



CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING - REVISED AGENDA

**City Hall Chambers, 625 Center Street, Oregon City
Wednesday, August 04, 2021 at 7:00 PM**

EXECUTIVE SESSION: To be held at 6:00 PM immediately prior to the regular meeting of the City Commission.

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

REGULAR MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- Attend in person, location listed above.
- Register to provide electronic testimony (email recorderteam@orccity.org or call 503-496-1505 by 3 p.m. on the day of the meeting to register)
- Email recorderteam@orccity.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

- 1. CONVENE MEETING AND ROLL CALL**
- 2. FLAG SALUTE**
- 3. CEREMONIES AND PROCLAMATIONS**
- 4. CITIZEN COMMENTS**

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

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

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

[7a.](#) Removal of Tree Adjacent to 419 5th Street

[7b.](#) Change Order No. 1 for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)

[7c.](#) Minutes of the July 7, 2021 Regular Meeting

8. PUBLIC HEARINGS

[8a.](#) Resolution No. 21-42, Calling for an Election to Authorize Borrowing Funds for Water System Improvements to the Electors of Oregon City

[8b.](#) Resolution No. 21-43, Calling for an Election to Authorize Water Rate Increases of up to 3% Annually Above the Charter Limit for 6 Years to the Electors of Oregon City

9. GENERAL BUSINESS

[9a.](#) Finalists for Municipal Judge Appointment: Amy Lindgren and Kimberly Graves

[9b.](#) Personal Services Agreement with Inflow Communications, Inc. for the Oregon City Operations Center Phone System and Service (CI 18-009)

[9c.](#) Resolution No. 21-02, Adopting Updated City of Oregon City Public Works Sanitary Sewer Design Standards

[9d.](#) Resolution No. 21-41, Adopting a Community Vision Statement for 2040

[9e.](#) Second Reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program (Legislative File LEG-21-00002)

[9f.](#) Resolution No. 21-44, Adopting an Historic Review Board Policy for Public Art Murals

[9g.](#) Resolution No. 21-45, Establishing a Schedule of Fees for the Oregon City Public Art Mural Program

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. 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: Public Works Director John M. Lewis, PE

Agenda Date: 08/04/2021

SUBJECT:

Removal of Tree Adjacent to 419 5th Street

STAFF RECOMMENDATION:

Approve removal of the 48" diameter at breast height (dbh) tree adjacent to 419 5th Street within the right-of-way. Tree removal would be completed no earlier than 14 days after the public notice for removal has been provided.

EXECUTIVE SUMMARY:

The City replaced the watermain in 5th Avenue between High Street and Center Street recently. To replace the asphalt patches from the watermain work, the roadway has been proposed to be included via change order in the 2021 Oregon City Roadway Reconstruction Project. Upon inspection of the roadway, it was determined that a 48" dbh cherry tree was causing disruption to the curb and sidewalk adjacent to 419 5th Street. To correct the issue, the tree will need to be removed.

BACKGROUND:

The City replaced the watermain and installed new storm drainage in 5th Avenue between High Street and Center Street recently. To replace the asphalt patches from the utility work and to address the existing pavement failures, the roadway has been proposed to be included via change order in the 2021 Oregon City Roadway Reconstruction Project. Upon inspection of the existing roadway, curbing, sidewalks, and driveway aprons it was determined that a 48" dbh cherry tree was causing disruption to the curb and sidewalk/driveway apron adjacent to 419 5th Street. To correct the surface damage and conflicts, the tree would either need to be removed or the street section including curb alignments and sidewalk alignments would need to be abandon or moved.

An arborist report was requested from Teragan and Associates, Inc. The attached arborist report concludes that the tree is of very poor health and very poor structural condition and poses a moderate risk of failure to vehicles and pedestrians. The arborist

report recommends removal of the tree within the next 90 days. The current impacts to the surfaces combined with the poor health of the tree has lead staff to conclude that the right decision is to remove the dying tree and replace the surfaces in their original alignments.

Staff has made application to the Planning Division for the removal of significant public trees. Pursuant to City Commission Resolution No. 20-33, any tree that exists within City-owned property or public right-of-way shall be permitted. When a tree requested for removal is 40" in diameter (dbh) or larger, the resolution requires approval by the City Commission via consent agenda and notification to the Natural Resources, Parks and Recreation, and Transportation Advisory Committees.

The 2021 Oregon City Roadway Reconstruction Project is currently under construction, and the change order to add 5th Street into the contract is also proposed for approval on August 4, 2021. Staff requests approval of the removal of the 48" dbh tree adjacent to 419 5th Street within the right-of-way no earlier than 14 days after the public notice for removal has been provided. The 14-day public notice period is not required to be completed prior to City Commission approval, albeit a City Commission decision would be before the end of the public comment period.

Staff has spoken to the property owners at 419 5th Street and 411 5th Street. Both agree removal is the right solution. The 2021 Oregon City Roadway Reconstruction Project including the 5th Street additional work proposed under the 2021 PMUF Change Order #1 decision is required to be completed by September 30. City Commission approval now ensures the work schedule can proceed as planned and on time.

The current site and planter strip is not an optimal location for a replacement street tree, so we are recommending that the required 1.5-inch caliper street tree be planted in a yet to be determined off-site location inside the McLoughlin Neighborhood.

OPTIONS:

1. Approve the removal of the 48" dbh tree adjacent to 419 5th Street within the right-of-way no earlier than 14 days after the public notice for removal has been provided.
2. Do not approve the removal of the 48" dbh tree adjacent to 419 5th Street within the right-of-way. If not approved, please direct staff how to proceed.

BUDGET IMPACT:

Amount: \$0.00

FY(s): NA

Funding Source(s): NA





City Staff Application for Removal of Significant Public Trees

Please complete this packet and attach all required application materials. If any section of the application form is incomplete, the application will be returned.

This section to be completed by staff only:

Reviewed By: _____ Date: _____ Associated Permit #: _____

☐ Tree Removal Subject to Public Tree Removal Policy ☐ Tree Removal Exempt from Public Tree Removal Policy

Pursuant to City Commission Resolution No. 20-33 (Effective 12/04/2020)

Please use this form is for tree removal on City-owned property, Urban Renewal owned property, City-initiated tree removal within the public right-of-way to determine whether or not the City's public tree removal policy applies to the proposed tree removal. The purpose of this review is to reduce unnecessary tree removal by the City and provide public notification and other best practices when such removal occurs.

Applicant Name: Jayson Thornberg Department: Public Works Operations; Street

Phone: 503-657-8241 Email: jthornberg@orccity.org

Address or Map and Tax Lot: 419 5th Street

1. Permits Required

Depending on the location of the trees proposed to be removed, additional permits are required. Please complete and attach the additional forms required.

Location of Tree(s) Proposed to be Removed:

☐ City-owned property or Urban Renewal owned property

In addition to this form, please complete and attach a [Type I Site Plan and Design Review Main Application](#), and [Addendum 4b for Tree Removal](#).

☒ Public Right-of-Way

In addition to this form, please complete and attach a [Street Tree Removal permit application form](#).

Staff Only

Have required permit applications been submitted?

☐ Yes ☐ No

2. Applicability of Public Tree Removal Policy

Please identify the number of trees being removed which meet the size requirements listed. If the trees being removed are smaller than the sizes listed in the table below, please continue to the Section 3 (Exemptions).

Tree Species	Threshold (D.B.H)*	Actual D.B.H.	# of Trees Being Removed
Oregon White Oak (<i>Quercus garryana</i>)	8"+		
Douglas Fir (<i>Pseudotsuga menziesii</i>)	18"+		
Western Red Cedar (<i>Thuja plicata</i>)	12"+		
Ponderosa Pine (<i>Pinus ponderosa</i>)	12"+		
Western Yew (<i>Taxus brevifolia</i>)	6"+		
Pacific Dogwood (<i>Cornus nuttallii</i>)	5"+		
Coastal Redwood (<i>Sequoia sempervirens</i>)	12"+		
Giant Sequoia (<i>Sequoiadendron giganteum</i>)	12"+		
Pacific Madrone (<i>Arbutus menziesii</i>)	5"+		
Other deciduous tree species	20"+	48"	1
Other evergreen trees	18"+		

*D.B.H. = Diameter at Breast Height = 4.5 feet above ground.

3. Exemptions

Please identify if any of the following exemptions apply to the proposed tree removal.

- ☐ The trees are smaller than the minimum D.B.H. identified in the table above.
- ☐ The trees are within a habitat restoration area. Please note the habitat restoration project must have been approved by the Planning Division through the appropriate land use process.
- ☐ The trees are within or abutting water quality facilities.
- ☐ The trees are on the Oregon City Nuisance Plant List or otherwise classified as invasive or problem species in the region.
- ☐ The trees are imminent hazard trees. Imminent hazard trees, as defined in OCMC 17.04.1370 may be removed without notification before a permit is obtained due to the necessity to respond to the hazard and restore public safety as soon as possible. Examples include if the tree has fallen across the roadway or if it is leaning significantly due to a heavy windstorm and likely to fall within the next 72 hours, or when a tree is damaged by a vehicle collision. A determination of imminent hazard is made in the field by the City of Oregon City Public Works, or emergency personnel, a forester, or a certified arborist. **Permits shall be obtained after the imminent hazard has been removed and any applicable replacement requirements shall be followed.** The responding personnel shall provide details of the tree species, size and condition to the extent practicable. Photos and documentation of the hazardous conditions shall be provided with the permit application for tree removal to verify the tree was hazardous, but arborist reports are not required.

17.04.1370 - Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in OCMC 12.32.020, all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed.

If the proposed tree removal is exempt from the public tree removal policy in accordance with one of the exemptions above, you have completed the worksheet. If the proposed tree removal is not exempt, please proceed to Consideration of Alternatives to Tree Removal.

Staff Only

Is the project exempt from the public tree removal policy?

Yes ☐No ☐

Initial _____

If the project is not exempt, please continue the form.

4. Consideration of Alternatives to Tree Removal: Initial Documentation

The department requesting removal shall document the tree location, size, and species (if known), the reason for the proposed removal, and alternatives considered in a written justification memo. The memorandum must contain an analysis of alternatives to removal, which may include one or more of the following methods:

- Root pruning
- Canopy pruning
- Changing the location of existing or proposed structures and public utilities
- Other alternatives as applicable.

Following analysis of alternatives the memo shall include a recommended course of action, which takes into account the alternatives considered and whether the alternative is / is not feasible, and why.

Please attach the alternatives analysis in a separate memo or complete the following:

Tree Location (Include Map): 419 5th Street

Size: 48"

Species: Flowering Cherry (Prunus serrulata)

Reason for Removal: _____

The tree is of very poor health and very poor structural condition as well as poses a Moderate risk of failure to vehicles and pedestrians (see attached arborist report). The tree has also created a noncompliant ADA situation with the adjacent sidewalk. There is a paving project planned to address the issues.

Alternatives to Removal and Rough Cost Estimate:

Alternative #1: Due to the structural health of the tree, the arborist report recommends removal of the tree.

Alternative #2:

Alternative #3:

Conclusions/Recommended Course of Action:

Remove the tree and continue with the PMUF project as planned. Repair ADA issues caused by the tree. Mitigate as necessary on other land owned by Oregon City.

Name of Staff who Completed Analysis: Jayson Thornberg

5. Consideration of Alternatives to Tree Removal: Third Party Review

The above will be reviewed by a department manager, who will send the memo to a third party (an arborist or a staff assessment team) for review. The department may choose to send the justification memo to either:

- Option #1: A Certified Arborist (Required for Trees over 40" D.B.H.)
- Option #2: Staff Assessment (A minimum of 2 Public Works/Parks staff members and 1 from Planning)

Please identify all of the third-party reviewers, who have reviewed the justification memo, and submit their written conclusions.

☒ Certified Arborist Name: Kyle Offerdahl Certification #: MA-5185B

☐ Staff Assessment Team

Name _____ Department _____

Name _____ Department _____

Name _____ Department _____

Has the third-party reviewers' written conclusion memo been submitted?

