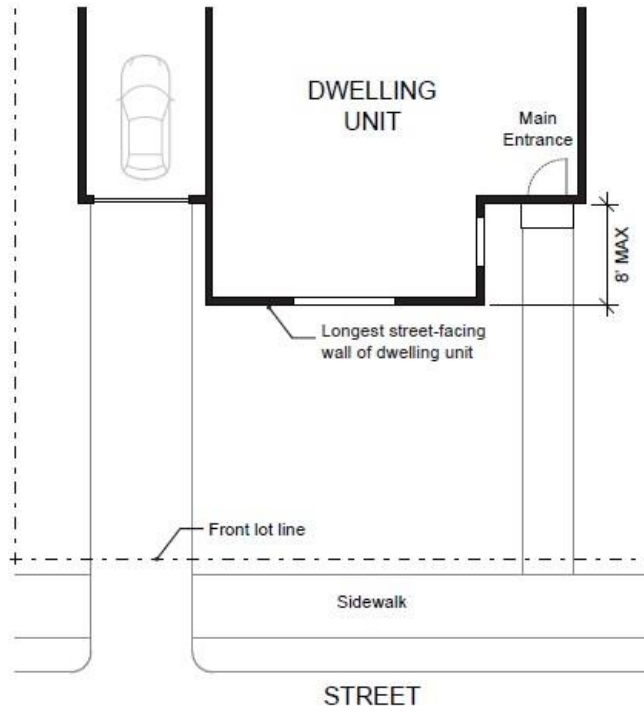


Figure 14. Main Entrance at 45° Angle from the Street

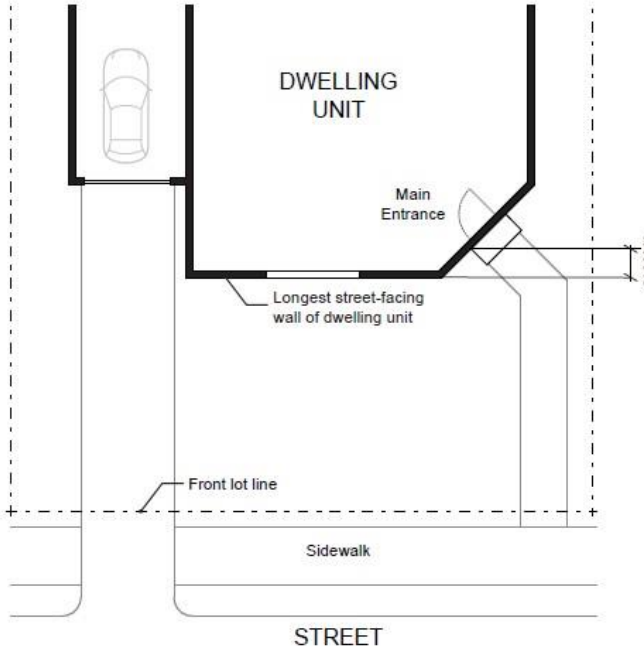


Figure 15. Main Entrance Facing Common Open Space

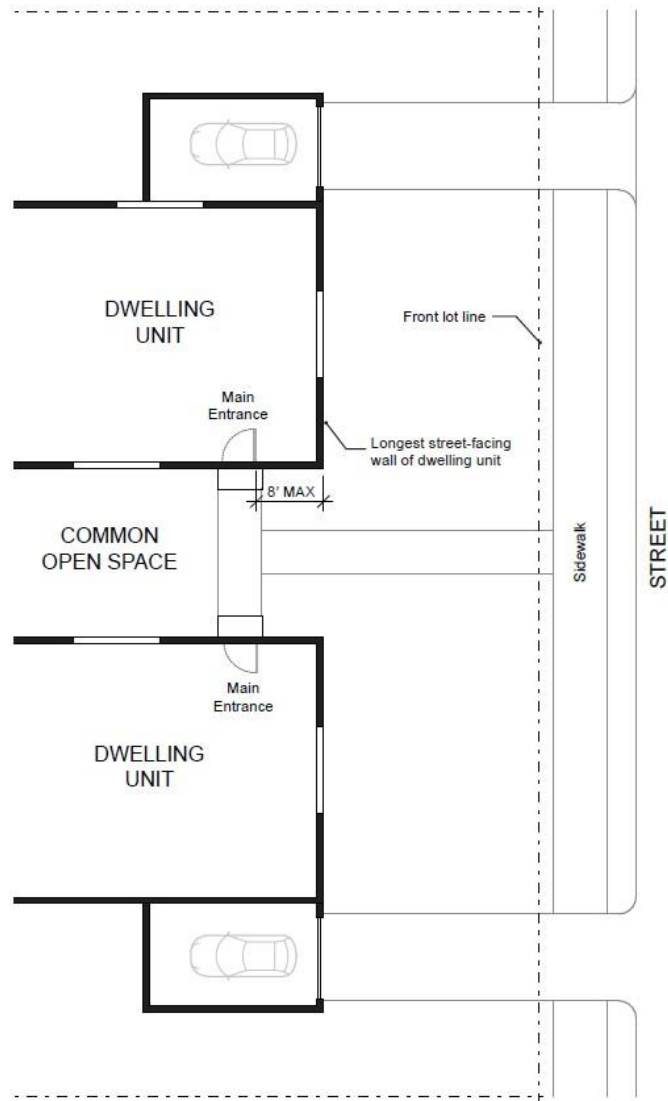
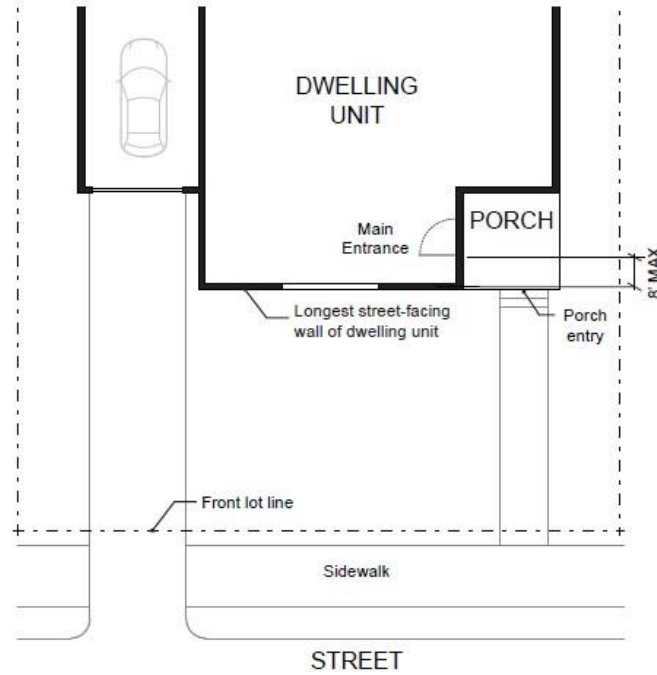


Figure 16. Main Entrance Opening onto a Porch



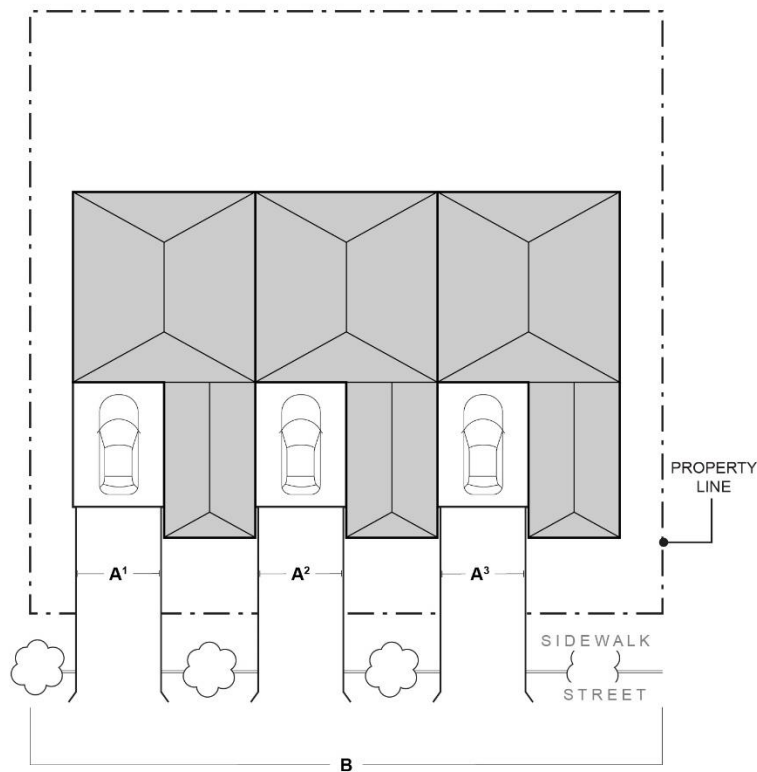
3. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 17.

Figure 17. Window Coverage



4. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) of this subsection (C)(4).
- The garage or off-street parking area is separated from the street property line by a dwelling; or
 - The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 18).

Figure 18. Width of Garages and Parking Areas



(A) Garage and on-site parking and maneuvering areas

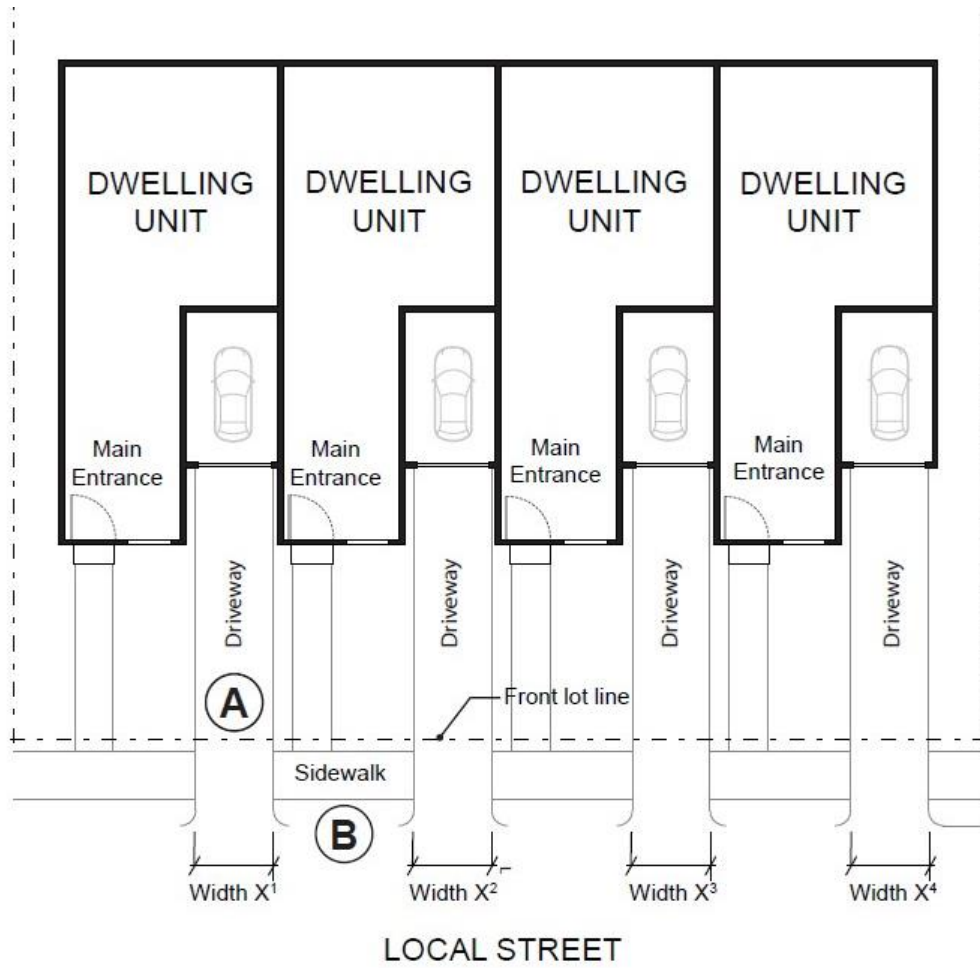
(B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

5. Driveway Approach. Driveway approaches must comply with the following:
- The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 19). For lots or parcels with more than one frontage, see subsection (5)(c) of this subsection (C).