☐ Yes

☐ No

Staff Only

Have all required memos been submitted? ☐ Yes ☐ No Initial _____

6. Public Notice

The following public notices are required and will be prepared by Planning staff:

- Physical Notice

A physical notice is required to be posted on the tree proposed for removal for a minimum of 14 calendar days. This period is intended to provide an opportunity for the public to contact the applicant with questions and comments about the proposed tree removal. Notices shall be provided by the Planning Division on 8.5 X 11 laminated paper with the words "NOTICE OF PROPOSED TREE REMOVAL" in bold, 48-point font and the website where the public may download the permits, arborist reports and associated documentation. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used. The notice will be created by the Planning Division, but will be placed and monitored by the department proposing removal.

- Email Transmittal

Staff will send email transmittal to affected departments and agencies requesting comment on the proposed tree removal.

- City Manager Review

If there remain unresolved questions or concerns regarding the proposed tree removal after the public notice, the removal shall be referred to the City Manager for further review. The City Manager may decide to move forward with the tree removal or cease the tree removal process.

Staff Only		
Date Notice Posted on Website:	_____	
Affidavit Submitted:	☐ Yes	☐ No
Email Transmittal Sent Out:	☐ Yes	☐ No
Comment Period Deadline:	_____	
City Manager Review Required?	☐ Yes	☐ No

7. Additional Requirements

Reuse/Repurposing of Wood

Trees proposed for removal which are subject to this policy, free from infestation, and 25 inches D.B.H. or greater, shall be repurposed for use by the City and/or public if feasible. Depending on the quality of the wood, it may be utilized for environmental enhancement, furniture or crafts. The Natural Resources Committee recommends that in natural areas and next to streams, leaving large woody debris in place may help to improve fish and wildlife habitat, and that the use of wood for firewood should be allowed only if the wood cannot be repurposed any other way (e.g. cottonwood).

Does the proposed tree removal include removal of trees greater than 25 inches DBH which are free from infestation? ☐ Yes ☒ No

Is reuse/repurposing of wood proposed? ☐ Yes ☒ No

If yes, please explain how the wood would be reused or repurposed: _____

Staff Only		
Reuse of Wood Approved?	☐ Yes	☐ No Initial _____

City Commission Hearing

Trees greater than 40" D.B.H. shall be placed on a City Commission consent agenda and notification will be sent to the Natural Resources Committee, Parks and Recreation Committee, and the Transportation Advisory Committee. The City Commission may decide to move forward with the tree removal or cease the tree removal process.

Does the proposed tree removal include removal of trees greater than 40 inches DBH? ☒ Yes ☐ No

Staff Only		
City Commission hearing required?	☐ Yes	☐ No Initial _____

Large Tree Mitigation

Trees proposed for removal that are 50 inches or greater D.B.H. shall be mitigated with tree plantings within the city limits. No fee-in-lieu is allowed.

Does the proposed tree removal include removal of trees greater than 50 inches DBH? ☐ Yes ☒ No

Are all mitigation trees proposed to be planted within city limits? ☒ Yes ☐ No

Is fee-in-lieu of planting mitigation trees proposed? ☐ Yes ☒ No

Staff Only
Approved? ☐ Yes ☐ No Initial _____



OREGON CITY

Planning Division

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Street Tree Removal Application

Please complete this packet and attach a site plan. If any section of the application form is incomplete, the application will be returned.

This section to be completed by staff only:

Approval By: _____ Date: _____ Permit #: _____

of Trees to be Replanted: _____ Replanting Deadline: _____ # of Trees for Fee-In-Lieu: _____

Refer to chapter 12.08 of the Oregon City Municipal Code or contact Planning at 503.722.3789 for additional information. Sidewalk Repair requires a separate permit from the Public Works Department.

Applicant Name: Jayson Thornberg

Phone: 503-657-8241 Email: jthornberg@orc.org

Address or Map and Tax Lot: 419 5th St., Oregon City

How many trees would you like to remove?

Number of Street Trees Proposed to be Removed: 1

Trees that are approved for removal must be removed fully to the ground level.

Will any travel lanes be blocked for the removal to occur? ☒ Yes ☐ No

If any travel lanes will need blocked for any period of time, a separate traffic control permit is required from the Public Works Department.

Determine the Number of Mitigation Trees Required

1. Is the tree species listed as invasive or nuisance on the Oregon City Nuisance Plant List, Portland Plant List, Oregon Department of Agriculture, or Clackamas Soil and Water District? ☐ Yes ☒ No, go to #2

Number of trees invasive or hazardous: _____

Species: _____

Which list identifies the tree as invasive or nuisance? _____

No trees are required to be planted to make up for the removal of a qualifying invasive or nuisance tree. A picture of each tree(s) proposed to be removed is required to be submitted.

2. Did a Certified Arborist identify the tree(s) as dead, diseased, or hazardous? ☒ Yes ☐ No, go to #3

Number of trees designated as dead, diseased, or hazardous: 1

One tree is required to be planted to make up for each designated tree being removed. A map identifying the location of the tree(s) as well as **written documentation from a certified arborist is required.**

3. Did the tree lift the sidewalk, creating a lip more than ¼ inch or otherwise conflict with the American with Disabilities Act? ☒ Yes ☐ No, go to #4

Number of Trees: 1 Height of Lip: Varies up to 2"

One tree is required to be planted to make up for each tree being removed which causes a hazard. A map identifying the location of the tree(s) and a picture of the hazard is required.

4. For any trees not included in 1-3 above, use the chart below to identify the number of trees to be planted to make up for the tree removed.

Diameter of Tree to be Removed (Inches at 4-ft Height)	Number of Trees Required to Be Planted for Each Tree Removed	Number of Replacement Trees Required
Less than 6"	1 Tree	# of Trees $\leq 6"$ <u> </u> x 1 = <u> </u>
6" to 12"	2 Trees	# of Trees 6"-12" <u> </u> x 2 = <u> </u>
13" to 18"	3 Trees	# of Trees 13"-18" <u> </u> x 3 = <u> </u>
19" to 24"	4 Trees	# of Trees 19"-24" <u> </u> x 4 = <u> </u>
25" to 30"	5 Trees	# of Trees 25"-30" <u> </u> x 5 = <u> </u>
31" and over	8 Trees	# of Trees $\geq 31"$ <u> </u> x 8 = <u> </u>

5. Total number of mitigation trees required: 1

<i>Staff Only</i>		
Approved?	☐ Yes ☐ No	Initial <u> </u>

Determine Mitigation Method and Replanting Location

The locations for replanting are listed below in prioritized order. You must demonstrate how the highest priority option cannot be met prior to proceeding with a lower priority option.

All trees planted in the right-of-way are required to meet the following clearance distances:

- 15 feet from streetlights
- 5 feet from fire hydrants
- 20 feet from a street intersection (measured from edge of pavement)
- 5 feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.)

In addition, the planting area must be a minimum of 2.5 feet wide.

Planting Option #1: Replanting in the public right-of-way abutting your property.

Replanting trees in the right-of-way abutting your property (e.g. the planter strip) if the size and spacing requirements can be met is the City's highest priority. Only if it can be demonstrated that there is not sufficient space for replanting based on the clearance distances above can other replanting locations be explored.

Can all of the required trees to be replanted fit along the street? ☐ Yes ☒ No

How many trees can be planted meeting the clearance distances above? 0

Provide a simple site plan including:

- The location of the removed tree(s)
- The location of the replaced tree(s)

- The location of streetlights, fire hydrants, street intersections, and public utilities as well as distance from trees proposed to be planted.

Root barriers are recommended to provide additional protection from sidewalk and curb damage.

Alternate Planting Options

If it can be demonstrated that it is infeasible to plant the required trees in accordance with Planting Option #1, any combination of the following options may be utilized.

- Replanting Elsewhere in the Right-of-Way

Trees may be planted in the right-of-way (such as a planter strip) next to someone else's property if they have given you permission. A map demonstrating the clearance requirements are being met as identified in #1 is required, as well as written approval from the abutting property owner (since they will be responsible for maintenance of the trees).

Number of trees proposed to be planted in the right-of-way offsite: _____

- Replanting on Public Property

The City may have options for replanting the trees at parks, in stormwater facilities, or elsewhere on land owned by Oregon City. A minimum number of trees may be required for this option. Please contact Public works at 503.657-8241 to learn more.

Number of trees proposed to be on City property offsite: ¹_____

- Replanting in Your Front Yard

Replacement tree(s) may be planted on your property, within ten feet of the property line. Trees using this option are required to be a minimum of 2 inches in caliper, larger in size than the other options. In order to assure protection and replacement of the trees, a [covenant is required to be recorded on your title](#) identifying the tree(s) are subject to the protections and replacement requirements the same as street trees. A map demonstrating the clearance requirements are being met as identified in #1 is required.

Number of trees proposed for replanting in the front yard: _____

- Payment of a Fee in Lieu of Planting

The 2020 fee amount is \$342 as identified in the [fee schedule](#). The fee is dedicated towards planting new trees or tree protection or education within Oregon City.

Number of trees proposed for a fee-in-lieu: _____

Total fee due: _____ x \$342 = _____

Number of Trees Proposed in Abutting Right-of-Way (Planter Strip): 0 _____
 Number of Trees Proposed in Right-of-Way Not Abutting Your Property: 0 _____
 Number of Trees Proposed on City Property: 1 _____
 Number of Trees to Pay a Fee-In-Lieu: _____
 Total Replacement Trees Required: 1 _____

Staff Only		Approved?	
☐ Yes	☐ No	Initial _____	

Select Species and Size of Mitigation Tree(s)

Oregon City has adopted a list of tree species appropriate for growing in specific planting areas. Though developers still have an opportunity to choose the type of tree they prefer to plant, as of 1999, all

subdivisions were required to plant a species either from the list, or approved by a certified arborist. Your planter strip may be narrower than our current standard of 5 feet, so the list includes a wide variety of acceptable trees sized for the planting area.

Tree Size

New street trees are required to be a minimum of 1.5 inches in caliper, measured 6-inches from the ground, at the time of planting. Trees planted in yards are required to be a minimum of 2 inches in caliper.

Size of tree proposed to be planted: 1.5

Tree Species

Determine appropriate species based on the width of your planter strip:

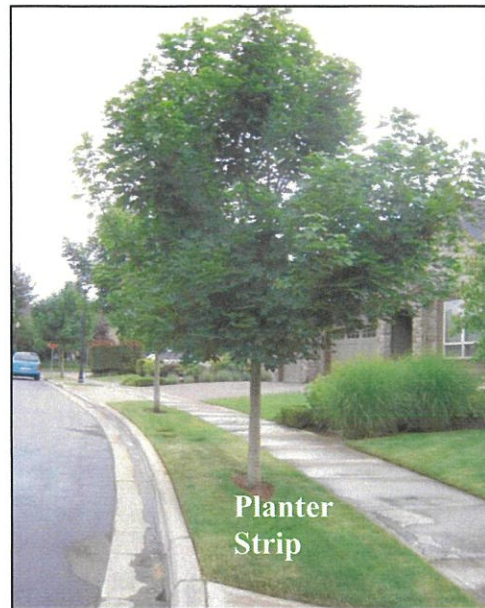
Planter strip width: N/A

Species of tree proposed to be planted:

Burr Oak

Street trees species is chosen from:

- ☐ The City's recommended [street tree list](#),
- ☐ Another municipality's street tree list in the metro area such as [Portland](#), [Gresham](#), [Beaverton](#), or [Milwaukie](#).
- ☐ A written recommendation by a certified arborist is attached indicating that the species is appropriate for the specific planting location.



- All trees planted beneath powerlines shall be selected from the associated list and also approved by the associated franchise powerline utility company (generally PGE). PGE may be reached at 503-323-6700 or service.coordinators@pgn.com.
- You are required to install the replacement trees by the date indicated by staff on the permit approval form. It is best to plant during the fall and winter prior to bud break. Extensions may be granted on case-by-case basis.

Applicable Overlay Zones

Please identify all overlay districts identified on your [Property Zoning Report](#). If any of the items below are marked, please contact the Planning Division to Determine if additional review is needed.

- ☐ Geologic Hazards Overlay District
 ☐ Historic Overlay District
 ☐ Flood Management Overlay District
☐ Willamette River Greenway Overlay District
 ☒ Natural Resources Overlay District
 ☐ None

Staff Only		
Additional Review Required?	☐ Yes ☐ No	Initial <u> </u>

Please submit this fully completed form to the Planning Division at planning@orc.org.

There is no application fee and permits are generally reviewed within 24 hours.

I agree to comply with City of Oregon City Code [Chapter 12.08 - PUBLIC AND STREET TREES](#), regarding street tree removal and replacement. I agree to hold harmless the City of Oregon City, its agents, officers, and employees for any damage or injury caused by reason of planting, placement, maintenance, or removal of street trees. I understand that as the abutting property owner, I shall be responsible for the maintenance of st

and planting strips and that I shall be solely liable for any damages. I understand that replanting is a condition of removing street trees and that the City of Oregon City may require greater than 1:1 replacement pursuant to the adopted code. I understand that I am responsible for the successful establishment of the replanted trees.

Joseph W. L. L. L.
 Abutting Property Owner's Signature

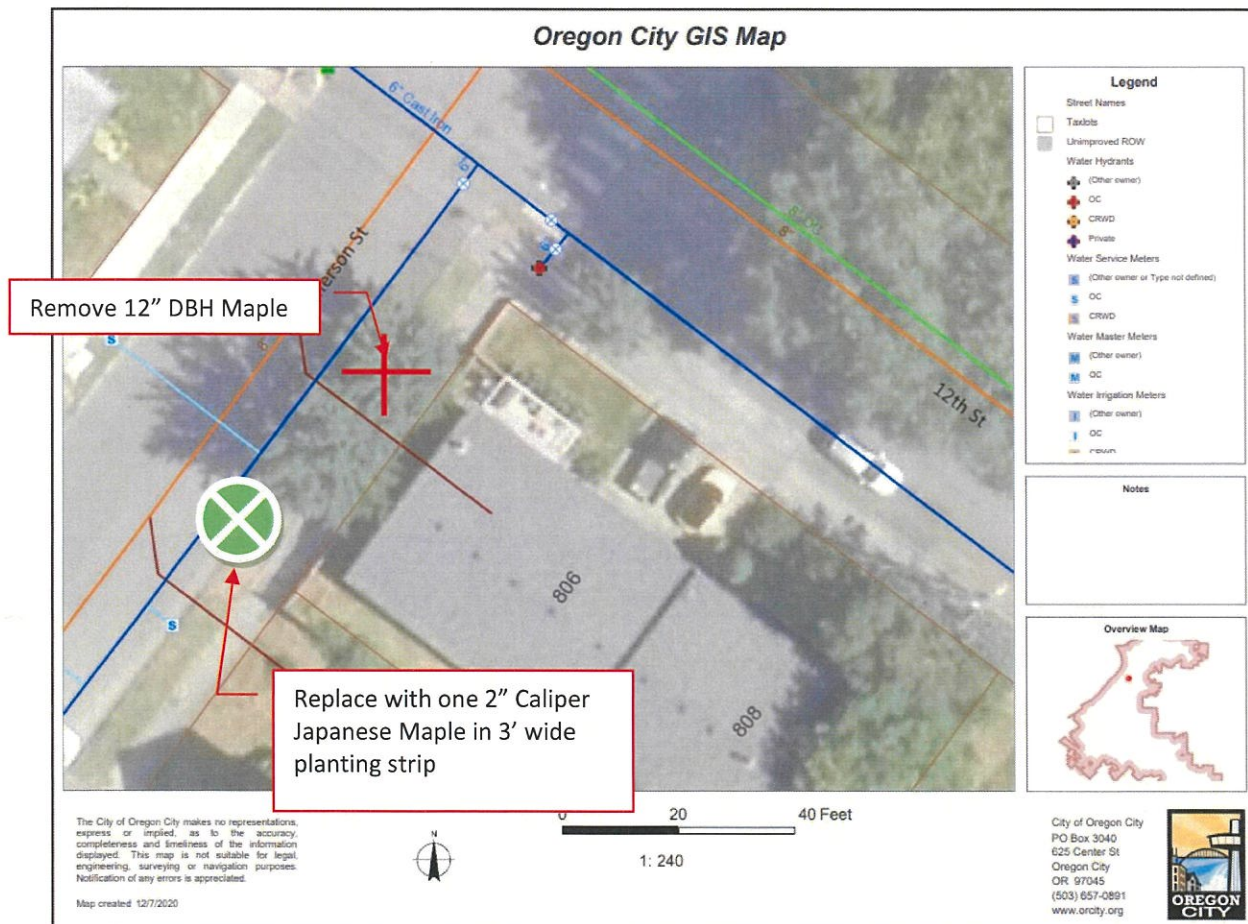
7/26/2021
 Date

Submit this Application and a Planting Plan to: Oregon City Planning Division, 695 Warner Parrott Rd
 Oregon City, OR 97045. Phone: (503) 722-3789 / Fax (503) 722-3880. Email: planning@orc.org

Example Tree Planting Plan

Please provide a sketch plan for where your trees will be planted

Please Note! Streets, sidewalks and planting areas vary – You may download an aerial photo of your property frontage at <https://www.orcity.org/maps/ocwebmaps>



EXAMPLE ONLY – PLEASE CREATE YOUR OWN PLAN



July 22, 2021

Jason Thornberg
Public Works; Operations; Street Dept.
122 S. Center Street
Oregon, OR 97045

RE: Cherry Tree Evaluation

Summary:

The flowering cherry (*Prunus serrulata*) is of **very poor** health and **very poor** structural condition. The cherry poses a **Moderate** risk of failure to vehicles and pedestrians. Due to these two factors, I recommend the cherry be removed within 90 days. The proposed time frame is before the fall/winter season.

Assignment:

Assess if the health and structure of one large flowering cherry located at 419 5th street, Oregon City, OR, 97045.

Background:

On July 3rd, 2021, Kyle Offerdahl and Terrence Flanagan of Teragan and Associates Inc. met with Jayson Thornberg at 419 5th Street, Oregon City, OR, 97045 to assess the health and structure of one large flowering cherry.

Site Observations:

Site Location Observations

The large flowering cherry is located in root well southeast of 419 5th street under high voltage powerlines. Behind the cherry is a pedestrian sidewalk. In front of the cherry is 5th street, a frequently traveled road during the day. The two buildings behind the cherry (419 and 411 5th street) both have vehicle parking directly behind the cherry. The target zone, or one times fall distance of the cherry includes:

1. Vehicles traveling on 5th street.
2. 419 & 411 5th street parking and vehicles parked on the driveways of those two properties.
3. Pedestrians traveling on the public sidewalk.

Tree Condition Observations

1. The roots have overgrown the root-well, damaging the concrete infrastructure. **(Appendix 4).**
2. The cherry is experiencing significant root, stem, crown, and branch decay (Photo 5).

3. The cherry is no longer able to compartmentalize decay (Photo 6).
4. Vertical, sheer-plane fracturing (cracking) has occurred throughout the tree (Photo 7).
5. Saprophytic fruiting structures are forming on the large scaffold limbs indicating areas of cambial dieback (Photo 8).

Tree Inventory:

Common Name	Scientific Name	DBH (inches)	Health Condition	Structure Condition
Flowering cherry	<i>Prunus serrulata</i>	48	Very Poor	Very Poor

Discussion:

Old age, regular utility clearance pruning, and limited available rooting area have contributed to the decline in this flowering cherry. The cherry has been surviving on epicormic shoots, shoots arising from dormant buds or newly formed adventitious tissue, which is not sufficient for a tree of its size. Due to the reduced amount of stored reserves, the tree is no longer actively compartmentalizing decay. This will continue to allow the spread of decay throughout the larger tree parts, stem, and roots gradually decreasing the strength and holding capacity of the tree to support itself and its tree parts

As portions of the tree continue to dieback, opportunistic saprophytic decay organisms have and will continue to grow on the tree, increasing the strength loss of the wood in the tree. Polyporus sp. sap rot are currently present on the large scaffold limbs. These sap rot fungi can mean “that the branch is extensively decayed and ready to fall.” (Luley, 2005, Wood Decay Fungi, Visual Identification Series, Urban Forestry LLC).

The multiple cracking of the wood in the tree in the crown, on the stem, and on the roots suggest extensive decay and strength loss. Sheer plane “cracks on multiple sides suggest advanced columns of decay, and a trunk that is buckling or twisting under load.” (Dunster, Smiley, Matheny, Lilly, 2017, Tree Risk Assessment Manuel, Second Addition, International Society of Arboriculture, Champaign, IL) Addition external forces such as wind, snow, and ice loading that normally occur every year in the area where the tree is located will expose these existing weaknesses to potential failure.

Removal is the only recommendation for any of the mentioned issues since these issues exist in all parts of the tree it is not practical to retain this tree or consider any other mitigation option.

Recommendations:

Remove the flowering cherry within 90 days prior to the fall/winter rain and storm season.

Conclusion:

The health and structural condition of the flowering cherry is **very poor**. Treatment or removal of the defective parts will not improve the health or structural condition of this tree. Due to these factors the removal of the flowering cherry is the best and only option.

Sincerely,



Kyle Offerdahl

ASCA Registered Consulting Arborist #714

ISA Board Certified Master Arborist MA-5185B

ISA Tree Risk Assessment Qualified

Enclosures:

Appendix 1:	Certification of Performance
Appendix 2:	Assumptions and Limiting Conditions
Appendix 3:	Risk Assessment Matrix
Appendix 4	Photographs of Tree

I, Kyle Offerdahl, certify:

- That a representative of Teragan & Associates, Inc., has inspected the tree(s) and/or the property referred to in this report. The extent of the evaluation is stated in the attached report.
- That Teragan & Associates, Inc. has no current or prospective interest in the vegetation of the property that is the subject of this report, and Teragan & Associates, Inc. has no personal interest or bias with respect to the parties involved.
- That Teragan & Associates, Inc.'s compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, or upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.
- That the analysis, opinions, and conclusions that were developed as part of this report have been prepared according to commonly accepted arboricultural practices.
- That a Board-Certified Master Arborist has overseen the gathering of data.

Appendix 2: Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Teragan and Associates, Inc. checked the species identification and tree diameters in the field.
2. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations.
3. The consultant is not responsible for information gathered from others involved in various activities pertaining to this project. Care has been taken to obtain information from reliable sources.
4. Loss or alteration of any part of this delivered report invalidates the entire report.
5. Drawings and information contained in this report may not be to scale and are intended to be used as display points of reference only.
6. The consultants' role is only to make recommendations. Inaction on the part of those receiving the report is not the responsibility of the consultant.
7. This report is to certify the trees that are on site, their size and condition and recommendation for tree management for the future.

Appendix 3: Risk Matrix

Time Frame: 3 years

Target description: Parked vehicles, pedestrians

Tree Part: Branches & Crown

Matrix 1: Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat Likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbably	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2: Risk rating matrix

Likelihood of failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Risk rating = **Moderate**

Appendix 4: Photographs of the Cherry Tree



Photograph #1 -Large areas of bark have fallen off the tree due to the dieback of the cambial tissue.



Photograph #2 – Areas of excessive bark dieback extending into the crown of the tree.



Photograph #3 – Several cracks are present in the wood of the tree and its larger leaders.



Photograph #4 – Additional photograph of bark dieback, cracking in the wood of the tree. Photo also shows extreme pruning that has occurred in the past.



Photograph #5 – Saprophytic fungal conks on larger leaders.

Oregon City GIS Map

Item 7a.



Legend

Street Names

- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Tree to be removed in blue circle.

Overview Map



0 30 60 Feet

1: 360



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 6/17/2021

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org



Page 28



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: 08/04/2021

SUBJECT:

Change Order No. 1 for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)

STAFF RECOMMENDATION:

Authorize the City Manager to execute Change Order No. 1 in the amount of \$137,532.60 to complete the reconstruction of one city block of 5th Street as part of the 2021 Oregon City Roadway Reconstruction Project (CI 20-011).

EXECUTIVE SUMMARY:

Change Order No. 1 for modifications to the 2021 Oregon City Roadway Reconstruction Project (CI 20-011). All contract changes represent reconstruction of 5th Street between High Street and Center Street, work additions totaling \$137,532.60 and an overall contract increase of just over 7 percent of the bid total. The purpose of the change order is to add a road reconstruction project of a road segment which received a water main replacement and stormwater improvements earlier this year.