- b. Driveway approaches may be separated when located on a local street (see Figure 19). If approaches are separated, they must meet the jurisdiction's driveway spacing standards applicable to local streets.
- c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley (defined as an alley that meets the jurisdiction's standards for width and pavement), access must be taken from the alley (see Figure 20).
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the jurisdiction's access standards applicable to collectors and/or arterials.
 - iii. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
 - Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - One maximum 16-foot-wide driveway approach per frontage (see Figure 21).

Figure 19. Driveway Approach Width and Separation on Local Street



- A** $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,
- B** Driveway approaches may be separated when located on a local street

Figure 20. Alley Access

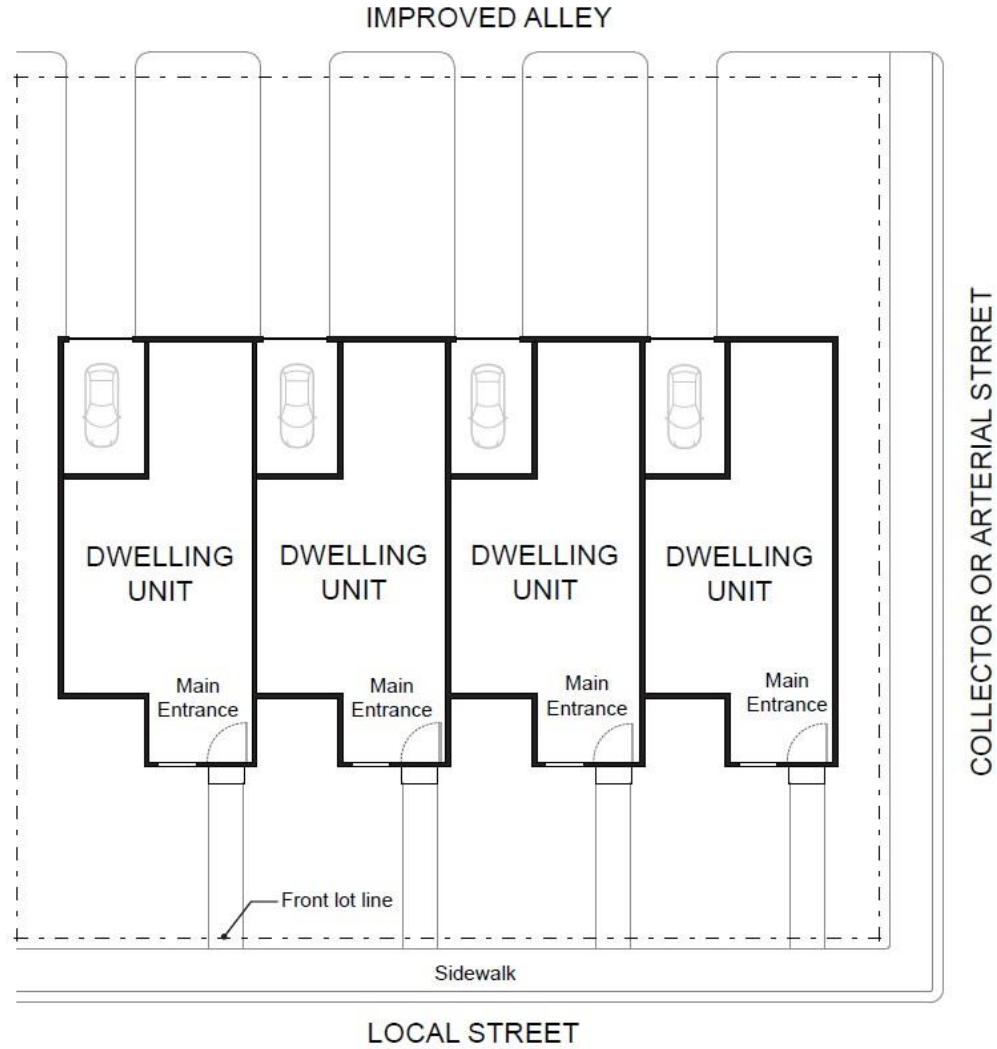
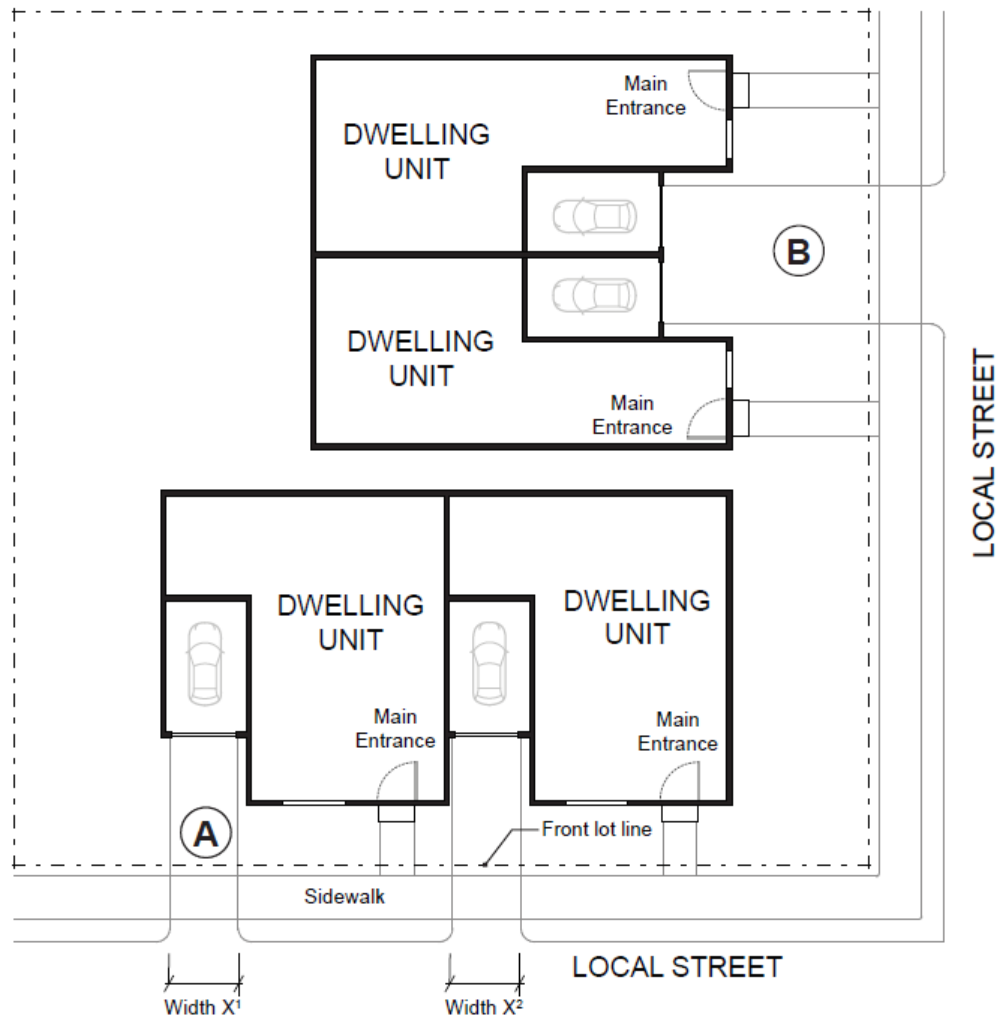


Figure 21. Driveway Approach Options for Multiple Local Street Frontages



Options for site with more than one frontage on local streets:

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X1 + X2$); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

D. Conversions to Triplex and Quadplex

Internal conversion of an existing detached single family structure or duplex to a triplex or quadplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.

Chapter 4. Townhouses

Sections

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards

A. Permitted Uses and Approval Process

1. Permitted Use. Townhouses are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Townhouse structures are subject to the same approval process as that for detached single family dwellings in the same zone. Townhouse projects are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a townhouse project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. New Lots or Parcels. Creation of new lots or parcels as part of a townhouse project is subject to the applicable land division approval process.
4. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a townhouse development application.

B. Development Standards

1. Applicability.
 - a. Townhouses shall meet the standards in subsections (3), (4), and (5) of this section (B).
 - b. Townhouse projects shall meet:
 - The standards in subsections (2), (5), and (6) of this section (B).
 - Any applicable clear and objective platting standards, unless those standards conflict with this code.
 - c. The following standards are invalid and do not apply to townhouses or townhouse projects allowed by this code, except as specified in this section (B):
 - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (6) of this section (B).
 - Development standards of the applicable base zone related to lot dimensions, lot coverage, landscape or open space area, or the siting or design of dwellings.
 - The jurisdiction's other development standards that apply only to townhouses and that conflict with provisions of this code.

2. Maximum Density. The maximum density for a townhouse project is as follows:
 - In zones in which the minimum lot size for detached single family dwellings is 2,500 square feet or less, townhouse projects are allowed two (2) times the allowed density for detached single family dwellings.
 - In zones in which the minimum lot size for detached single family dwellings is more than 2,500 square feet but less than 5,000 square feet, townhouse projects are allowed three (3) times the allowed density for detached single family dwellings.
 - In zones in which the minimum lot size for detached single family dwellings is 5,000 square feet or more, townhouse projects are allowed four (4) times the allowed density for detached single family dwellings.
3. Setbacks. Townhouses shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except as noted below:
 - **Front and Street Side:** Minimum front and street side yard setbacks greater than 10 feet are invalid, except those applicable to garages or carports.
 - **Rear:** Minimum rear setbacks greater than 10 feet and minimum rear setbacks greater than zero (0) feet for lots with rear alley access are invalid.
 - **Non-street Side:**
 - The minimum setback for a common wall lot line where units are attached is zero (0) feet.
 - The minimum side setback for an exterior wall at the end of a townhouse structure is five (5) feet.
4. Building Height. Townhouses shall meet the maximum building height standards that apply to detached single family dwellings in the same zone, except a maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
5. Off-Street Parking.
 - a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a townhouse project is one (1) space per unit. Spaces may be provided on individual lots or in a shared parking area on a common tract. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
 - b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
 - i. The space must be abutting the subject site;
 - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;

- iii. The space must be a minimum of 22 feet long; and
 - iv. The space must not obstruct a required sight distance area.
6. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit.

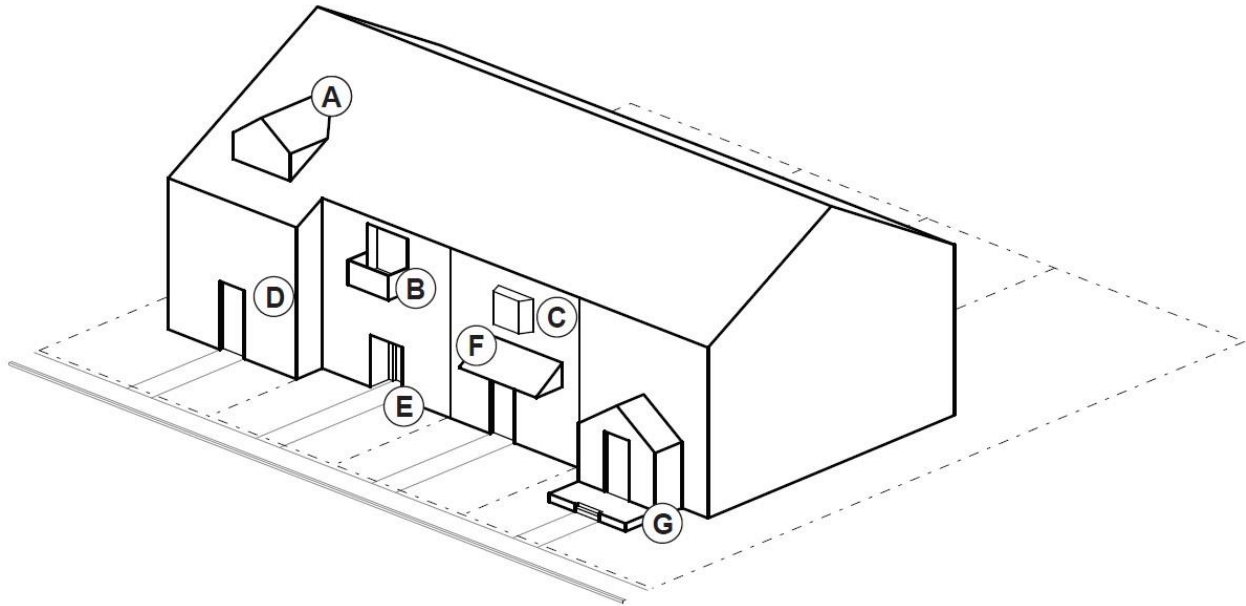
C. Design Standards

New townhouses shall meet the design standards in subsections (1) through (4) of this section (C). Mandates for construction of a garage or carport and any other design standards are invalid.

1. Entry Orientation. The main entrance of each townhouse must:
 - a. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - b. Either:
 - i. Face the street (see Figure 13);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 14);
 - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or
 - iv. Open onto a porch (see Figure 16). The porch must:
 - (A) Be at least 25 square feet in area; and
 - (B) Have at least one entrance facing the street or have a roof.
2. Unit definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 22):
 - a. A roof dormer a minimum of 4 feet in width, or
 - b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
 - c. A bay window that extends from the facade a minimum of 2 feet, or
 - d. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
 - e. An entryway that is recessed a minimum of 3 feet, or
 - f. A covered entryway with a minimum depth of 4 feet, or
 - g. A porch meeting the standards of subsection (1)(b)(iv) of this section (C).

Balconies and bay windows may encroach into a required setback area.

Figure 22. Townhouse Unit Definition

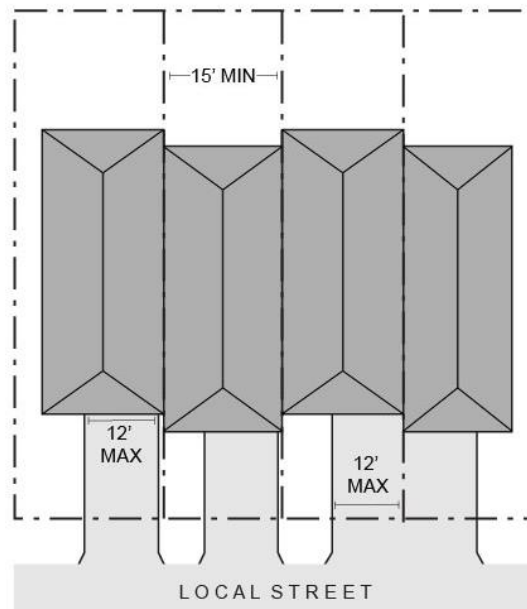


- (A)** Roof dormer, minimum of 4 feet wide
- (B)** Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C)** Bay window extending minimum of 2 feet from facade
- (D)** Facade offset, minimum of 2 feet deep
- (E)** Recessed entryway, minimum 3 feet deep
- (F)** Covered entryway, minimum of 4 feet deep
- (G)** Porch, meets standards of subsection (1)(b)(iv) of section (C)

3. **Windows.** A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 17.
4. **Driveway Access and Parking.** Townhouses with frontage on a public street shall meet the following standards:
 - a. Garages on the front facade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 23).

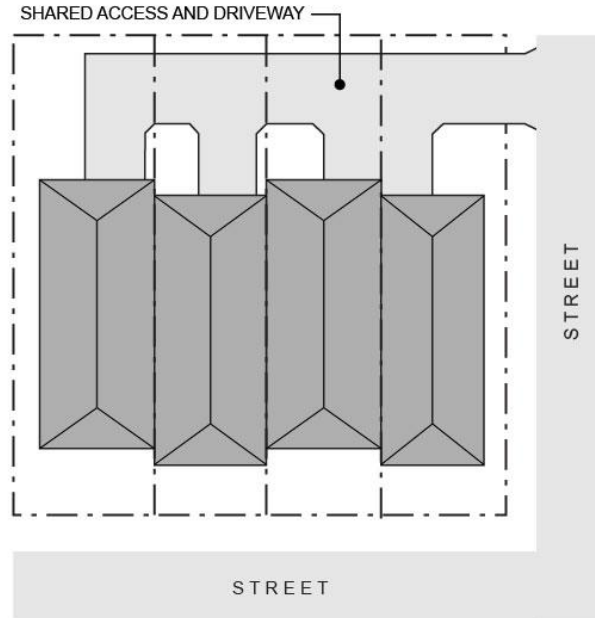
- i. Each townhouse lot has a street frontage of at least 15 feet on a local street.
- ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
- iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
- iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

Figure 23. Townhouses with Parking in Front Yard



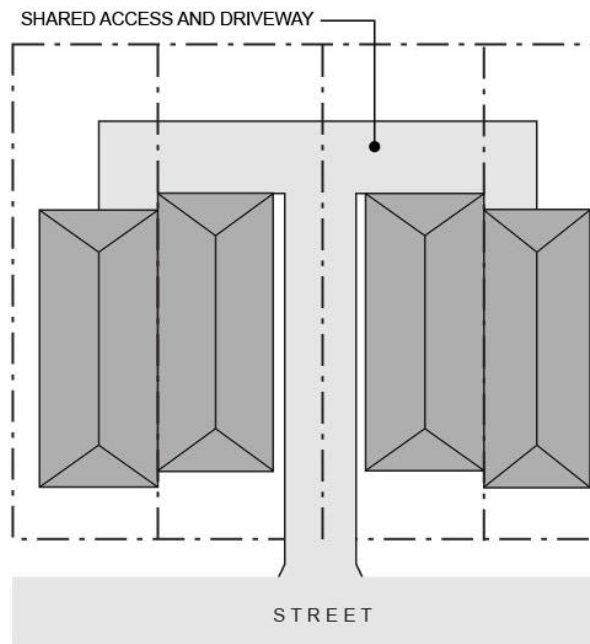
- b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).
 - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
 - ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 24.

Figure 24. Townhouses on Corner Lot with Shared Access



- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 25.

Figure 25. Townhouses with Consolidated Access



- iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.
- c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).

Chapter 5. Cottage Clusters

Sections:

- A. Permitted Uses and Approval Process**
- B. Development Standards**
- C. Design Standards**

A. Permitted Uses and Approval Process

1. Permitted Use. Cottage cluster projects are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Cottage cluster projects are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a cottage cluster development application.

B. Development Standards

1. Applicability.
 - a. Cottage clusters shall meet the standards in subsections (2) through (7) of this section (B).
 - b. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this section (B):
 - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (7) of this section (B).
 - Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.
 - The jurisdiction's other development standards that apply only to cottage clusters and that conflict with provisions of this code.

2. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone.
3. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.
4. Setbacks and Building Separation.
 - a. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except that minimum setbacks for dwellings in excess of the following are invalid:
 - Front setbacks: 10 feet
 - Side setbacks: 5 feet
 - Rear setbacks: 10 feet
 - b. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
5. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
6. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.
7. Off-Street Parking.
 - a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
 - b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
 - i. The space must be abutting the subject site;
 - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
 - iii. The space must be a minimum of 22 feet long; and
 - iv. The space must not obstruct a required sight distance area.

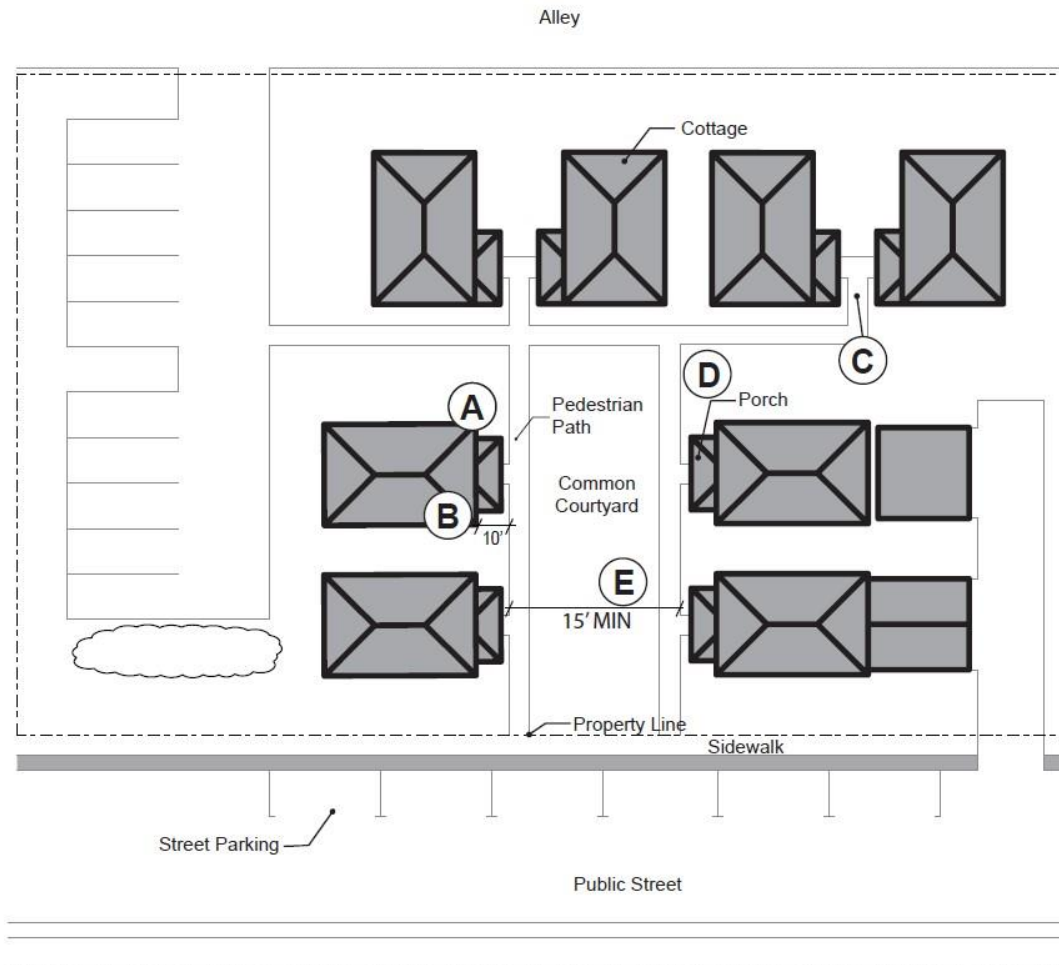
C. Design Standards

Cottage clusters shall meet the design standards in subsections (1) through (8) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section (C).

1. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):
 - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their entrances facing the street.
 - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):
 - a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 26. Cottage Cluster Orientation and Common Courtyard Standards

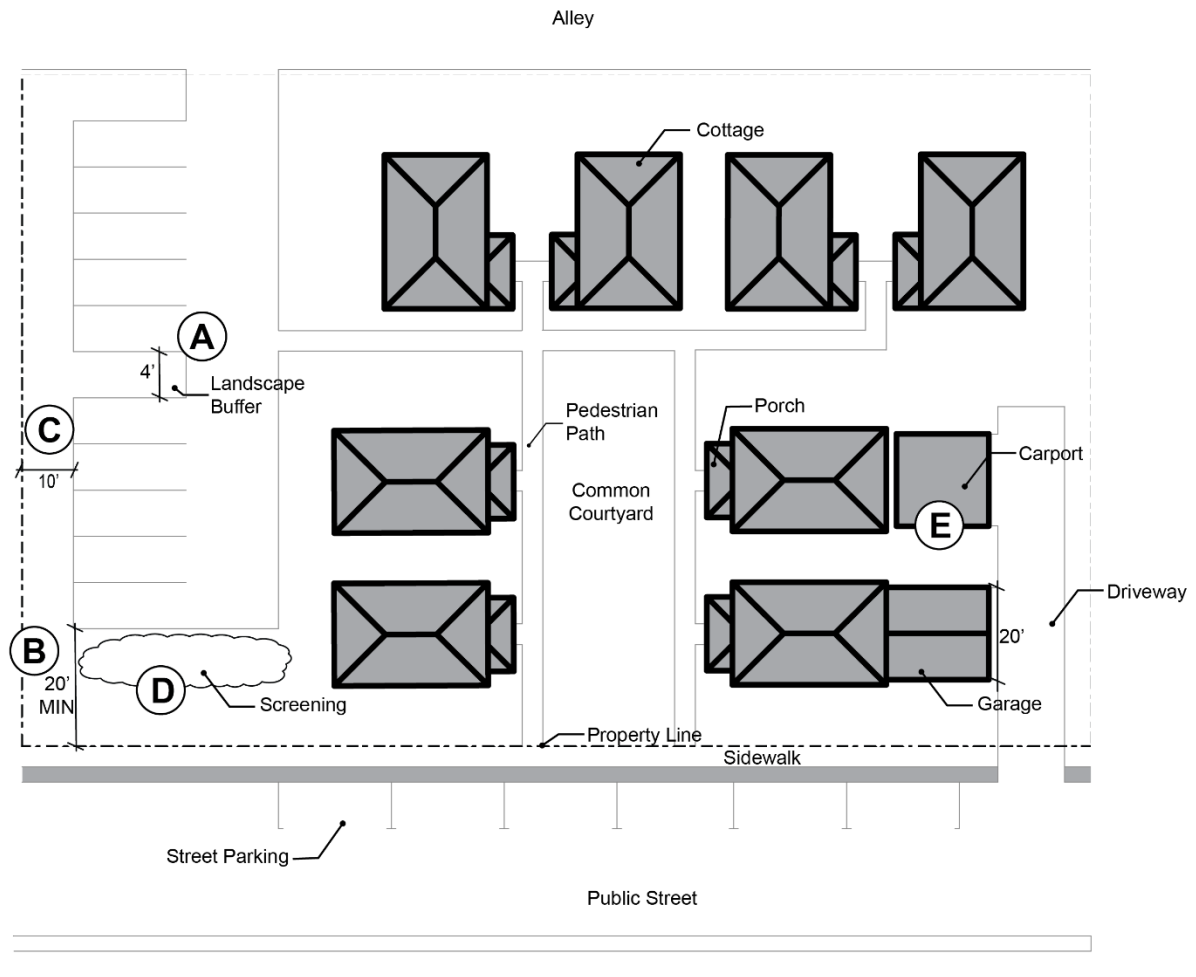


- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).
 - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
4. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
 - b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.
6. Parking Design (see Figure 27).
 - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
 - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
 - iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - iv. Clustered parking areas may be covered.
 - b. Parking location and access.
 - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
 - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
 - c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - d. Garages and carports.
 - i. Garages and carports (whether shared or individual) must not abut common courtyards.
 - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - iii. Individual detached garages must not exceed 400 square feet in floor area.
 - iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
 7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
 8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. The existing dwelling may be expanded up to the maximum height in subsection (B)(4) or the maximum building footprint in Chapter 1, subsection (B)(1); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
 - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
 - d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Figure 27. Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.



[Housing Choices Code Update \(House Bill 2001\)](#)

Frequently Asked Questions

1. What is House Bill 2001? Why are you calling it the “Housing Choices Code Update” project?

[House Bill 2001](#) (HB 2001) is a law passed by the Oregon Legislature in 2019 to increase housing choice and supply. The law requires large cities, including Oregon City, to amend their land use regulations to allow more housing types like duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas where single-family homes are allowed, by June 30, 2022. These housing types are often called “middle housing” because they are between a single-family house and an apartment building in terms on number of units.

2. What parts of Oregon City will be affected by HB 2001?

All residentially zoned areas within the city limits that currently allow single-family homes will be affected. In Oregon City, this includes the following zones: Low density Residential, (R6, R8, R10) Medium Density Residential (R3,5, R5) and Historic Commercial. Land that is not zoned for single family residential use, including but not limited to Multi-family, commercial, industrial, and public land are not affected. In addition, land that is outside of the city limits (not annexed) is also not affected by HB 2001 (but will be, once inside the city limits).

3. What is a “zone” and how do I find out the zoning of a specific property?

Land within Oregon City is divided into different areas called “zones.” These are intended to provide areas suitable for certain types of development or uses (examples include commercial, residential or industrial). Each zone provides a set of regulations governing the uses and development of a property within that zone, and includes such regulations as maximum building height or minimum building setbacks. To find out the zoning of a specific property in Oregon City, use the City’s searchable [zoning map](#). To learn more about what uses are allowed in a specific zone, you can check out [Oregon City’s land use code](#) or visit our [project website](#). While all middle housing types are currently allowed in Oregon City, not all middle housing types are allowed in all residential areas.

4. Can I still build a single-family home?

Yes. House Bill 2001 does not prohibit single-family homes or make it more difficult to build single-family homes where they are currently allowed, rather it allows middle housing types to be built in the same residential areas where single family homes are allowed.

5. Some properties have CC&Rs (Covenants, Conditions, and Restrictions) or other agreements between private parties that do not allow for the construction of multiple units or certain types of units. Does HB 2001 override CC&Rs? How do I know if a property has CC&Rs?

While HB 2001 does prohibit the creation of new CC&Rs that conflict with HB 2001, it does not affect existing CC&Rs. To find out if a specific property has CC&Rs, contact the Homeowner’s

Association (if applicable) or a title company or conduct a search through Clackamas County Deeds & Records. If you own property, the title report produced when you purchased your property should disclose any CC&Rs. If you are buying property, realtors are required to disclose existing CC&Rs before you purchase the property. The City of Oregon City does not enforce CC&Rs or other such private agreements.

6. *If House Bill 2001 rules are written for the entire state, how do we make sure the implementation meet Oregon City's specific needs?*

The Oregon Land Conservation and Development Commission adopted [new rules](#) that include three ways or choices for cities to comply with House Bill 2001: a model code, minimum compliance standards, and a performance metric approach. The model code is a set of ready-made land use regulations that cities can directly apply; the minimum standards are, at minimum, actions that cities must take to comply with the house bill; and the performance metric requires that middle housing be allowed on a certain percentage of lots around the city and within census tracts. The new rules were adopted on December 9, 2020 and contain some prescriptive requirements (such as parking standards) as well as areas where cities have flexibility in implementation (such as minimum lot size in some districts). Staff are still reviewing the new rules but are anticipating using the minimum standards rather than the model code because it will allow more flexibility that is tailored to Oregon City, though the city may choose to adopt a portion of the model code if the approach to a specific topic make sense for the community. If cities do not adopt land use regulations that comply with HB 2001 by the June 2022 deadline, then the model code will directly apply.

7. *When will the public know what kind of code concepts the city is considering?*

As noted above, the state adopted final rules on December 9, 2020 and staff is currently reviewing it to determine what these mean for Oregon City. Staff will begin exploring possible code concepts informed by the public involvement work of Fall 2021. The code concepts will be options for different ways we can comply with the bill within the sideboards created by HB 2001 and the implementing [OAR 660-046-0000](#).

8. *Didn't Oregon City just adopted Missing Middle Code?*

Oregon City's recent [equitable housing code amendments](#), adopted by the City Commissions in 2018-2019, have already implemented many of the requirements of House Bill 2001. However, additional updates will be needed for full compliance, such as allowing more missing middle types in the [Low Density Residential District](#) (R6, R8, R10). The project was initiated by the City prior to the Statewide housing bill HB2001, and primarily affected the medium and high-density residential zone districts, mixed use and commercial zone districts, although corner-lot duplexes are now permitted within low-density zones as a result of this project. The goal of this project is to identify barriers to "missing middle" housing in the zoning code and reduce those barriers in order to incentivize a greater variety of housing types. The results have been incorporated into the current zoning code, which includes clarified standards and streamlined processes for permitting small and large scale [multi-family development](#), [single-family attached](#), [duplexes](#), [triplexes and four-plexes](#), manufactured homes and [home parks](#), [cluster housing](#), [internal conversions](#), and [accessory dwelling units](#).

9. Who are the decision makers in this process?

Because this project will result in changes to Oregon City's land use regulations (which requires a legislative process), the Oregon City City Commission will be the decision-maker. Staff will provide a recommendation on the changes to the Oregon City Planning Commission, based on public engagement and consultant input to bring forward to a formal adoption process. The formal adoption process for any new or changed land use regulations includes a mailed postcard and public hearings before the Planning Commission, who will make a recommendation to City Commission. Then, City Commission will hold a public hearing and make the final local decision. The public hearing process is anticipated to begin in February 2022.

10. What outreach efforts are happening?

There are community involvement and engagement opportunities happening in the fall and winter of 2021 which include, but not limited to: Boards and Commissions listening sessions, drop in open house, student outreach, city-wide digital survey, water bill mailing, outreach to the previous [equitable housing project advisory committee](#) and current [OC2040](#) PAT among others.

11. The website talks about equity. What does social and racial equity have to do with housing policy?

This project has an intentional focus on equity and inclusion in outreach and decision making. Planning projects affect the entire community; however, traditional engagement efforts face challenges in reaching certain parts of the community. This structure has created disproportionate representation in the planning process and has resulted in exclusion of some people and groups who are directly impacted by plans and policies.

As summarized by Oregon Land Conservation and Development (LCDC) Commissioner Anyeley Hallova during a [rulemaking meeting](#) on the House Bill, "before racial segregation through zoning, some neighborhoods had more diverse housing types with mixed incomes that are part of our beloved neighborhood fabric. As intentional as racially segregating housing policy was, we need to be as equally intentional about providing equitable housing outcomes for all."

Across the country, [we have a difficult history of exclusion to grapple with](#), and our intent with this project is to acknowledge that history, and move forward with a focus on inclusion for all, including renters, low income people, people with disabilities, young people, seniors, and Black, Indigenous, and People of Color.

12. What if I have concerns with the requirements of House Bill 2001?

As noted above, the House Bill was passed in 2019 by the Oregon Legislature and is now Oregon law. Changes to the language of HB 2001 can only be made by the Oregon Legislature. The City of Oregon City must comply with HB 2001 and the newly adopted rules by June 30, 2022, or the state model code will apply directly. However, we recognize that people will have questions and concerns about implementation. As staff, we want to hear what you think – please reach out. We can help explain what things the City has control and choice over during implementation, and what things are predetermined by the house bill and new rules.

13. Will new middle housing be affordable?

There is a difference between true "Affordable Housing" and "naturally occurring affordable housing." Affordable Housing is housing that is directly subsidized by an organization or the government. This housing usually has waitlists and serves people with specific income ranges

and housing needs. Naturally occurring affordable housing is market-rate housing that is usually older, smaller, or both. Newly constructed middle housing is anticipated to be sold or rented at market rate, and it will have a wide range of prices. New housing, however, tends to have a higher price tag than older housing, simply because it's new. A new house that is very similar to a house 30 years old is likely to command a higher price, because of that lack of wear and tear. The newer house will have a higher up-front cost but will have lower maintenance costs. Middle housing can be 'affordable by design.' Middle housing tends to be relatively small, which leads to lower operating and long-term maintenance costs. A 1,500 square foot house is likely to cost its occupants much less than a 2,500 square foot house. There's less square footage to heat, a smaller roof to maintain, less exterior space to paint. The cost of housing includes maintenance costs, not just the upfront price.