BACKGROUND:

On May 19, 2021, the City entered into a Public Improvement Contract with S-2 Contractors, Inc., in the amount of \$1,944,445 to construct the 2021 Oregon City Roadway Reconstruction Project (CI 20-011).

The list of roads to be resurfaced in the summer of 2021 as part of this contract include the following:

- High Street from 3rd Street to 7th Street
- 8th Street from Jackson Street to John Adams Street
- John Adams Street from 8th Street to 10th Street
- Division Street near 15th Street
- 14th Street from Buchanan Street to Division Street
- Beaver Lane
- Fox Lane

- Hilltop Avenue
- Joyce Court

Construction of the 2021 Oregon City Roadway Reconstruction Project (CI 20-011) began on July 6, 2021. The purpose of the change order is to add 5th Street (from High Street to Center Street) which received a water main replacement and stormwater improvements earlier this year. The 5th Street underground utility project was deemed necessary and a project that need to be completed in early 2021 but well after the 2021 PMUF bid package was underway. Also the water line portion of the project had been designed earlier by a different consultant. The utility work was bid as a stand alone project with short term pavement provisions, with the understanding that the most efficient way to complete the road reconstruction work would be to work with the 2021 PMUF Contractor after contract award. This change order is necessary to add the roadway into the 2021 PMUF project currently under construction. The following modifications have been identified and negotiated with the contractor:

Change Order No. 1, for a total of \$137,532.60 includes the following:

- \$137,532.60 for the addition of reconstruction of 5th Street from High Street to Center Street.
- 0 additional days to complete the work.

The original contract price was awarded at \$1,944,445.00. The net increase of Change Order No. 1 is \$137,532.60, resulting in a contract price with change orders equal to \$2,081,977.60 which represents just over a 7 percent contract increase. Most of the Contractors bid unit pricing for the 2021 PMUF project is being applied to the unit quantity estimate for 5th Street. Mobilization, traffic control, and clearing and grubbing were negotiated items and each also align with the cost and scope of work for other project streets. The original PMUF contract together with this change order are within the 2021 PMUF program budget.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$137,532.60
 FY(s): FY 21-22
 Funding Source(s): 260-527-7040

CHANGE ORDER

Item 7b.

DATE OF ISSUANCE 8/5/2021 EFFECTIVE DATE 8/5/2021 No. 1

PROJECT: _____

OWNER City of Oregon City

CONTRACTOR S-2 Contractors, Inc.

Contract: CI 20-011 2021 Roadway Reconstruction Project

OWNER's Contract No. CI 20-011 ENGINEER's Project No. CI 20-011

ENGINEER Wallis Engineering

You are directed to make the following changes in the Contract Documents.

Description:

Reason for Change Order: Redesign by consulting engineer due to pump no longer available.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$1,944,445	Original Contract Times: Substantial Completion: <u>September 30, 2021</u> Ready for final payment: _____ (days or dates)
Net Increase from previous Change Orders No. _____ to No. <u>1</u> : \$137,532.60	Net change from previous Change Orders No. <u>0</u> to No. <u>1</u> : Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Price prior to this Change Order: \$1,944,445	Contract Times prior to this Change Order: Substantial Completion: <u>September 30, 2021</u> Ready for final payment: _____ (days or dates)
Net Increase of this Change Order: \$137,532.60	Net Increase (Decrease) of this Change Order: Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Price with all approved Change Orders: \$2,081,977.60	Contract Times with all approved Change Orders: Substantial Completion: <u>September 30, 2021</u> Ready for final payment: _____ (days or dates)

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____
ENGINEER (Authorized Signature)

By: _____
OWNER (Authorized Signature)

By: _____
CONTRACTOR (Authorized Signature)

Date: 8/5/21

Date: _____

Date: _____

EJCDC No. 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.



To: CITY OF OREGON CITY

Project: 5TH STREET RECONSTRUCTION

Date: 7/21/2021

Location: Oregon city, Oregon

We hereby submit a proposal for the specified project. The work shall be done in accordance with the specifications with the type of work quoted and or as noted in the proposal below. We shall provide all labor, equipment and materials required for the items quoted and or as noted below. We propose the following:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUAN</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
A	MOB	LS	1	\$ 12,000.00	\$12,000.00
B	TRAFFIC CONTROL 5TH	LS	1	\$ 5,000.00	\$5,000.00
C	EROSION CONTROL	LS	1	\$ 2,500.00	\$2,500.00
D	SURVEY	LS	1	\$ 3,000.00	\$3,000.00
E	REMOVAL OF CURBS	LF	51	\$ 2.00	\$102.00
F	REMOVAL OF WALKS	SY	75	\$ 8.00	\$600.00
G	GENERAL EXCAVATION	CY	457	\$ 50.00	\$22,850.00
H	SUBGRADE GEOTEXTILE	SY	962	\$ 1.50	\$1,443.00
I	ROCK EX	CY	10	\$ 300.00	\$3,000.00
J	MINOR ADJUSTMENT OF MANHOLES	EA	1	\$ 500.00	\$500.00
K	ADJUSTING BOXES	EA	6	\$ 100.00	\$600.00
L	3/4"-0"	CY	221	\$ 70.00	\$15,470.00
M	LEVEL 2, 1/2" HMA	TON	355	\$ 86.00	\$30,530.00
N	EXTRA FOR AC APPROACHES	EA	2	\$ 1,000.00	\$2,000.00
O	CONCRETE STANDARD CURB	LF	131	\$ 40.00	\$5,240.00
P	CONCRETE WALKS	SF	140	\$ 25.00	\$3,500.00
Q	CONCRETE DRIVEWAYS	SF	531	\$ 30.00	\$15,930.00
R	THERMOPLASTIC, EXTRUDED, SURFACE,	LF	408	\$ 1.70	\$693.60
S	AC BAR, TYPE B-HS	SF	234	\$ 11.00	\$2,574.00
T	CLEARING & GRUBBING	LS	1	\$ 10,000.00	\$10,000.00

TOTAL: \$137,532.60

S-2 Contractors Inc. CCB 67253
6860 S. Anderson Rd. Aurora, Or. 97002

Phone: 503-651-4000
Fax: 503-651-4004

Point of Contact: Josh Wheeler
 Term of Contract: _____

SECTION III A
CONTRACT AGREEMENT

This Agreement, made and entered into this 19th day of May, 2021,
 between the CITY OF OREGON CITY ("CITY"), acting by and through the City Commission
 and S-2 CONTRACTORS, INC. ("CONTRACTOR").

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

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2021 Roadway Reconstruction Project (CI 20-011)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid	Statutory Conditions to Contract Agreement
Scope of Work	Performance Bond
Instructions to Bidders	Payment Bond
Bid Proposal and Bid Schedule	State of Oregon Statutory Public Works Bond
Compliance with ORS 279C.840	General Conditions
Resident Bidder Status	Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2021
Certification of Drug Testing Program	Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated April 1, 2021
Non-Collusion Statement	Prevailing Wage Apprenticeship Rates dated April 1, 2021
Asbestos Certification	Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018
Registrations	Special Provisions
Certification of Non-Discrimination	Contract Drawings
Certification of Compliance with Tax Law	City of Oregon City Standard Details
Bidder Responsibility Form	Technical Specifications
Bid Bond	2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents
First Tier Subcontractor Disclosure Form	Addendum 1 dated April 26, 2021
Customer Service Acknowledgment Form	All items included within these Contract Documents.
Contract Agreement	
Oregon City Public Improvement Standard Conditions	

The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by September 10, 2021, and ready for final acceptance by **September 30, 2021**, as identified in 00180.50(b) of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **one million, nine hundred forty-four thousand, four hundred and forty-five and no/100 dollars (1,944,445.00)**.

ARTICLE IV - Warranty and Quality of Work

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

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

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

CITY OF OREGON CITY

S-2 CONTRACTORS, INC.

by: Anthony J. Konkol III
Anthony J. Konkol III
City Manager

by: John M. Lewis, P.E.
John M. Lewis, P.E.
Public Works Director

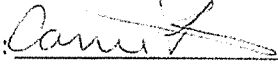
William Shunn
Printed Name

by: [Signature]
Authorized signature

VP
Title

93-1025924
Federal Taxpayer ID Number

Approved as to Legal Sufficiency:

by: 
City Attorney

Address:

6860 S Anderson Rd
Aurora, OR 97002

City Commission Award Date:

5/19/2021



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - 2ND REVISED DRAFT MINUTES

Virtual Meeting
Wednesday, July 07, 2021 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION:

Immediately following the regular meeting of the City Commission.

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

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 7:04 PM.

PRESENT: 5 - Mayor Rachel Lyles Smith, Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

STAFFERS: 15 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Finance Director Matt Zook, Community Development Director Laura Terway, Public Works Director John Lewis, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, Police Captain Shaun Davis, Human Resources Director Patrick Foiles, Econ. Dev. Manager James Graham, Planner Kelly Reid, IT Supervisor David Knoll, Project Engineer Bob Balgos, and Tourism Program Specialist Matthew Weintraub

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

Betty Mumm, resident of Oregon City, commented on the possible use of the residential pavement maintenance utility fee to address the current sidewalk/street tree issue. Ms. Mumm reminded the Commissioners that the fee is intended for issues with city streets and not sidewalks or associated issues.

Tracy Rock, resident of Oregon City, commented on the lack of short-term rental opportunities in the McLoughlin District and encouraged the Commission to consider amending the code to allow for more short-term rentals for tourist use.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

Commissioner McGriff asked to pull agenda item 7a from of the Consent Agenda and added to the General Business. The agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the Consent Agenda (items 7b. through 7p.), except for item 7a. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 7a. Update on Resolution No. 21-32, Authorizing the Use of Tree Mitigation Funding for the Tree Recovery Program in Response to the 2021 Winter Storm Damage

Commissioner McGriff wanted to verify the waiver would only apply to trees that were damaged or fell down due to the February 2021 ice storm. She would like to add a few changes to clarify the language about using the street tree list and the options for saving money. On the upcoming utility bill insert, she asked the language be changed to damaged tree canopy instead of lost. She asked that the insert emphasize that the waiver applies to trees that were damaged by the ice storm event in February 2021 and not other causes. Commissioner McGriff asked that the insert refer homeowners to the approved street tree list on the City's website and include contact information for the Friends of Trees.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve Resolution No. 21-32, Authorizing the Use of Tree Mitigation Funding for the Tree Recovery Program in Response to the 2021 Winter Storm Damage as amended. The motion carried by the following vote:

Yea: 5 - Mayor Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 7b. Resolution No. 21-34, Vacating a Section of Public Sanitary Sewer Easement at 11837 Skellenger Way
- 7c. Resolution No. 21-36, Reactivation of the Oregon City Arts Commission
- 7d. Local Agency Agreement with the Oregon Department of Transportation for the Beavercreek Road ARTS Project
- 7e. Purchase of Panasonic Toughbook Computers, Warranty, Docking Stations, and Car Adapters from ExtenData Solutions
- 7f. Five-year Agreement with Axon Enterprise, Inc. for Body-worn Cameras and Associated Hardware, Analytical Software, Training, and Digital Evidence Storage
- 7g. Metro Community Enhancement Grant Agreements for 2021-2022
- 7h. Intergovernmental Agreement with Metro Continuing the Community Enhancement Grant Program
- 7i. State of Oregon Price Agreement with Professional Credit Service (PCS) for Accounts

 Receivable Management/Debt Collection

- 7j. Three-year Disaster Recovery Services Contract with ThinkGard
- 7k. Three-year Ransomware and Threat Protection Solution Contract with DarkTrace
- 7l. Recommendation Letter for the Appointment of Rachel Lyles Smith to the Governor's Willamette Falls Locks Commission
- 7m. Minutes of the May 5, 2021 Regular Meeting
- 7n. Minutes of the May 24, 2021 City Commission Special Work Session
- 7o. Minutes of the June 2, 2021 Regular Meeting
- 7p. Minutes of the June 8, 2021 Work Session

8. PUBLIC HEARINGS

- 8a. Resolution No. 21-35, Adopting a Methodology, Project List, Amounts for the City's Stormwater System Development Charges and Establishing Effective Dates and Repeals Resolution No. 04-47

John Lewis, Public Works Director, provided the background. John Ghilarducci, FCS Group consultant, discussed stormwater system development charges (SDCs) used to support the City's Capital Improvement Plan (CIP). Staff recommends updating the stormwater SDCs to align with the newly adopted July 2019 Stormwater Master Plan. In March 2020, the City contracted with FCS Group to gather information from the Stormwater Master Plan and analyze the City's SDCs. Adjusting SDC rates ensures that development contributes its share of infrastructure costs. In March 2021, the FCS Group and City staff presented the proposed Stormwater SDC fee to the City Commission. The SDC fee included the reimbursement fee and improvement fee. A few capital projects from the CIP list were determined to be growth-related, resulting in an increase of the stormwater SDC from the current \$956/equivalent residential unit (ERU) to \$1,070/ERU.