As part of implementation of House Bill 2001, the City will be required to consider ways to increase the affordability of middle housing. We know that housing affordability is an issue of importance for our community, as has been reiterated during the public engagement for this project. We will be looking for ways to address affordability to the degree possible in this project, as well as connecting the policy decisions made for HB 2001 to other city policies affecting affordability.

14. *Doesn't new market-rate housing cause gentrification, so prices in the neighborhood increase?*

Some people worry that new market-rate apartment buildings in gentrifying neighborhoods raise nearby rents and accelerate gentrification. The concern is that new buildings could change nearby amenities or neighborhood reputation, increasing demand for the neighborhood enough to offset the effect of increasing supply. [Research](#) by economists at the Upjohn Institute have shown that new market-rate apartment buildings in low-income areas do not accelerate gentrification. Instead, they slow rent increases in nearby apartments. This implies that new developments serve mainly to absorb existing demand for an area rather than to generate new demand. In turn, this reduces pressures on nearby rents because many high-income households move to the new building rather than outbidding lower-income households for nearby apartments. New developments are associated with gentrification, but they follow it rather than precede it. Stay tuned for more information on economic impacts of HB 2001 implementation.

15. *Who can I contact if I want to know more?*

You can contact the City's project manager Christina Robertson-Gardiner crobertson@orcity.org 503-496-1564. You can also visit [our webpage](#) to sign up for the project mailing list.

DATE: June 29, 2021
TO: Christina Robertson-Gardiner, AICP
CC: Dayna Webb, PE, Oregon City
FROM: Wes Wegner, PE, Wallis Engineering
RE: Water, Sanitary Sewer, and Stormwater System Implications of HB2001

PROJECT PURPOSE AND INTRODUCTION

The purpose of this memorandum is to determine the impact of increased housing density within certain residential zones on the water supply and distribution system, the sanitary sewer collection system, and the stormwater system. Wastewater treatment is provided by the Tri-City Sewer District and potable water supply is provided by the South Fork Water Board; both of which are not assessed in this memorandum.

EXECUTIVE SUMMARY

House Bill 2001 (HB2001) addresses the shortage of Division 46 Middle Housing in Medium and Large Cities. As a large city, Oregon City is required to meet the new standards set forth in the 2019 law. The additional middle housing units include duplexes, triplexes, townhouses, and cottage clusters – these types of units allow for multiple dwellings on a single Lot or Parcel. These housing types already exist within City limits, but frequently have not been allowed in many neighborhoods. The code amendments set forth to meet the requirements of HB2001 mandate that middle housing be allowed in both existing and proposed developments in low- and medium-density residential zones.

HB2001 requires Oregon City to provide “sufficient infrastructure” to meet demand increases related to allowing middle housing in residential zones. This memorandum provides an assessment of the water, sanitary sewer, and stormwater infrastructure implications of the code amendments contained in HB2001. HB2001 guidance projects a planning level infill growth of 3% and greenfield growth of 3%. The analysis in this memorandum is based on that growth rate. The City does not meet the threshold to request an Infrastructure-Based Time Extension by June 30, 2021 using the growth rate dictated in HB2001 to analyze the adequacy of infrastructure.

This memorandum identifies specific infrastructure components in the water supply and distribution, sanitary sewer collection, and stormwater conveyance systems that will likely be impacted by density increases driven by HB2001. A summary of the infrastructure impacts is described below:

- HB 2001 is not anticipated to impact water distribution pipe sizing, as fire flow capacity is not expected to change. However, the estimated 3% demand increase across low- and medium-density residential zones will create additional storage needs, particularly in the Upper Zone. The City has also identified an existing transmission deficiency between the Henrici Reservoir and the Mountainview pump station that may need to be expedited based on potential HB 2001 demand increases.
- System wide, HB 2001 is not expected to significantly impact the sanitary sewer system because the majority of peak flow is due to infiltration and inflow. However, existing components with

limited capacity, including the Parish Road Pump Station and the Settler's Point Pump Station, should be monitored. If growth is significantly greater than the assumptions in the previous master plans, additional capacity and improvements may be needed sooner than expected.

- Additional greenfield development is not expected to impact the City's stormwater system, because development will likely be greater than the threshold for onsite stormwater management requirements. Infill growth may result in increased stormwater flow if impervious surfaces are less than the onsite stormwater management threshold, and these will need to be assessed on an individual basis. However, infill represents significantly less potential development than greenfield throughout the UGB and is not anticipated to substantially increase stormwater runoff collected by the City's stormwater conveyance system.

Timelines and design criteria for Capital Improvement Projects should be reconsidered as the actual, and not assumed, impacts of HB 2001 are understood with greater reliability. No immediate deviation from current master planning recommendations is warranted as the growth rates assumed in the respective Master Plans are still assumed to be reasonably valid. It is also relevant to note that the Master Planning growth assumptions over the planning period account for significantly more growth within the Urban Growth Boundary than the HB 2001 changes will represent in the near term.

The projected 3% growth increase used to analyze the infrastructure components for this memorandum is not based on historical data, as would normally be the case for master planning level efforts. Growth rates are assumed for this analysis and there remains a high level of uncertainty regarding the actual growth impacts. Basing the need for capital improvements and expenditure on unreliable or unconfirmed data would potentially raise additional concerns and questions regarding the validity of the infrastructure master plans. Therefore, it is recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum are significantly flawed. The collected long-term data should be analyzed at a recommended minimum frequency of once per year. If the analyzed growth metrics resulting from HB 2001 show a significant variance from the master planning assumptions, a re-evaluation of master planning documents should be considered but not until such time that confirmed growth data can be evaluated.

As HB 2001 will allow a large spectrum of dwelling unit options within future developments, the City should also pursue procedures, as part of the HB code amendment process, to evaluate a minimum amount of missing middle housing dwelling units in any infrastructure analysis completed during the land use review process. Larger missing -middle development proposals should be analyzed for project-specific compliance.

PLANNING ASSUMPTIONS

For the purposes of the memorandum, low- and medium-density residential zones will refer to R-10, R-8, R-6, R-5, and R-3.5 zones as described in the most recent update of the City's Zoning Ordinance. Growth in these zones is anticipated to occur at a 3% density increase for infill growth and a 3% density increase for greenfield development based on a growth estimates set forth by HB 2001 guidance. Greenfield development assumptions include the three designated concept areas: Park Place, Thimble Creek, and South End.

The specific requirements of HB 2001 dictate that the City must provide "sufficient infrastructure" for this additional development. "Sufficient infrastructure" is defined as:

- Connection to a public sewer system capable of meeting established service levels.

- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

This memo analyzes the City-owned water system, sanitary sewer collection system, and stormwater system to determine if they represent “sufficient infrastructure” to meet the requirements of HB 2001.

WATER DISTRIBUTION SYSTEM

Analysis of the water storage and distribution system is based on the *2012 Water Distribution System Master Plan (WDSMP)* prepared by West Yost Associates and the *2020 Amendment* prepared by MurraySmith.

The storage requirements set forth in these planning documents are as follows (*WDSMP Table 4-1*):

- Equalization – 25% of the maximum daily demand (MDD) for the given storage or pressure zone
- Emergency – 100% of the MDD for the given storage or pressure zone
- Fire flow – based on the specific use within the given storage or pressure zone
- A combination of these three components dictates the total storage required in each storage or pressure zone

Fire Flow

Capacity of the water system to accommodate future growth within the City is in large part controlled by its ability to provide adequate fire volumetric storage and fire flow to all developable areas. The fire flow requirements identified in the 2012 WDSMP for residential units are as follows: single family residential units require a sustained fire flow of 1,500 gallons per minute for two hours, while multi-family residential units require a sustained fire flow of 1,500 gallons per minute for three hours. All water service zones within the City provide, at a minimum, capacity to achieve fire flow for multi-family units. As such, the changes proposed as part of HB 2001 do not affect the required fire flow to any water zones defined in the WDSMP.

Fire flow requirements are also the dictating criteria for pipe sizing in the water distribution network, because the maximum daily demand associated with residential use is considerably less than the required fire flow capacity. Furthermore, the maximum daily demand increase associated with HB 2001 and summarized below is an even smaller proportion of the total flow capacity required for adequate fire flow. Thus, impacts to pipe sizing as evaluated in the WDSMP for future growth are not anticipated to be impacted by the additional development contemplated by HB 2001.

Maximum Daily Demand

The remaining storage requirements are dictated by the maximum daily demand within a storage or pressure zone. These values will be affected by a density increase within existing and proposed residential areas. There are currently approximately 8,850 existing residential meters within the existing low- and medium-density residential zones. An infill growth of 3% would lead to an additional 266 meters. Assuming each meter represents an equivalent dwelling unit (EDU), the infill growth results in an additional 266 EDUs.

Greenfield development will mainly occur along the outskirts of the City but within the UGB. However, there are unconstrained vacant lands throughout the City's established low- and medium density

residential zones that could potentially see development. In total, 2,396 of a total of 3,990 acres zoned for low- and medium-density residential housing have been developed as of 2008, as per the 2012 WDSMP (WDSMP Table 3-11, Table 3-14). If the remaining 1,594 acres are developed, an additional 5,508 EDUs would be created based on the normalized unit demand factor of 1050 gallons per acre per day established in the 2012 WDSMP (Table 3-12) and the 287 gallons per day per EDU established in the 2020 Amendment (Demand Summary p. 6). A 3% density increase in this greenfield development category would lead to 175 EDUs of estimated greenfield growth beyond the current WDSMP's assumptions.

In addition to infill growth and greenfield development within the UGB, growth will also occur in the three designated concept areas: Park Place, South End, and Thimble Creek. The concept areas have established estimates for total low- and medium-density development. These totals, based on the concept area planning documents, are as follows: 1,041 EDUs for Park Place, 2,299 EDUs for South End, and 1,023 EDUs for Thimble Creek. A 3% density increase across these three concept areas will result in 131 additional EDUs.

The density increases for infill development, greenfield development within the UGB, and concept area development is estimated to result in an additional 572 EDUs. This will result in a MDD increase of 0.38 million gallons per day (mgd). To meet storage requirements, 125% (equalization and emergency storage) of the MDD must be provided through either storage or pump capacity. The additional storage required to meet HB 2001-related density increases throughout the UGB is 0.48 million gallons (MG).

Impacts to Water Distribution System

As discussed above, there are not expected to be any impacts to the water distribution piping system, as pipe sizing is primarily dictated by fire flow requirements. However, there may be impacts to the water storage and transmission infrastructure.

The City is currently assessing options to address storage deficiencies in the Upper pressure zone. The 2020 WDSMP Amendment projects a 2040 storage deficiency of 6.5 million gallons across the Henrici and Boynton reservoirs (2020 WDSMP Amendment, Table 6). A new 250-gallon-per-minute pump station and 1.75-million-gallon reservoir near the Fairway Downs area (2020 WDSMP Amendment, Table 17) are intended to relieve some of this storage deficiency and serve future development in the Fairway Downs and Thimble Creek areas. The Upper pressure zone contains a large proportion of low- to medium-density residential zoning and thus might make up a disproportionate amount of the added demand from increased density. Therefore, storage projections may need to be re-evaluated to account for additional growth to HB 2001. If the proportion of growth within the Upper zone remains the same as existing, the density increase will result in an additional MDD of 0.29 mgd. This would result in an additional 0.36 MG of storage required. As the City experiences growth throughout the Upper zone, the design capacity of the new pump station and reservoir will need to be re-examined and confirmed prior to implementing the recommended improvements.

During peak summer demand, the City also experiences challenges keeping the Henrici reservoir filled and the Boynton standpipe from overflowing. Attempts to maintain reservoir levels by increasing flow from the Mountainview pump station have caused high pressure complaints from the customer base near the pump station. Construction of the Mountainview to Henrici transmission line currently in the Capital Plan (2020 WDSMP Amendment, Appendix F) will provide supply resiliency and will allow the City to utilize existing assets more effectively while addressing pressure issues experienced by customers. The first phase of this new transmission line is under construction as part of the Molalla Avenue project. However, the desired resiliency will not be experienced until the additional phases of the project are completed. The timeline for implementation of the remaining sections and completion of the full transmission line should continue to be prioritized to provide relief from summer season demand issues.

The need for this capital improvement will increase in importance if HB 2001 results in additional growth and density as projected.

SANITARY SEWER COLLECTION SYSTEM

Analysis of the sanitary sewer collection system is based on the *2014 Sanitary Sewer Master Plan* (SSMP) prepared by Brown and Caldwell. The SSMP relies on a hydraulic model developed by Brown and Caldwell, which was used to model the sanitary sewer system during a 10-year, 24-hour storm event.

Peak Flow Analysis

Without augmentation of the hydraulic model, it is not possible to make an analytical assessment of the impact of the HB 2001-related density increases. For two reasons, it is not currently recommended that the City re-model the system. As mentioned previously, the 3% growth projection is an assumed growth estimate and is not based on collected data. The additional expenditure to remodel the system based on assumed growth data does not seem warranted. Secondly, an order-of-magnitude estimate can be made using available data, and the result shows very little impact to the collection system. The order-of-magnitude estimate can be made by assuming the same increase in EDUs as established in the water distribution system analysis described above. The SSMP established residential base flow rate of 80 gallons per capita per day and assumed 2.5 residents per EDU (SSMP, Table 3-2). With an additional 572 EDUs, the base flow will increase 0.1 million gallons per day (mgd) beyond the SSMP projections. The SSMP measured a base flow rate of 4.99 million gallons per day (mgd) within the existing system (SSMP, Table D-1). This measurement is now outdated, and current and future base flow rates are assumed to be higher. The increase in density due to HB 2001 only represents an increase in the existing, 2008-measured base flow rate of 2%. This will represent an even smaller component of future base flow rates, which are not summarized in the SSMP.

However, sewer collection systems are designed to convey peak wet weather flow rates, which are significantly greater than base flows due to the impact of infiltration and inflow. The SSMP modeled the sewer collection system under peak wet weather conditions during a 10-year, 24-hour storm. The peak flow rates are projected to be 37.6 million gallons per day (mgd) (SSMP, Appendix E-1). The additional EDUs are not expected to add any additional infiltration and inflow. The increase in peak flow rates is therefore expected to be equal to the additional base flow, plus a peaking factor to account for diurnal flow variations. Assuming a peaking factor of 1.5 (typical value for similar cities), the additional EDUs will increase the peak flow by an estimated maximum of 0.15 million gallons per day (mgd). This is an increase of approximately 0.4%.

Pump Station Capacity

The SSMP identifies two pump stations that have existing or future capacity concerns: the Parrish Road PS and the Settler's Point PS (SSMP Appendix B). The Parrish Road PS has sufficient capacity for current flows but is anticipated to receive significant future flow from the South End Concept Area. The South End Concept Area has a higher chance to be impacted by HB 2001 than similar proposed developments due to the quantity of projected greenfield development into medium- to low-density housing. Density increases beyond the concept plan proposal and throughout the basin should be monitored by City to determine the need and timing for capacity upgrades to the pump station.

The Settler's Point PS experiences high peaking factors that warrant additional scrutiny. Suspected high levels of I/I inflow from the contributing basin cause flow rates to reach the existing pump station capacity, and projected future flows will further exceed the capacity. A planned I/I project to address these peaking factors has been included in the SSMP. Until the I/I issues are addressed, any density

increases that contribute flow to the basin should be monitored by the City and included in the annual report of middle housing projects. Additional development in the basin could push the pump station beyond its wet weather capacity. A capacity increase for the pump station may be warranted if I/I abatement projects are unable to keep up with the additional demand should significant development occur.

Impacts to Sanitary Sewer System

System wide, the increase in density due to HB 2001 is not expected to have a significant adverse impact on the sanitary sewer collection system. Base flows are not expected to increase substantially, and peak flows are impacted primarily by infiltration and inflow. The small increases in base flow and peak flow are not likely to change any conclusions of the *SSMP* regarding sewer and pump station sizing. However, on a neighborhood basis, it is possible that certain sewers will need to be upsized if growth occurs faster than assumed in the *SSMP*, and the pump stations discussed above should be monitored closely. It is recommended to revisit planning level assumptions as part of the next sanitary sewer master plan update.

It is also possible that density increases reduce the total I/I levels in the system. Home laterals are a common source of I/I, especially as they age. The infill and greenfield development associated with HB 2001 may create opportunities to repair or replace home service laterals that would not otherwise be addressed during I/I reduction projects. While this impact may amount to a negligible reduction, the new service laterals will, at the very least, not contribute additional I/I.

STORMWATER SYSTEM

All new development and redevelopment that results in 5,000 square feet of new or replaced impervious surface is required to meet the City's *2015 Stormwater Grading and Design Standards* (Standards). This threshold will apply to all greenfield development and infill development with significant impervious surface creation. Developments above the threshold will trigger the following design criteria (*Oregon City Stormwater Grading and Design Standards Chapter 4*):

- **Flow Control Requirements:** the post-development flows must match predevelopment peak flows between 42% of the 2-year peak flow rate up to the 10-year peak flow rate. For the purposes of this requirement, the predevelopment condition refers to the historical vegetation which existed at the site prior to urban settlement.
- **General Conveyance Requirement:** development within a lot or parcel shall not cause flooding of adjacent or downstream properties. Developments for which this standard applies must implement surface infiltration facilities for collected runoff according to the LID requirement.
- **LID Requirement:** The goal is to prioritize the use of surface infiltration facilities to the maximum extent practicable to mimic the natural stormwater runoff conditions of the pre-developed site and recharge the groundwater. This should be done with surface infiltration to the maximum extent practicable, or onsite retention and infiltration where surface infiltration options are insufficient.

Stormwater and grading design standards are applied to each development as part of the City's development process and the responsibility for compliance falls on the developer including constructing the infrastructure necessary to meet the Standards. It is important to note that greenfield development affected by HB 2001 will likely surpass impervious surface thresholds and will therefore require the developer to mitigate runoff impacts. Additionally, because much of the greenfield area in the City is no longer forested and likely already contributes flow to the City's stormwater system, the flow control

requirement applied to new developments will result in a net decrease in runoff entering the City's stormwater infrastructure up to the design storm.

Developments with small increases to impervious surfaces (less than 5,000 square feet), including infill driven by the code changes allowed by HB 2001, are only required to provide erosion prevention and sediment control (*Oregon City Stormwater Grading and Design Standards Chapter 1*). Any infill development will likely contribute flow to the City's stormwater infrastructure. However, as mentioned in the water distribution system analysis, infill represents significantly less potential development than greenfield throughout the UGB and is not anticipated to substantially increase stormwater runoff collected by the City's stormwater conveyance system. Thus, density increases allowed by the code changes will not adversely impact the City's stormwater system as they will be assessed individually based on development proposals.

CONCLUSIONS

The assumptions used to analyze the existing water, sewer, and stormwater systems are based on the long-term planning documents developed over the last decade(s) by the City and various consultant engineering firms. These documents provide a roadmap for growth, development, and capital improvement projects that relies on sound engineering judgment, historical trends, hydraulic modeling, and growth assumptions. While the documents provide an adequate illustration of a hypothetical future for Oregon City, the realities of growth and development are challenging to predict. As a point of fact, the 3% infill development and 3% greenfield development used to estimate the HB 2001-related density increases are conservative estimates chosen to provide an adequate margin for growth under the new code changes. The projections included in this memo may prove to be conservative and the actual impacts of higher-density development could vary significantly from those assessed. The greenfield development that will occur in the various concept areas and throughout the UGB represent a much more significant impact to the City's existing infrastructure than missing middle housing development can realistically generate. However, this memo should serve as an opportunity to revisit the assumptions and trends that drove development of the WDSMP/Amendment and SSMP. To reiterate, unlike master plans, the growth estimates in the memorandum are not based on any historical trends. It is recommended that the City of Oregon City monitor the impacts of missing middle housing development on a yearly basis in order to determine if any master planning assumptions warrant re-evaluation. As development and growth occurs, or fails to occur, over the next few years, the City should revisit the schedule and scope of capital improvement projects to meet demand in areas with known or predicted insufficiencies. The most critical areas are:

- **Water:** Capacities of the new 250-gallon-per-minute pump station and 1.75-million-gallon reservoir near the Fairway Downs area should be re-examined to meet additional demand allowed by the code amendments. Additionally, transmission waterline improvements in the Upper Zone should be prioritized and the timeline for the various phases of the project may need be re-examined to provide supply resiliency in the Upper Zone as demand increases.
- **Sewer:** Continuation of I/I reduction programs, particularly in the South Zone. Capacity concerns at the Parrish Road pump station and Settler's Point pump station may warrant capacity increases. Re-assess timeline of capital improvement projects for sewer upsizing as demand increases within the various basins.

These conclusions are also applicable to water and sanitary sewer system implications of the code amendments as proposed in support of the Equitable Housing project that were assessed in the 2018 memo prepared by Wallis Engineering, titled "Water and Sanitary Sewer System Implications of

Proposed Code Amendments for Equitable Housing”. The code amendments included in this project encourage increased housing densities and lead to a projected 160 additional EDUs. The increased densities encouraged by this project will additionally augment the need to re-evaluate and reprioritize capital improvement projects based on development growth.

If the City maintains its commitment to the improvement schedules described in the *WDSMP/Amendment* and *SSMP* while responding dynamically to the challenges described in this memo, the City will be able to provide “sufficient infrastructure” to meet demand increases related to increased housing density.

P:\15\1524A HRB 2001 Utilities Analysis\400 Design\408 Reports\408.1 Wallis\HB2001_Water Sewer Utility Impact Memo.docx



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: 08/10/2021

SUBJECT:

Oregon City Sidewalk Repair Assistance Program

STAFF RECOMMENDATION:

This is a Work Session topic to provide the City Commission with information on policy issues pertaining to the sidewalk damage resulting from street tree roots and to further facilitate staff guidance on the City Commission's preferences about how the City could subsidize repair needs and assist property owners with the related repair costs.

EXECUTIVE SUMMARY:

The Oregon City Municipal Code, like most agencies, identifies the abutting property owner as the responsible party for abutting sidewalk repairs and maintenance of frontage street trees. Though trees provide benefits such as stormwater retention, wildlife habitat, and reduced energy consumption, street trees often cause damage to abutting sidewalks. Street trees have caused significant damage in neighborhoods across the city, although it was the Wasco Acres, Trailview, and Tracey Heights subdivisions enforcement letter that stirred the latest discussion. At the May 25, 2021, City Commission meeting, the City Commission asked staff to address the neighborhood concerns with background and recommendations moving forward. This report is accompanied by a DRAFT Sidewalk Repair Assistance Program and will be considered for policy guidance.

BACKGROUND:

The Oregon City Municipal Code, like most agencies, identifies the abutting property owner as the responsible party for sidewalk repairs and maintenance of abutting street trees. Though trees provide benefits, they can cause damage to abutting sidewalks. Street trees have caused significant damage along many sidewalks, and thus the City Commission asked staff to bring back a strategy for dealing with the damaged sidewalks and associated street tree problem. The City Commission specifically requested that staff return with a sidewalk assistance program for further consideration.

Understanding that street trees are the “root” of the problem, this staff report focused on the sidewalk repair element, recognizing that allocation of limited public funding on sidewalk repairs should be done in conjunction with adjustments incorporating the latest street tree best management practices. However, this discussion is mostly focused on the Oregon City Sidewalk Repair Assistance Program.