Mayor Lyles Smith opened the public hearing. As there were no public comments, Mayor Lyles Smith closed the public hearing.

Commissioner O'Donnell asked about the calculation and equity between the burden on new development and costs imposed on existing users. Mr. Lewis responded with information on project costing and itemization and how that will affect rates.

Mayor Lyles Smith asked about an annual inflation statement in the resolution that is based on a Seattle construction cost index and Mr. Lewis explained that the Seattle cost index is the closest index in the region that can be utilized.

Motion made by Commissioner McGriff, seconded by Mayor Lyles Smith, to approve Resolution No. 21-35, Adopting a Methodology, Project List, Amounts for the City's Stormwater System Development Charges and Establishing Effective Dates and Repealing Resolution No. 04-47. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

There was discussion and consensus to amend the agenda order and allow Tracy Rock to provide a public comment for an item not on the agenda after the vote on Resolution No. 21-35.

9. GENERAL BUSINESS

9a. Resolution No. 21-18, Establishing a Minimum Equivalent Residential Unit Monthly Rate to be Charged for Stormwater Service Provided to Customers Served by Oregon City's Stormwater System

The City Commission had requested City staff to investigate additional rate scenarios that consider reducing the capital projects list and extending the short-term rate increases from three years to five years. Three levels of services funded by cash or debt issuances were presented in the March 2021 Commission meeting. The Commission favored pursuing Level of Service 2, cash funded option at that time.

Mr. Lewis reviewed the proposed capital projects, rate methodology and the Level of Service scenarios.

Mr. Ghilarducci addressed the public comments from Craig Danielson and felt the average Equivalent Residential Unit based on a 2500 square foot residence was typical for cities. Altering this value would increase the burden on residences and decrease the burden on large properties since the infrastructure costs do not change.

Commissioner O'Donnell asked if there was a credit system that would allow a developer to decrease their impact and the fees. Mr. Lewis indicated the kinds of improvements that would provide a credit are typically required as part of the development code. For developments prior to these requirements, the City would need to evaluate the Development Intensity Factor on a case-by-case basis.

Mayor Lyles Smith asked about the 5-year duration under option 2 and if that was enough time to generate revenue to complete the stormwater projects. Mr. Lewis indicated the 5-year period was adequate.

Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, Jr., to approve Option #3, an 8% increase over 5 years with an 80% cap on capital improvements - Resolution No. 21-18, Establishing a Minimum Equivalent Residential Unit Monthly Rate to be Charged for Stormwater Service Provided to Customers Served by Oregon City's Stormwater System. The motion carried by the following vote:

Yea: 5 - Mayor Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

The Commission took a break from 8:23 to 8:30 PM.

9b. First Reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program (Legislative File LEG-21-00002)

Kelly Reid, Planner, provided the overview regarding the amendments to the Oregon City Municipal Code Chapter 15.28 Sign Code. The Mural Code would need to be content neutral. She discussed the Zoning areas that would allow murals, the Arts Commission would provide the oversight with the Economic Development Department. Staff has received favorable comments in support of the Code amendments.

Commissioner Smith asked questions about the difference between Murals and Signs. Ms. Reid and Mr. Kabeiseman provided explanation that mural surfaces are dedicated to the City through an easement.

**City Commission Regular Meeting - 2nd
REVISED**

Minutes

July 07, 2021

Commissioner McGriff had concerns about allowing murals on historic residential houses that are currently zoned commercial. She also doesn't support the language of allowing staff to make decisions if the Arts Commission is no longer meeting or active.

Commissioner Smith asked what happens to the murals that have been created when the City didn't allow murals. Ms. Reid thought those had been handled through Code Enforcement and will have the opportunity to submit to the Arts Commission.

Mayor Lyles Smith asked if the historic homes that are commercially zoned could be exempt in this Code language. Ms. Reid suggested the option that the Historic Review Board would need to review any mural on a historic home as well as amending the code to prohibit any historic home from having a mural.

There was a consensus to prohibit murals on historic homes completely in the Code. There was also consensus to have murals go to the City Commission rather than staff if there is no active Arts Commission.

Mayor Lyles Smith asked what the appeal fee would be. Laura Terway, Community Development Director, said the appeal fee would be \$250.00 and the fees will come to the Commission by resolution at the same meeting of the second reading of the Ordinance. Non-approved murals can be allowed as signs, but are not considered public art.

The Commission discussed proposed changes to the Ordinance to (1) replace review by staff with review by the City Commission, (2) prohibit murals on historic homes zoned commercially, (3) add language regarding rooftop murals.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to continue the first reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program (Legislative File LEG-21-00002) to the July 21, 2021 meeting. The motion carried by the following vote:

Yea: 5 - Mayor Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 9c. Second Reading of Ordinance No. 21-1010, amending Oregon City Municipal Code Chapter 3.20 – Reimbursement Districts.

The City Commission briefly discussed the item and proceeded to vote.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the second reading of Ordinance No. 21-1010, Amending Oregon City Municipal Code Chapter 3.20 – Reimbursement Districts. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 9d. 2021 – 2023 City Commission Biennium Goals and Strategies

Tony Konkol, City Manager, provided an overview of the City Commission Goals. He explained the items that had been added during the budget process, but not included in the actual Goals.

Motion made by Commissioner Smith, Jr., seconded by Commissioner McGriff, to adopt the 2021 - 2023 City Commission Biennium Goals and Strategies. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell,

and Commissioner Smith, Jr.

10. COMMUNICATIONS

City Manager

Mr. Konkol asked Shawn Davis, Police Captain, to provide an update about the fireworks during the 4th of July 2021.

Mr. Davis mentioned all complaints received were investigated. No citations or warnings were issued. There was no property damage or structure damage, but there were two tree fires. There were 48 calls total. Commissioner McGriff asked if any warnings had been issued related to fireworks. Mr. Davis indicated that no written warnings had been issued. Commissioner O'Donnell suggested a stronger approach should be taken to encourage compliance. Mr. Davis also briefly provided an update about the riot at Clackamette Park on June 18, 2021.

Commissioners

Commissioner O'Donnell felt there were three things the Commission needed to address in the near future: mitigation efforts in Clackamette Cove, street trees and buckling sidewalks, dredging to improve water quality in the Clackamette Cove.

Commissioner McGriff reported on the Arch Bridge clean-up and new Executive Director for the Willamette Falls and Landings Heritage Area Coalition.

Mr. Konkol updated the Commission on the items coming to the City Commission over the next couple of months for work sessions. He also provided an update regarding the mitigation and restoration work at Clackamette Cove.

There were questions about the permit with the Army Corp of Engineers regarding the mouth of Clackamette Cove and removing a gravel bar forming in the Clackamas River. The Commission also discussed water quality in Clackamette Cove and RestoreCap effort to acquire wetland mitigation credits.

Mayor

Mayor Lyles Smith announced the kick-off of the new Oregon City Connector Shuttle which will begin service on July 12, 2021.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:32 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 8/4/2021
From: Public Works Director John M. Lewis, PE

SUBJECT:

Resolution No. 21-42, Calling for an Election to Authorize Borrowing Funds for Water System Improvements to the Electors of Oregon City

STAFF RECOMMENDATION:

Staff recommends approval of Resolution No. 21-42.

EXECUTIVE SUMMARY:

Water rates and water system development charges (SDCs) support the City's capital improvement plan (CIP) which is developed from the City's Water Master Plan. The City amended the 2012 Water Distribution System Master Plan to include the updated list of needed capital projects. The City must update water rates and water system development charges (SDCs) to support that plan. Water rates pay for system improvements needed for the existing system, while SDCs are one-time charges and pay for system improvements needed to support development/growth.

A Water Rate and SDC Study was completed by FCS Group in 2019 with results presented to the City Commission in October 2019 and again in July 2020. The subject report identifies the need to exceed the 3% limit set by the City Charter for a rate increase; therefore, voter approval is needed. Water SDC modifications are not limited by City Charter and are paid for by developers, as development occurs. At the September 2020 work session, the City Commission supported proceeding with a financing plan to support the capital improvements and directed staff to proceed with water SDC increases followed by a water ballot measure to seek support for the needed water rate increases.

A public hearing was held on March 3, 2021, on modifications to the water SDC methodology and adoption of new water SDC fees. The City Commission subsequently adopted updated water SDC rates, via Resolution No. 21-14, which went into effect July 1, 2021.

At the January 12, 2021, work session, the City Commission confirmed interest in pursuing voter support for needed water rate increases. At that time, the City

Commission decided to defer pursuit of voter approval to November 2021, recognizing the difficult year the community has had.

In preparation for the November 2021 ballot measure, the City entered into an agreement with Barney & Worth, Inc (BW) in May 2021 for professional services to assist with community engagement.

BW has completed their opinion research which informed the ballot measure language and community engagement strategy. The ballot measures are now being brought forward for approval through adoption of the resolution.

At the July 21, 2021 City Commission meeting, water ballot measures were presented to the Commission. The City Commission requested changes to improve voter understanding which has been incorporated into the enclosed documents. The purpose of this staff report and commission documents is to adopt water ballot measures to be included in the November 2, 2021 election.

BACKGROUND:

In May 1996, voters concerned with the adopted rates approved two City Charter amendments that restricted the City from bonding (Section 57) and limited water rate increases to 3% annually without voter approval. In addition, it included a provision that would force water rates to return to the 1994 rates. The vote was approved; however, a legal injunction resulted in a 20-year delay in the implementation of the rate rollback.

In 2012, the Water Distribution System Master Plan was completed, including a new capital improvement plan. FCS Group was hired to complete a study of water rates and SDCs to support the new Master Plan. The FCS report showed a need for rate increases larger than allowed by the City Charter. This presented a large barrier, not only due to the voter approval requirement, but also due to the water rate rollback. SDC updates were not pursued at that time due to the effort required to address rate challenges.

In November 2012, City staff presented their recommendation of no water rate rollback and an 8% annual water rate cap to the City Commission. This recommendation was to solve impacts of the 1996 City Charter Amendment outcome and to shore up the revenue stability needed to sustain the existing water system. Further discussion and rate scenarios ensued, but the ultimate City Commission decision was to separate the rate stability concerns (maintain the 3% limit) but focus on solving the looming water rate rollback. On May 21, 2013, Oregon City voters approved ballot measure 3-423, avoiding the water rate rollback. Again, SDC increases were not pursued at this time due to the focus on water rates.

Since 2013, the City Commission has remained focused on the need for revenue stability necessary to sustain the existing water system as reflected in the City Commission's past and present goals and priorities. The City Commission has also

sustained water rate increases by 3% annually. SDC rate increases have been based on the Engineering News Record Construction Cost Index, which varies greatly from year to year. Over the past 6 years, the annual increase for SDC rates averages about 3%.

Unfortunately, the delay in updating charges and fees combined with the charter provisions have resulted in the City underfunding its water infrastructure. While the City has operated and maintained the system sufficiently to provide quality, reliable water to our customers, it is becoming increasingly more difficult as the fatigued and aging infrastructure and growing community increase Oregon City's risk of not meeting the community needs.

The City Commission has recognized this challenge under Goal 5 Maintain Fiscal Health and Long-Term Stability, with a priority of Deferred Water Infrastructure in their 2019-2021 Goals and Priorities. This Goal included a priority given to deferred water infrastructure and a milestone of communicating the need for long-term water rates, needed infrastructure replacement, and possible ballot measures.