Some property owners have been proactive in addressing the trip hazard concerns, others have not. Staff has proposed that the City Commission consider a range of interests and concerns. It is important for the community and the City Commission to recognize that the liability associated with all forms of sidewalk repair are significant.

In consideration of establishing a new program, there are several policy issues associated with the Oregon City Sidewalk Assistance Program.

The following is attached to assist the City Commission:

- A DRAFT Oregon City Sidewalk Repair Assistance Program, which includes a compilation of the best practices that other agencies have developed. Staff has included those thought to be appropriate for Oregon City.
- The May 25, 2021, issue paper titled Existing Sidewalk Enforcement and Trip Hazard Problems and Solutions.
- Ordinance No 08-1007 establishing a Transportation Utility Fee.

At the August 10 City Commission meeting, staff will provide the City Commission with a presentation including the issue background, definition of the long-term and citywide liability, share information received on typical repair costs, and cover a variety of Policy issues needing clarification. Policy clarifications to be discussed include:

1. Clarification on when the program would apply.
2. Clarification on whether the policy would apply to work performed prior to program establishment.
3. Eligible costs and program limitations.
4. Annual program budget, individual applicant grant limit, amount or percent of City contribution. and program funding source(s)

OPTIONS:

1. Direct staff to provide the City Commission with a specific recommendation for a Sidewalk Assistance Program that largely aligns with the existing design standards and the concept of an annual assistance budget and an individual property owner sidewalk replacement grant program.
2. Continue the matter to a future work session to discuss existing street standards and a completely different sidewalk assistance model.
3. Maintain the status quo as it pertains to sidewalk/street code and do not take further action.

Oregon City Sidewalk Repair Assistance Program

OVERVIEW

The goal of the Oregon City Sidewalk Repair Assistance Program is to address sidewalk panels that have been lifted by street trees, to prevent the associated sidewalk trip hazards in a timely manner, and to assist property owners with the related repair costs.

Emphasis on Pedestrian Travel

The City's Transportation System Plan (TSP) provides a long-term guide for City Transportation investments. With the growing need to address vehicle congestion, the City has been imposing standards and requirements that placed sidewalks and pedestrian ways on all new development since the 1970's. In 2013, the TSP provided solutions for dealing with congestion by taking a multimodal network approach to enable more cost-effective solutions to increase transportation capacity and encourage multiple travel options. Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. Safe and accessible pedestrian ways is a major part of the City's overall transportation vision. Supporting property owner needs in maintaining the existing infrastructure is a critical element to maintain safe pedestrian access.

Program Summarizing Facts

- Program Annual Budget: _____
- Annual Program Maximum Grant Award: _____

BACKGROUND

Industry Practice and Responsibility for Sidewalks

According to the U.S. Department of Transportation, Federal Highway Administration (FHWA), city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Most Oregon charters assign complete responsibility for sidewalk maintenance to the owner of the adjacent property.

Pursuant to the Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns sidewalk responsibility to abutting property owners. This assistance program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of repairing or replacing damaged sidewalks.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk code. In the past, enforcement of trip hazards in Oregon City has been a complaint-driven process rather than an assistance program. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others. In review of our sidewalk damage tracking records (July 2018 through May 2021), 190 records exist. Of the 190 records, 132 are recorded as having completed their repairs.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address. In other cases, an areawide problem is reported. Regardless of the complaint, the sidewalk problem is validated, and the fronting property owner is notified of the City's code and requirements for repair.

Trees and Tree Impacts on Sidewalks

Oregon City recognizes that the maintenance and repair of sidewalks within the city is necessary to protect the health, safety, and welfare of residents and visitors. This program is being developed in recognition of the inherent conflict between tree roots and sidewalks, and the accompanying financial burden these public policies place upon homeowners.

ELIGIBILITY

1. Applications will only be accepted for ~~single-family homes, duplexes, or townhouses in Residential or Multiple Use zones.~~ properties with fronting sidewalks where the street tree(s) either has or is beginning to show signs of impacting the sidewalk grade.
2. Applications will only be accepted for sidewalks along public streets.
3. Applicants may only apply for one grant (may include multiple sidewalk repairs) for one property in a calendar year.
4. First-time applicants will be given priority over previous applicants.
5. Applications must be received and approved by the City before the sidewalk work begins. Retroactive applications will not be accepted.
6. ~~Program is only available for use with residential properties.~~

Work must be completed within 90 days of application approval. If this deadline is not able to be met, applicant may apply for a one-time 30-day extension. Applicant must contact the City at least 14 days prior to the work deadline if an extension is necessary.

PROCEDURES

Use of Funds

1. Grant funds must be used for the repair or replacement of existing sidewalks **that have been damaged by the roots of street trees.**
2. Applicants are responsible for obtaining and complying with the conditions of the City's Sidewalk/ROW permit for jobs that require sidewalk replacement.
3. To access grant funds, homeowners must obtain three competitive bids for jobs that require a permit.
4. Competitive bids must come from contractors with a contractor's license in good standing and the successful low bidder must obtain or have a current Oregon City or Metro business license.
5. The maximum grant reimbursement will be ____% of the lowest bid or ____% of the actual invoiced amount, whichever is less, regardless of who the homeowner chooses for the work, subject to a cap of \$_____ per application.
6. For jobs where no permits are required, such as grinding or patching, the maximum grant reimbursement will be ____% of the invoiced cost, subject to a cap of \$_____.
7. All grant awards and reimbursements will be made on a first-come, first-served basis, subject to the availability of funds in the approved City budget. Once the budgeted amount has been expended, no further applications will be approved.

Note: The lack of sufficient funds to cover the number of applications received by the City in any given year will not excuse the homeowner from the responsibility of maintaining the adjoining sidewalk in a safe condition nor create any liability to the City for any unsafe sidewalks.

STANDARDS

Priorities

The following priority levels are used for scheduling of repairs for street tree-lifted sidewalk panel repair assistance:

1. Locations where a pedestrian has tripped due to the tree-lifted sidewalk panel and documented the trip with an injury report are top priority for action.
2. Tree-lifted sidewalk defects that are considered sidewalk trip hazards and are located within a high-volume pedestrian area are second priority.
 - a. Locations within 300 feet of a Transit Corridor
 - b. Locations designated in the TSP as a pedestrian priority corridor including Walking Solution Routes, Family Friendly Routes, and Shared Use Paths
 - c. Locations designated through land use planning as a pedestrian generator including the following: Downtown Economic Improvement District, Regional Center, and the Enterprise Zone areas.

3. Tree-lifted sidewalk panels where the original frontage improvement was built with planter strips less than 4 feet wide are third priority.
4. Tree-lifted sidewalk defects that are considered sidewalk trip hazards and are not located within a high-volume pedestrian area will be prioritized based on the severity of the trip hazard.

FUNDING ASSISTANCE

Exclusions

Items not reimbursable under the City of Oregon City Sidewalk Repair Assistance Program include the following:

1. Reimbursable funds may only be used for the repair or replacement of existing sidewalks that have been damaged by the roots of street trees. **Tree removal and replacement assistance may be available through a separate program administered under the Oregon City Street Tree Assistance Program.**
2. Work performed without competitive quotes and without prior City authorization as described under Procedures.
3. Work not completed in compliance with the City's standard requirements for construction.
4. Extended root removal onto private property.
5. Adjacent concrete repair or grinding beyond the original sidewalk width.
6. Adjacent concrete panels beyond the tree-lifted panels.
7. Landscape restoration, repairs, or extra cosmetics (shrubs, rocks).
8. Broken, damaged, or new sprinkler or irrigation systems.
9. Any other unusual items will be addressed on an individual basis.

Procedures

Step 1 Before proceeding, the property owner/applicant reviews the Oregon City Sidewalk Assistance Repair Program webpage and completes the program understanding worksheet.

Step 2 Before the work begins, property-owner submits application form along with competitive bids.

Submit Application Online (will need to attach bids electronically)

OR

Print Application Packet, application may be emailed to _____

Step 3 City confirms reimbursement eligibility and approves application.

Upon verification that the sidewalk has been damaged by the roots of protected trees, the Sidewalk Repair Reimbursement Application may be approved, subject to available funds. The homeowner will be notified that the work is eligible to receive funds and that their work permit is ready for applicant signature.

Step 4 Work begins.

Completed right-of-way permit applications must accompany the Sidewalk Repair Reimbursement Application, along with a check for the non-reimbursable permit fee (\$150 or 7% of the total cost – whichever is higher), and three written estimates from contractors. The work must then be completed within 90 days. If the work is unable to be completed within the 90 days due to unforeseen circumstances, the applicant may request a one-time extension as determined by the City. Applicant must contact the City at least 14 days prior to the work deadline if an extension is necessary.

Step 5 Work is completed. Property owner pays contractor and then submits reimbursement request with final invoice.

After the work has been completed, the homeowner must submit the actual invoice from the contractor along with a signed Sidewalk Repair Reimbursement Request form. Upon approval by the City, the grant funds will be disbursed in the amount of 50% of the invoice or 50% of the lowest bid for jobs requiring a permit subject to a maximum of \$1,500, or 50% of the invoice amount subject to a maximum of \$500 for grinding or patching work.



Existing Sidewalk Enforcement and Trip Hazard Problems and Solutions

Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. In accordance with City Code, the responsibility for these assets currently resides with the abutting property owner. The value of a mile of 5-foot-wide sidewalk removal and replacement is estimated at roughly \$700,000, assuming \$26.50/square foot. While this sidewalk trip hazard scenario is not considering a complete replacement of the City's sidewalk system, the citywide sidewalk replacement liability due to tree root damage is high.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk and street tree code. Enforcement of trip hazards in Oregon City is a complaint-driven process rather than an active program where staff might complete routine sidewalk evaluations along with follow-up notifications. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others. Some property owners obtain a repair permit while we also know others move forward with the repair work without obtaining a permit. In review of our sidewalk damage tracking records (July 2018 through May 2021), 190 records exist. Of the 190 records, 132 are recorded as having completed their repairs.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address, but in limited cases, like the Wasco/Trailview/Tracey situation, this area was anonymously reported by a neighbor as an areawide problem. Regardless of the complaint, the sidewalk problem is validated, and the fronting property owner is notified of the City's code and requirements for repair. In years past, the City has worked with property owners in a cooperative way while providing requirements, grouping permits, extending timelines, or seeking out alternative standards. The City's position has been to focus on solutions while at the same time obligating the property owner to their responsibility to complete these repairs. More recently, the City via the COVID-19 impacts has extended repair timelines and

encouraged property owners to group repair work under one group permit. However, permit fees have not been waved and sidewalk regulation and inspection has continued in accordance with City regulation.

Other Agency Programs

As indicated in the Sample Sidewalk Assistance Programs issue paper, seven Oregon cities have sidewalk assistance programs. Many other Cities do not offer sidewalk assistance. The issue paper was created using a staff search of agency websites that publish a program. For those cities that help, the options include grants, loans, and fee waivers to repair/replace services for both sidewalk and tree replacements. Some are based on a unit cost range, while others include contributions of somewhere between \$500 to \$1,500 per property owner. Some offer funding for sidewalk replacement while others support tree removal and replacements. Beaverton limits applications to properties used as residential. Grants Pass offers short-term financing through its Finance Department. Portland is exploring a pilot program offering permit fee waivers. The City of Sherwood, which is a smaller jurisdiction, offers the community an annual sidewalk grinding service. Each program seems to offer some form of assistance to mitigate the same problem of sidewalk damage resulting from tree roots.

Recommendations for Oregon City Sidewalk Compliance

Oregon City, like many cities, has in the past maintained a clear line of delineation on property owner responsibility as it pertains to sidewalk repairs. It is one of the clearest sections of the code. Many years of sidewalk compliance have occurred in Oregon City without a Sidewalk Assistance Program, so City assistance would be a significant change and at least initially would come with some inequities.