In response to the City Commission's Goal, staff worked to update the water system model to reflect updated demand projections, system operation, current growth rates, and updated system conditions and standards. This resulted in an updated Capital Improvement Plan (CIP), referred to as the "2019 CIP Update." The result is a more robust CIP that identifies projects to improve efficiency, system capacity, and condition of the water distribution system. The 2019 CIP Update was presented to the City Commission in February 2019, and again in May 2020, and was incorporated into the Water Master Plan, through adoption of the Amendment at the January 20, 2021, City Commission meeting. This update reflects planned City service with water from South Fork Water Board to cover the territory within Oregon City's Urban Growth Boundary. This includes the Beavercreek Road (Thimble Creek) area, South End and Park Place Concept Plan areas, and uses updated modeling and water demand projections.

With mounting certainty of the 2018/19 revisions to the water CIP, the City contracted with FCS Group in March 2019 to complete the Water Rate and SDC Study to evaluate the new financial needs. The Water Rate and SDC Study was completed by FCS in 2019 with results presented to City Commission in October 2019 and again in July 2020. The subject report identifies the need to exceed the 3% limit set by the City Charter for a rate increase, therefore, voter approval is needed. Water SDC modifications are not limited by City Charter and are paid for by developers, as development occurs.

At the July 15, 2020, City Commission Work Session, the City Commission confirmed its interest in fully funding the CIP, thereby requiring increases in the water SDC and voter approval for required water rate increase over the 3% charter limit. The City Commission also confirmed interest in proceeding with water SDC before water rates, resulting in separation of the water rate and water SDC reports. Water SDCs were modified through a process with the public notice issued November 30, 2020, the Methodology Report made available December 30, 2020, and the public hearing held

on March 3, 2021. Water SDC increases were adopted by Resolution 21-14 at the March 3, 2021, City Commission meeting and went into effect, July 1, 2021.

Consistent with the July 15, 2020, direction, the Rate Study was separated and updated to reflect current rate comparisons with other jurisdictions and was included in the January 12, 2021 work session packet. At the subject work session, the City Commission reviewed the three scenarios presented and expressed interest in not pursuing the “Flat Revenue Requirement” that would call for a 22% rate increase in 2020/21. The two remaining scenarios considered for voter approval were:

Rate Increase	Rate Revenue Scenario	Charter Limit Requiring Voter Approval
5% Annual	Backloaded Revenue Requirement	Chapter XII Misc, Section 58
4% Annual*	Debt Supported Revenue Requirement	Chapter XII Misc, Section 57 & 58

**4% annual increase for 6 years and not exceeding 3% limit thereafter*

The City Commission recommended proceeding a water ballot measure that would seek approval of the Debt Supported option, recognizing it minimized the rate increase to its water customers.

Communication and outreach to the community have been done on the Water Master Plan Amendment, including system needs and improvements, financing, and the needed rate and fee updates. This has been accomplished through Trail News articles, E-Newsletters, public notices, public hearing, and Community Involvement Committee meetings. Outreach is intended to continue until which time Ballot language is approved to be submitted to the County Elections Office for publication. Recent public opinion research was completed and used to prepare the ballot measure included in the resolution.

BALLOT MEASURE

Since the ballot measures must move forward separately, there is a risk that only one may pass. The ballot measure has been drafted to provide the City the flexibility to update their financing plan including reflection of the results of the election, the preferred borrowing approach (if approved), as well as the availability and eligibility of funding through other programs, such as the American Rescue Plan and the Water Infrastructure Finance Innovation Act (WIFIA) loan interest loan program. Recommended rate increases from the update will be presented to the City Commission for review and approval.

The amount of debt reflected in the ballot measure is consistent with the FCS Group Water Rate Report. The ballot measure presented to the Commission authorizes the City to borrow to finance water system improvements. If approved, the borrowings could take the form of revenue bonds, full faith and credit bonds, bank loans, and state or federal loans (such as under the EPA's WIFIA loan program). An alternative ballot measure option for authorizing debt would be a General Obligation (GO) bond. A GO bond would authorize the City to levy an additional property tax, although the City expects to repay any debt using 100% water rates and system development charges revenues. A GO bond provides the maximum amount of security to investors, thus potentially producing a lower interest rate. However, the authorization for a GO bond would only allow this type of funding, and the City anticipates that the flexibility to pursue funding under a wider range of borrowing programs is the favorable option. Staff will return to the Commission with funding options and authorization to issue specific borrowings if the ballot measure has been approved by voters.

Ultimately, the City Commission will approve the final rates and financing plan for support of the needed water improvements within the authority given by the voters, after consideration of the ballot measures.

OPTIONS:

1. Approve Resolution No. 21-42
2. Approve with specific amendments
3. Deny Resolution No. 21-42 and provide staff with direction

RESOLUTION NO. 21-42

A RESOLUTION CALLING FOR AN ELECTION TO AUTHORIZE BORROWING MONEY FOR WATER SYSTEM IMPROVEMENTS TO THE ELECTORS OF OREGON CITY

WHEREAS, The City's water system is in need of significant improvements, as demonstrated by the water master plan, which was amended in January 2021; and,

WHEREAS, The City Commission has reviewed the needs of the City's water system and methods to bring the infrastructure up to a condition where it will adequately serve the citizens of Oregon City, now and in the future; and

WHEREAS, Two methods available to the City to improve its water system are increasing water rates and borrowing funds. The City Commission has chosen to take a balanced approach by relying on both methods, rather than one; and

WHEREAS, Section 47 of the Oregon City Charter prohibits the City's voluntary floating indebtedness from exceeding \$25,000 without a vote of the people and Section 58 of the Oregon City Charter prohibits the City from issuing general obligation bonds or revenue bonds without a vote of the people.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Oregon City, to be held Tuesday, November 2, 2021. The Clackamas County Clerk shall conduct the election.

Section 2. At that election, the question of whether to authorize borrowing up to a principal amount of \$38 million for water system improvements shall be submitted to the voters of Oregon City.

Section 3. The City Commission adopts the ballot title attached to this Resolution in Exhibit A to describe the measure and directs the City Manager to file the ballot title with the City Recorder.

Section 4. The City Commission directs the City Recorder to take all actions necessary to hold the election, including publication of the notice of receipt of the ballot title.

Section 5. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 4th day of August 2021.

Rachel Lyles Smith, Mayor

Attested to this 4th day of August 2021

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A – Ballot Measure Language

EXHIBIT A**BALLOT TITLE**

- CAPTION:** AUTHORIZES THE CITY TO BORROW FUNDS FOR WATER SYSTEM IMPROVEMENTS
- QUESTION:** Shall Oregon City be authorized to borrow up to \$38 million for water system improvements?
- SUMMARY:** Oregon City's water system needs significant improvements, demonstrated by its water master plan. The plan identifies projects to strengthen the water system and improve its ability to recover from wildfire, major storms, and drought while providing safe, reliable water year-round.
- The City seeks a balanced approach to fully fund the water system improvements minimizing rate increases above the 3% Charter limit by borrowing money. This measure would authorize Oregon City to borrow funds to support water system improvements. The City expects to repay the borrowed money over 20 to 30 years with water system revenues and may pledge its full faith and credit to improve the terms. This measure will not result in additional property taxes.
- Voter authorization to borrow money will:
- Enable the City to apply for low interest federal and state loans
 - Provide a large sum of money at one time, allowing projects to be completed earlier
 - Allow future users to contribute resulting in a smaller annual water rate increase

Oregon City Ballot Measure Language – Borrowing

CAPTION (10 words): AUTHORIZE THE CITY TO BORROW FUNDS FOR WATER SYSTEM IMPROVEMENTS

QUESTION (20 words): Shall Oregon City be authorized to borrow up to \$38 million for water system improvements?

SUMMARY (175 words): Oregon City's water system needs significant improvements, demonstrated by its water master plan. The plan identifies projects to strengthen the water system and improve its ability to recover from wildfire, major storms, and drought while ensuring everyone has safe, reliable water year-round.

The City seeks a balanced approach to fully fund the water system improvements minimizing rate increases above the 3% Charter limit by borrowing money. This measure would authorize Oregon City to borrow funds to support water system improvements. The City expects to repay the borrowed money over 20 to 30 years with water system revenues and may pledge its full faith and credit to improve the terms. This measure will not result in additional property taxes.

Voter authorization to borrow money will:

- Enable the City to apply for low interest federal and state
- Provide a large sum of money at one time, allowing projects to be completed earlier
- Allow future users to contribute resulting in a smaller annual water rate increase

Keeping Oregon City's Water System Improvements Affordable by Borrowing

Oregon City updated its water master plan in January 2021. The plan identifies \$81 million in improvements to strengthen the water system and improve its ability to recover from wildfire, major storms and drought while providing everyone safe, reliable water for years to come.

Fully funding the fixes for Oregon City's water system requires voter authorization. Section 47 of the Oregon City Charter prohibits the City's voluntary borrowing more than \$25,000 without a vote of the people and Section 58 of the Oregon City Charter prohibits the City from issuing general obligation or revenue bonds without a vote of the people.

This measure would authorize Oregon City to borrow money to support water system improvements. The City expects to repay the borrowed money over 20 to 30 years with water system revenues and may pledge its full faith and credit to improve the terms. This measure will not result in additional property taxes.

Voter authorization to borrow money will:

- Enable the City to apply for low interest federal and state loans
- Provide a large sum of money at one time, allowing projects to be completed earlier
- Allow future users to contribute resulting in a smaller annual water rate increase

Water System Issues

As the oldest city in the West, Oregon City still has some water pipes over 100 years old. Plus, another 12.6 miles of pipe is 50-100 years old – past its useful life, prone to failure. Old pipes can be replaced with modern, durable, earthquake-proof materials.

2020 provided evidence of vulnerabilities in Oregon City's water system:

- As wildfires swept toward Oregon City on Labor Day weekend, it wasn't clear there would be enough water to combat the fire threat.
- A few months later, in February 2021, combined ice and wind knocked out power to the South Fork water treatment plant – the City's water supply source on the Clackamas River. Without water supplies for 3 days, Oregon City relied on water stored in city reservoirs and tanks – which nearly ran dry.

Oregon City's limited water storage capacity can impact the City's ability to serve every customer equally during the dry season. Also, firefighting can consume large volumes of water, applied at high pressure. To meet these demands, Oregon City plans to build two more reservoirs or storage tanks, strategically located. This added storage will allow Oregon City to provide everyone safe, reliable drinking water – no matter where they are – even in summer months.

New Development Pays its Share

Higher development fees enacted by the City Commission took effect July 1, 2021. These increases ensure that new development will pay its share of water system costs related to growth. In essence, new development must "buy-in", paying a one-time fee (called a system development charge) to purchase a portion of the City's capacity.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 8/4/2021
From: Public Works Director John M. Lewis, PE

SUBJECT:

Resolution No. 21-43, Calling for an Election to Authorize Water Rate Increases of up to 3% Annually Above the Charter Limit for 6 Years to the Electors of Oregon City

STAFF RECOMMENDATION:

Staff recommends approval of Resolution No. 21-43.

EXECUTIVE SUMMARY:

Water rates and water system development charges (SDCs) support the City's capital improvement plan (CIP) which is developed from the City's Water Master Plan. The City amended the 2012 Water Distribution System Master Plan to include the updated list of needed capital projects. The City must update water rates and water system development charges (SDCs) to support that plan. Water rates pay for system improvements needed for the existing system, while SDCs are one-time charges and pay for system improvements needed to support development/growth.

A Water Rate and SDC Study was completed by FCS Group in 2019 with results presented to the City Commission in October 2019 and again in July 2020. The subject report identifies the need to exceed the 3% limit set by the City Charter for a rate increase; therefore, voter approval is needed. Water SDC modifications are not limited by City Charter and are paid for by developers, as development occurs. At the September 2020 work session, the City Commission supported proceeding with a financing plan to support the capital improvements and directed staff to proceed with water SDC increases followed by a water ballot measure to seek support for the needed water rate increases.

A public hearing was held on March 3, 2021, on modifications to the water SDC methodology and adoption of new water SDC fees. The City Commission subsequently adopted updated water SDC rates, via Resolution No. 21-14, which went into effect July 1, 2021.

At the January 12, 2021, work session, the City Commission confirmed interest in pursuing voter support for needed water rate increases. At that time, the City

Commission decided to defer pursuit of voter approval to November 2021, recognizing the difficult year the community has had.