However, the sidewalk damage due to tree root intrusion is going to continue. The City could offer an annual budget (limit) for either tree removal and replacement, or sidewalk removal and replacement, or offer a program for both. A funding scenario including fifty properties at \$2000 each would be \$100,000, which is significant. However, it could be funded through a combination of gas tax revenue, pavement maintenance fees, and tree removal mitigation funds. A sidewalk assistance program would involve supporting our existing enforcement and permit program with a simple application for a one-time reimbursement for removal and replacement work. Grant amount limits could be set for tree removal, tree replacement, and sidewalk removal and replacement. We note several properties (corner properties) have much

more sidewalk liability than others, so a grant methodology could be established to respond to the condition of more work for some than others. Commercial sidewalks can be a much higher unit rate due to access and needed accommodations for temporary access.

Other solutions to help avoid a continuum of creating the same problem into the future:

1. Establish a proactive sidewalk evaluation to note observable sidewalk lifting before it becomes a significant grade change. We could provide the property owner with education materials and a simplified tree removal process to deal with the concern before the sidewalk needs sidewalk grinding or replacement.
2. The City could also consider revising its design standards to include more neighborhoods with wider planter strips or curb tight sidewalks, especially in new residential neighborhoods where travel volumes and speeds are low.

ORDINANCE NO. 08-1007**AN ORDINANCE ESTABLISHING A TRANSPORTATION UTILITY FEE****OREGON CITY MAKES THE FOLLOWING FINDINGS:**

WHEREAS, it is the intent of the City Commission to create a utility with all lawful powers to plan, manage, construct, maintain, use and, where necessary, alter the transportation system in the City of Oregon City, create a permanent funding mechanism that provides the resources necessary to carry out the objectives of a Transportation Utility, create a permanent funding mechanism which is equitable for all citizens in the City of Oregon City to fund the maintenance and operation of the transportation system in the City of Oregon City; and,

WHEREAS, all citizens in the City of Oregon City will be served by the program and receive the long-term benefits of such service.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. A new Chapter, 13.30, is hereby added to Title 13 of the Oregon City Municipal Code, to read as follows:

Chapter 13.30 TRANSPORTATION UTILITY FEES

- 13.30.010 Purpose
- 13.30.020 Applicability
- 13.30.030 Definitions
- 13.30.040 Rate Structure
- 13.30.050 Unit Rate Established
- 13.30.060 Service Charge Adjustment and Appeals
- 13.30.070 Transportation Utility Fee Discounts for Hardship
- 13.30.080 Use of Funds
- 13.30.090 Commencement of Charges
- 13.30.100 Delinquent Charges

13.30.010 Purpose.

The purpose of this chapter is to provide cost recovery for maintaining and operating the City of Oregon City transportation system. There is hereby created an enterprise fund known as the "City of Oregon City Transportation Maintenance Fund". All fees and charges imposed herein shall be placed in said fund for the purpose of paying expenses related to the replacement, repair, maintenance, operation, or administration of the Transportation System as described in this chapter.

13.30.020 Applicability.

The requirements of this Chapter shall apply to all parcels of real property in the City of Oregon City, including publicly and privately owned property.

13.30.030 Definitions.

- A. City means the City of Oregon City, Oregon, or as indicated by the context, may mean any official, officer, employee or agency representing the City in the discharge of his or her duties.
- B. City roads means all roads, public and private, excluding State and County roads, within the city limits of Oregon City.
- C. Developed parcel means a parcel of real property that has been altered by development coverage.
- D. Gross square footage shall mean the calculated area of all structures, located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage on each level of multi-story structures, but not including fences and parking areas which are not enclosed within a building.
- E. ITE Manual means the Institute of Transportation Engineers Trip Generation Manual, 7th edition.
- F. Manager shall mean the City Manager or his or her designee.
- G. Multi-family residence shall mean a residential structure accommodating two or more dwelling units.
- H. Parcel shall mean the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which constitutes a separate lot or tract capable of being conveyed without further subdivision.
- I. Schools shall mean all schools, kindergarten through grade twelve, providing busing and located within the city limits of Oregon City.
- J. Service charges shall mean the amount owed after applying the appropriate rate to a particular parcel of real property based upon factors established by this ordinance.
- K. Single-family residence shall mean a residential structure accommodating one dwelling unit.
- L. Unit rate means the dollar amount charged per adjusted average daily trip. There shall be a unit rate applied to residential land uses, identified as the residential unit rate, and a unit rate applied to all other land uses, identified as the non-residential unit rate.

13.30.040 Rate Structure.

- A. Service charges for the Transportation Utility Fee are hereby authorized and imposed in amounts and on terms consistent with this Chapter.
- B. The rates and service charges shall be based on the service provided and the relative usage of the City Transportation System for a given parcel. The estimated or measured trip generated will be used to determine the relative usage of the parcel. The rate shall be calculated by multiplying the unit rate by the assigned average daily trip estimate. Average Daily Trip Estimates shall be as follows:
1. Undeveloped Parcels – Undeveloped parcels shall not be charged.
 2. City Roads – City roads shall not be charged.
 3. Single-Family Residential Parcels – The monthly service charge for single-family residential parcels shall be computed by multiplying the unit rate times 9.57 trips per day.
 4. Multi-Family Residential Parcels – The monthly service charge for multi-family residential parcels shall be computed by multiplying the unit rate times 6.72 trips per day.
 5. Schools – The monthly service charge for schools shall be computed by multiplying the unit rate times the number of average daily trips applicable to the school, as delineated below:

Elementary schools	.76 ADTs per student
Middle schools	.96 ADTs per student

High schools 1.01 ADTs per student

6. All Other Developed Parcels – The monthly service charge for all other developed parcels, including publicly-owned properties, shall be computed by multiplying the unit rate times the number of average daily trips assigned to the bin that is applicable to the parcel, as delineated in Appendix A. All parcels with uses not identified in Appendix A shall be assigned to a trip bin based on their trip generation as specified in the ITE Manual.

Bin 1	2 average daily trips
Bin 2	10 average daily trips
Bin 3	25 average daily trips
Bin 4	40 average daily trips
Bin 5	100 average daily trips

13.30.050 Unit Rate Established.

The residential unit rate, to be applied to residential land uses, is hereby established at \$1.15 per adjusted average daily trip. The non-residential unit rate, to be applied to all other land uses, is hereby established at \$0.189 per adjusted average daily trip. Either or both of the residential and the non-residential unit rates may be revised by resolution of the City Commission from time to time. The unit rates shall be adjusted annually to account for inflation in an amount of no more than 3 percent.

The residential and non-residential unit rates will be phased in over a five-year period according to the schedule below. The rates for fiscal years 2009/2010 through 2012/2013 include a 3% escalation factor.

Time Period	Residential Rate per Trip	Non-Residential Rate per Trip
July 1, 2008 through June 30, 2009	\$0.470	\$0.077
July 1, 2009 through June 30, 2010	\$0.627	\$0.103
July 1, 2010 through June 30, 2011	\$0.784	\$0.129
July 1, 2011 through June 30 2012	\$0.940	\$0.154
July 1, 2012 through June 30 2013	\$1.172	\$0.192

13.30.060 Service Charge Adjustments and Appeals.

A. Any person billed for service charges may file a "Request for Service Charge Adjustment" with the Manager within thirty (30) days of the date of the bill. However, submittal of such a request does not extend the period of payment for the charge.

B. A request for service charge adjustment may be granted or approved by the Manager only when one or more of the following conditions exist:

1. The amount charged is in error; or
2. The parcel is non-residential and the actual trips generated by that parcel, as established by an engineer at the expense of the owner, would result in inclusion in a trip bin characterized by greater than or less than the applied average daily trip estimate used in determining the charge; or
3. The parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements that would generate trips to or from the parcel.

C. Service charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. The property owner shall have the burden of proving that the service charge adjustment should be granted.

D. Decisions on requests for service charge adjustments shall be made by the Manager based on information submitted by the applicant and by the City within thirty (30) days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the Manager's decision.

E. Decisions of the Manager on requests for service charge adjustments shall be final.

13.30.070 Transportation Utility Rate Waivers.

A. The principal residence of a person may qualify for a special user rate if the person meets certain income criteria as established by resolution of the City Commission.

1. Any person desiring to receive a transportation rate hardship waiver must submit an application to the City on forms to be provided by the City. Persons requesting transportation rate hardship waiver shall make annual written application for rate credits and shall certify as to meeting the income criteria established by the City Commission.

2. The amount of transportation utility hardship waivers for eligible persons provided under this chapter shall be established by resolution of the City Commission.

B. When any developed property within the City becomes vacant as described below, upon written application and approval by the Manager, the transportation rate shall thereafter not be billed and shall not be a charge against the property.

1. The Manager is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The Manager is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.

2. For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least ninety (90) days. Fees shall be waived in accordance with this section only while the property remains vacant. Any occupancy or use of the property terminates the waiver. The City may charge any property with the appropriate transportation rate, including charges for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the Manager under this section shall be final.

C. It is unlawful for any person to make, assist in making or to derive the benefits from any false application for a waiver provided under this chapter. In addition to other penalties provided by law, the City shall be entitled to recover from any person or persons receiving the benefit of a waiver as a result of any false statement made in any application the amount therefore, including interest from the date the waiver was granted.

13.30.080 Use of Funds.

Service charges collected under this Chapter shall be deposited into the City of Oregon City Transportation Maintenance Fund for the purpose of paying all or any part of the cost and expense of maintaining the City's transportation system. In expending funds, the City shall endeavor to expend funds based on the following priorities:

A. Pavement management,

B. Maintaining and operating the transportation system.

13.30.090 Commencement of Charges and Collection.

A. For new construction, service charges will commence with the issuance of a building permit or installation of a water meter, whichever comes first. Real property annexed to the City shall begin paying the fee the first month following their annexation. For existing structures, service charges will commence on July 1, 2008.

B. The service charges imposed by this Chapter shall be collected with the monthly City utility bill for those parcels connected to water or billed alone as a transportation utility fee for those users not connected to or not otherwise charged for water service. The actual costs of billing, collecting and remitting the fees may be paid from the Transportation Maintenance Fund. The Transportation Utility Fee shall be calculated as a monthly charge; however, the fee may be billed on a schedule other than a monthly schedule.

C. The Manager may adopt and amend such rules and policies as are necessary for administration of this chapter.

13.30.100 Delinquent Charges.

Payment of a fee is delinquent if not paid within thirty (30) days of the date of the bill. Billing and collecting agents of the Transportation Utility Fee designated by the City may use any legal means available to collect delinquent service charges. Delinquent accounts shall be treated in the same manner as delinquent water service accounts under OCMC 13.04.220.

Section 2. Review of Fund and Annual Report. City staff shall perform a full rate review no less frequently than every five years. If other revenue sources become available for road maintenance, the City Commission shall review the Transportation Utility Fee.

The residential and non-residential unit rate shall be annually increased by no more than 3% to account for the effect of inflation on utility expenses.

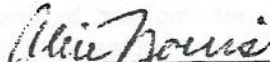
City staff shall prepare and annual report that presents how revenues were spent.

Section 3. Effective Date. This ordinance shall become effective July 1, 2008.

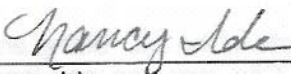
Section 4. Severability. If any provision of this ordinance, or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 5. Classification of Charges. For purposes of ORS 310.145 (Classification of Taxes and Fees for Purposes of Measure 5 Limits), the Transportation Utility Fee is not intended to be a tax on property or a property owner as a direct consequence of ownership, but instead is a fee or charge not subject to the limits of Section 11(b), Article XI, of the Oregon Constitution.

Read for the first time at a regular meeting of the City Commission held on the 7th day of May 2008, and the City Commission finally enacted the foregoing ordinance this 21st day of May 2008.


 ALICE NORRIS, Mayor

ATTESTED to this 21st day of May 2008:


 Nancy Ide
 City Recorder