In preparation for the November 2021 ballot measure, the City entered into an agreement with Barney & Worth, Inc (BW) in May 2021 for professional services to assist with community engagement.

BW has completed their opinion research which informed the ballot measure language and community engagement strategy. The ballot measures are now being brought forward for approval through adoption of the resolution.

At the July 21, 2021 City Commission meeting, water ballot measures were presented to the Commission. The City Commission requested changes to improve voter understanding which has been incorporated into the enclosed documents. The purpose of this staff report and commission documents is to adopt water ballot measures to be included in the November 2nd election.

BACKGROUND:

In May 1996, voters concerned with the adopted rates approved two City Charter amendments that restricted the City from bonding (Section 57) and limited water rate increases to 3% annually without voter approval. In addition, it included a provision that would force water rates to return to the 1994 rates. The vote was approved; however, a legal injunction resulted in a 20-year delay in the implementation of the rate rollback.

In 2012, the Water Distribution System Master Plan was completed, including a new capital improvement plan. FCS Group was hired to complete a study of water rates and SDCs to support the new Master Plan. The FCS report showed a need for rate increases larger than allowed by the City Charter. This presented a large barrier, not only due to the voter approval requirement, but also due to the water rate rollback. SDC updates were not pursued at that time due to the effort required to address rate challenges.

In November 2012, City staff presented their recommendation of no water rate rollback and an 8% annual water rate cap to the City Commission. This recommendation was to solve impacts of the 1996 City Charter Amendment outcome and to shore up the revenue stability needed to sustain the existing water system. Further discussion and rate scenarios ensued, but the ultimate City Commission decision was to separate the rate stability concerns (maintain the 3% limit) but focus on solving the looming water rate rollback. On May 21, 2013, Oregon City voters approved ballot measure 3-423, avoiding the water rate rollback. Again, SDC increases were not pursued at this time due to the focus on water rates.

Since 2013, the City Commission has remained focused on the need for revenue stability necessary to sustain the existing water system as reflected in the City Commission's past and present goals and priorities. The City Commission has also sustained water rate increases by 3% annually. SDC rate increases have been based

on the Engineering News Record Construction Cost Index, which varies greatly from year to year. Over the past 6 years, the annual increase for SDC rates averages about 3%.

Unfortunately, the delay in updating charges and fees combined with the charter provisions have resulted in the City underfunding its water infrastructure. While the City has operated and maintained the system sufficiently to provide quality, reliable water to our customers, it is becoming increasingly more difficult as the fatigued and aging infrastructure and growing community increase Oregon City's risk of not meeting the community needs.

The City Commission has recognized this challenge under Goal 5 Maintain Fiscal Health and Long-Term Stability, with a priority of Deferred Water Infrastructure in their 2019-2021 Goals and Priorities. This Goal included a priority given to deferred water infrastructure and a milestone of communicating the need for long-term water rates, needed infrastructure replacement, and possible ballot measures.

In response to the City Commission's Goal, staff worked to update the water system model to reflect updated demand projections, system operation, current growth rates, and updated system conditions and standards. This resulted in an updated Capital Improvement Plan (CIP), referred to as the "2019 CIP Update." The result is a more robust CIP that identifies projects to improve efficiency, system capacity, and condition of the water distribution system. The 2019 CIP Update was presented to the City Commission in February 2019, and again in May 2020, and was incorporated into the Water Master Plan, through adoption of the Amendment at the January 20, 2021, City Commission meeting. This update reflects planned City service with water from South Fork Water Board to cover the territory within Oregon City's Urban Growth Boundary. This includes the Beavercreek Road (Thimble Creek) area, South End and Park Place Concept Plan areas, and uses updated modeling and water demand projections.

With mounting certainty of the 2018/19 revisions to the water CIP, the City contracted with FCS Group in March 2019 to complete the Water Rate and SDC Study to evaluate the new financial needs. The Water Rate and SDC Study was completed by FCS in 2019 with results presented to City Commission in October 2019 and again in July 2020. The subject report identifies the need to exceed the 3% limit set by the City Charter for a rate increase, therefore, voter approval is needed. Water SDC modifications are not limited by City Charter and are paid for by developers, as development occurs.

At the July 15, 2020, City Commission Work Session, the City Commission confirmed its interest in fully funding the CIP, thereby requiring increases in the water SDC and voter approval for required water rate increase over the 3% charter limit. The City Commission also confirmed interest in proceeding with water SDC before water rates, resulting in separation of the water rate and water SDC reports. Water SDCs were modified through a process with the public notice issued November 30, 2020, the Methodology Report made available December 30, 2020, and the public hearing held

on March 3, 2021. Water SDC increases were adopted by Resolution 21-14 at the March 3, 2021, City Commission meeting and went into effect, July 1, 2021.

Consistent with the July 15, 2020, direction, the Rate Study was separated and updated to reflect current rate comparisons with other jurisdictions and was included in the January 12, 2021 work session packet. At the subject work session, the City Commission reviewed the three scenarios presented and expressed interest in not pursuing the “Flat Revenue Requirement” that would call for a 22% rate increase in 2020/21. The two remaining scenarios considered for voter approval were:

Rate Increase	Rate Revenue Scenario	Charter Limit Requiring Voter Approval
5% Annual	Backloaded Revenue Requirement	Chapter XII Misc, Section 58
4% Annual*	Debt Supported Revenue Requirement	Chapter XII Misc, Section 57 & 58

**4% annual increase for 6 years and not exceeding 3% limit thereafter*

The City Commission recommended proceeding a water ballot measure that would seek approval of the Debt Supported option, recognizing it minimized the rate increase to its water customers.

Communication and outreach to the community have been done on the Water Master Plan Amendment, including system needs and improvements, financing, and the needed rate and fee updates. This has been accomplished through Trail News articles, E-Newsletters, public notices, public hearing, and Community Involvement Committee meetings. Outreach is intended to continue until which time Ballot language is approved to be submitted to the County Elections Office for publication. Recent public opinion research was completed and used to prepare the ballot measure included in the resolution.

BALLOT MEASURE

Since the ballot measures must move forward separately, there is a risk that only one may pass. The ballot measure has been drafted to provide the City the flexibility to update their financing plan including reflection of the results of the election, the preferred borrowing approach (if approved), as well as the availability and eligibility of funding through other programs, such as the American Rescue Plan and the Water Infrastructure Finance Innovation Act (WIFIA) loan interest loan program. Recommended rate increases from the update will be presented to the City Commission for review and approval.

The rate increase reflected in the ballot, differs from those previously shown in the FCS Group Water Rate Report, to account for the possibility of not having borrowing authority to minimize the rate increase. The City Commission preferred the debt support option, which called for a 4% rate increase and borrowing of money. The non-debt supported option considered, required a 5% annual increase required over 20 years.

Public opinion research has shown that increase beyond 10 years is not seen as “temporary”. Recognizing that this rate may not meet with voter approval, a decision was made to increase to 6% for six years, matching the duration of the debt funded option shown in the FCS Water Rate Report. While the duration matches, if the borrowing is not approved, the added cost of paying for the improvements without debt will fall on the rate increase. It is unlikely the 6% increase limited to 6 years, will fully fund the improvements without debt, but the opinion research indicated support up to 6% with public education with it dropping when it reached 7%. The ballot measure has been written to authorize “up to 6%”, providing the highest temporary rate increase we believe will be supported, leaving the ability for the City Commission to approve a lesser amount.

The following shows the increased monthly and annual cost for an average residential customer, using 6 CCF per month, above the current 2021 water rates, for the different rates discussed.

AVERAGE RESIDENTIAL CUSTOMER – WATER RATE REVIEW

Rates	Water Cost		Increase Over 3% Charter Limit	
	Monthly	Annual	Monthly	Annual
2021 Rate	\$ 29.20	\$ 350.40		
3% Increase (Authorized in Charter)	\$30.08	\$ 360.96		
4% Increase (Debt Supported Option – 6 yrs)	\$30.37	\$ 364.44	\$ 0.29	\$ 3.48
5% Increase (Non-Debt Supported – 20 yrs)	\$ 30.66	\$ 367.92	\$ 0.58	\$ 6.96
6% Increase (Proposed – 6 yrs)	\$30.95	\$ 371.40	\$ 0.87	\$10.44

If the increase is approved by voters, the average household monthly bill would see a total increase above the Charter limit of \$6.56 at the end of year six.

Even with the 6% increase, the monthly difference in an average residential customer's bill would be less than \$ 1.00. Given the cost and effort to pursue a ballot measure, the approach taken is to ask for authorization up to what we believe will be accepted by the voters as well as what we believe is needed, to meet the City's intent to fully fund the water capital improvements to the extent possible.

Ultimately, the City Commission will approve the final rates and financing plan for support of the needed water improvements within the authority given by the voters, after consideration of the ballot measures.

OPTIONS:

1. Approve Resolution No. 21-43
2. Approve Resolution No. 21-43 with specific amendments
3. Deny Resolution No. 21-43 and provide staff with direction

RESOLUTION NO. 21-43

A RESOLUTION SUBMITTING A MEASURE TO AUTHORIZE WATER RATE INCREASES OF UP TO 3% ANNUALLY ABOVE THE CHARTER LIMIT FOR 6 YEARS TO THE ELECTORS OF OREGON CITY

WHEREAS, The City's water system is in need of significant improvements, as demonstrated by the water master plan, which was amended in January 2021; and,

WHEREAS, The City Commission has reviewed the needs of the City's water system and methods to bring the infrastructure up to a condition where it will adequately serve the citizens of Oregon City, now and in the future; and

WHEREAS, Two methods available to the City to improve its water system are increasing water rates and borrowing funds. The City Commission has chosen to take a balanced approach by relying on both methods, rather than one; and

WHEREAS, Section 58 of the Oregon City Charter prohibits the City from increasing the water rates more than 3% annually without a vote of the people.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Oregon City, to be held Tuesday, November 2, 2021. The Clackamas County Clerk shall conduct the election.

Section 2. At that election, the question of whether to authorize water rate increase up to 6% annually for 6 years shall be submitted to the voters of Oregon City.

Section 3. The City Commission adopts the ballot title attached to this resolution in Exhibit A to describe the measure and directs the City Manager to file the ballot title with the City Recorder.

Section 4. The City Commission directs the City Recorder to take all actions necessary to hold the election, including publication of the notice of receipt of the ballot title.

Section 5. This resolution shall take effect immediately upon its adoption by the City Commission

Approved and adopted at a regular meeting of the City Commission held on the 4th day of August 2021.

Rachel Lyles Smith, Mayor

Attested to this 4th day of August 2021

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A – Ballot Measure Language

EXHIBIT A

CAPTION: AUTHORIZES TEMPORARY WATER RATE INCREASE ABOVE 3% ANNUAL CHARTER LIMIT

QUESTION: May City increase water rates up to an additional 3% over Charter limit for six years for water system improvements?

SUMMARY: Oregon City's water system requires significant improvements, as demonstrated by its water master plan. The planned improvements will strengthen the water system and improve its ability to recover from wildfire, major storms, and drought while providing safe, reliable water year-round.

The City's goals:

- Repair and upgrade the oldest and most likely to fail parts of the system.
- Provide all households reliable water service during the summer months.
- Provide reliable water service to fight wildfires and after storms and earthquakes.

Past rate increases have been kept to the 3% Charter limit – but that amount isn't enough to cover water system fixes. The City seeks a balanced approach to fully fund the improvements by minimizing the required rate increase above the Charter limit by borrowing money. This ballot measure would authorize a temporary annual water rate increase of up to 3% above the Charter limit, for six years.

For a typical household, in six years the monthly water rate would increase \$5.63 under the Charter limit and an additional \$6.56 if the measure is fully implemented.

Oregon City Ballot Measure Language – Water Rates

CAPTION (10 words): AUTHORIZES TEMPORARY WATER RATE INCREASE ABOVE 3% ANNUAL CHARTER LIMIT

QUESTION (20 words): May City increase water rates up to an additional 3% over Charter limit for six years for water system improvements?

SUMMARY (175 words): Oregon City's water system requires significant improvements, as demonstrated by its water master plan. The planned improvements will strengthen the water system and improve its ability to recover from wildfire, major storms, and drought while providing safe, reliable water year-round.

The City's goals:

- Repair and upgrade the oldest and most likely to fail parts of the system.
- Provide all households reliable water service during the summer months.
- Provide reliable water service to fight wildfires and after storms and earthquakes.

Past rate increases have been kept to the 3% Charter limit – but that amount isn't enough to cover water system fixes. The City seeks a balanced approach to fully fund the improvements by minimizing the required rate increase above the Charter limit by borrowing money. This ballot measure would authorize a temporary annual water rate increase of up to 3% above the Charter limit, for six years.

For a typical household, in six years the monthly water rate would increase \$5.63 under the Charter limit and an additional \$6.56 if the measure is fully implemented.

Explanatory Statement-Rates (500 words) 472 words

Reinvesting in Oregon City's Water System

Oregon City updated its water master plan in January 2021. The plan identifies \$81 million in improvements to strengthen the water system and improve its ability to recover from wildfire, major storms and drought while providing safe, reliable water year around.

The City's goals include:

- Repair and upgrade parts of water system that are oldest and most likely to fail.
- Providing all households, no matter where they are, reliable water service during the summer months.
- Providing reliable water service during and after natural disasters, such as wildfires, major storms, or earthquakes.

Fully funding the fixes for Oregon City's water system requires voter authorization. Approval is needed for any annual water rate increases above 3%. In recent years, rate increases have been kept to 3% – but that amount isn't enough to cover water system fixes identified in the master plan. The investments funded by an additional 3% increase over six years will help Oregon City provide safe, reliable water service.

For a typical household, in six years the monthly rate would increase \$5.63 under the Charter limit and an additional \$ 6.56 if the measure is fully implemented. Water rates would return to the 3% Charter limit after the six-year temporary increase above that limit.

Water System Issues

As the oldest city in the West, Oregon City still has some water pipes over 100 years old. Plus, another 12.6 miles of pipe is 50-100 years old – past its useful life, prone to failure. Old pipes can be replaced with modern, durable, earthquake-proof materials.

2020 provided evidence of vulnerabilities in Oregon City's water system:

- As wildfires swept toward Oregon City on Labor Day weekend, it wasn't clear there would be enough water to combat the fire threat.
- A few months later, in February 2021, combined ice and wind knocked out power to the South Fork water treatment plant – the City's water supply source on the Clackamas River. Without water supplies for 3 days, Oregon City relied on water stored in city reservoirs and tanks – which nearly ran dry.

Oregon City's limited water storage capacity can impact the City's ability to serve every customer equally during the dry season. Also, firefighting can consume large volumes of water, applied at high pressure. To meet these demands, Oregon City plans to build two more reservoirs or storage tanks, strategically located. This added storage will allow Oregon City to provide everyone safe, reliable drinking water – no matter where they are – even in summer months.

New Development Pays its Share

Higher development fees enacted by the City Commission took effect July 1, 2021. These increases ensure that new development will pay its share of water system costs related to growth. In essence, new development must "buy-in", paying a one-time fee (called a system development charge) to purchase a portion of the City's capacity.



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Human Resources Director Patrick Foiles

Agenda Date: 08/04/2021

SUBJECT:

Finalists for Municipal Judge Appointment: Amy Lindgren and Kimberly Graves

STAFF RECOMMENDATION:

Staff recommends accepting public comment on the current candidates for the vacant Municipal Court Judge position.

EXECUTIVE SUMMARY:

Judge Laraine McNeice retired June 1, 2021 and staff has been gathering and reviewing applications. The selection process has narrowed the potential candidates to the following:

- Amy Lindgren
- Kimberly Graves

BACKGROUND:

ORS 221.140 authorizes cities to appoint, remove, and assign such powers to a municipal court judge as the city council provides. Chapter II, Section 11 of the Oregon City Charter requires that the Municipal Court Judge be appointed by the City Commission. ORS 192.660(7)(d)(C) requires an opportunity for the public to provide comment on the employment of City officers.

Staff recommends allowing public comment on the two finalists for the vacant position at this time. Final approval and selection of the candidate will occur at a subsequent meeting.

OPTIONS:

1. Allow public comment on the candidates for consideration.
2. Do not allow public comment and provide staff with further instruction.



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: 08/04/2021

SUBJECT:

Personal Services Agreement with Inflow Communications, Inc. for the Oregon City Operations Center Phone System and Service (CI 18-009)

STAFF RECOMMENDATION:

Award the contract and authorize the City Manager to execute the Contract Agreement with Inflow Communications, Inc. in the amount of \$58,402.50 for the new phone system for the Oregon City Operations Center (CI 18-009).

EXECUTIVE SUMMARY:

The City's Project Manager for the Operations Complex (PlanB) and IT staff worked together to solicit proposals from three phone system providers and ultimately negotiated a purchase price of \$58,402.50 with Inflow Communications, Inc. for design and other professional services, providing the software and hardware, and providing one year of support services for a new Mitel phone system for the Oregon City Operations Complex.

After review of the invoices for the services, it has been determined that this contract was executed in error when the Hardware, Software and Support portions of the contract (\$49,602.50) were separated from the Professional Services portions of the contract (\$8,800.00). Even though the hardware, software, support and professional services provided per this contract were approved as part of the overall Oregon City Public Works and Parks Department Complex budget, the contract should be approved as one contract and as a new procurement within the new buildings overall budget. Approval of the procurement requires approval by the City Commission as the total contract price is in excess of \$50,000. As stated above, this contract has been executed and the city has received shipment of the hardware and the project initiation process has occurred.

BACKGROUND:

The Oregon City Public Works Department is continuing to progress towards substantial completion of the Complex by the end of October 2021. Furnishings and systems installation is scheduled for late October which includes the phone system. The overall project budget authorization remains fixed at \$12,800,000 and this equipment and service fee agreement is well within the project allocation for furnishings, fixture and equipment. The Mitel phone system is scheduled for substantial completion on by the end of October 2021. Staff move in would follow shortly thereafter.

The City IT Division has selected Mitel as the Citywide standard for equipment and software. Inflow Communications is the phone equipment and service provider that was the successful low bidder for the Robert Libke Public Safety Building and the Oregon City Municipal Library. Use of the new Operations Center complex requires a new telephone system consistent with other major and new City facilities. Staff have been working under a separate agreement with Inflow Communications, Inc. through the building design and construction phases to meet the final facility and programmatic requirements. The scope for this contract covers the design, hardware, software, customer and technical support, and professional services for installation and maintenance of this phone system. The total cost for this phone system and associated services is \$58,402.50.

After review of the invoices for the services, it has been determined that this contract was executed in error when the Hardware, Software and Support portions of the contract (\$49,602.50) were separated from the Professional Services portions of the contract (\$8,800.00). Even though the hardware, software, support and professional services provided per this contract were approved as part of the overall Oregon City Public Works and Parks Department Complex budget, the contract should be approved as one contract and as a new procurement within the new buildings overall budget. Approval of the procurement requires approval by the City Commission as the total contract price is in excess of \$50,000. As stated above, this contract has been executed and the city has received shipment of the hardware and the project initiation process has occurred.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$58,402.50
FY(s): FY 2021-22

Funding Source(s): Community Facility Fund

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

OREGON CITY OPERATIONS CENTER (CI 18-009)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **INFLOW COMMUNICATIONS, INC.** ("Contractor").

RECITALS

A. City requires services that Contractor is capable of providing under the terms and conditions hereinafter described.

B. Contractor is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **December 31, 2021**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Contractor's performance that has not been cured.

2. Compensation. City agrees to pay Contractor on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **fifty-eight thousand, four hundred two dollars and 50 cents (\$58,402.50)**.

3. Scope of Services. Contractor's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: John M. Lewis

To Contractor:

Inflow Communications, Inc.
9450 SW Gemini Drive #54242
Beaverton, or 97008-7105

Contractor shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 20____.

CITY OF OREGON CITY

INFLOW COMMUNICATIONS, INC.

By: _____
John M. Lewis, P.E.
Title: Public Works Director
DATED: _____, 20____.

By: _____
Name: _____
Title: _____

By: _____
Anthony J. Konkol III
Title: City Manager
DATED: _____, 20____.

DATED: _____, 20____.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

\\depot\Departments\PublicWorks\CIP_PS_RFQ_RFP\CIP_Open\CI 18-009 2018 Operations Center\CONSULTANT\Inflow Communications\PSA Inflow Communications Inc CI 18-009 -Updated.docx



Purchase Agreement

Opportunity Name: City of Oregon City - Public Works Building
Quote Number: Q-02315
Prepared For: David Knoll
Issued Date: 5/27/2021
Expires: 6/30/2021

Quote Contact: Tarik Subasic
Direct Email: tsubasic@inflowcommunications.com
Direct Phone: (360) 768-2051

Quoted pricing is valid for 30 days after the issued date and subject to change thereafter

Ship To
 David Knoll
 City of Oregon City
 625 Center Street
 Oregon City, OR 97045
 dknoll@orc.org
 (503) 496-1557

Bill To
 City of Oregon City
 320 Warner Milne Road
 Oregon City, OR 97045

Notes:

Hardware

Qty	Description	Unit Price	Extended
1.00	Mitel Voice Switch ST100DA	\$7,900.00	\$7,900.00
1.00	Rack Mount Tray Kit	\$110.00	\$110.00
42.00	Mitel IP Phone IP480	\$335.00	\$14,070.00
3.00	SoundStation IP 6000 (SIP) Conference Phone 802.3af Power Over Ethernet Expandable	\$929.00	\$2,787.00
TOTAL:			\$24,867.00

Software

Qty	Description	Unit Price	Extended
62.00	MiVoice Connect Essentials lic bundle	\$235.00	\$14,570.00
1.00	Additional Site license	\$530.00	\$530.00
1.00	SIP Trunk Software license	\$53.50	\$53.50
3.00	MiVoice Connect Courtesy license	\$115.00	\$345.00
3.00	SIP Device license	\$32.00	\$96.00
TOTAL:			\$15,594.50

Support

Qty	Description	Unit Price	Extended
1.00	Partner Support (1 Year, No Phones) - Gold - Prorated	\$9,141.00	\$9,141.00
TOTAL:			\$9,141.00





Purchase Agreement

Professional Services

Qty	Description	Unit Price	Net Price	Extended
1.00	Professional Services: See Scope of Work for Details	\$8,800.00	\$8,800.00	\$8,800.00
			TOTAL:	\$8,800.00

Sales Tax	TBD
Freight	TBD
Quote Total	\$58,402.50





Purchase Agreement

Invoice Schedule

Hardware, Software, and Support			
Delivery Percent	100%	Delivery Amount	\$49,602.50
• Invoiced upon order shipment/software fulfillment			

Professional Services

Project Initiation Percent	30%	Project Initiation Amount	\$2,640.00
• Invoiced upon execution of the purchase agreement			
Go-Live Percent	60%	Go-Live Amount	\$5,280.00
• Invoiced upon go live of core UC/CC functionality			
Completion Percent	10%	Completion Amount	\$880.00
• Invoiced upon completion of advanced applications and project closure			
Services Total:			\$8,800.00

Acknowledge & Accept

This quote and the products and/or services are accepted subject to the terms and conditions set forth. Acceptance constitutes an agreement to the outlined invoice schedule, as well as an agreement to pay within the invoice payment terms. Additional fees may apply, including but not limited to service charges of 1.5% per month on all past due amounts, related collection costs and reasonable attorney fees. Freight charges and restocking fees will be assessed on returned items. Any applicable travel expenses are invoiced at fixed daily rates for local and extended travel arrangements.

Acknowledged and Accepted by:

Date:

David Knoll

5/28/2021

9BD43110C2354A5

Inflow Initials:

mb





Purchase Agreement

STANDARD TERMS & CONDITIONS

These Terms & Condition shall apply to the sale of support Services (the "Services") by Inflow Communications, LLC ("Inflow") to Customer under the Purchase Agreement to which these Terms and Conditions are attached (the "Purchase Agreement"). The Purchase Agreement together with these Terms and Conditions shall be collectively referred to as the "Agreement".

1. **Purchase Price and Payment.** The purchase price for the Services shall be paid as set forth in this Purchase Agreement. There shall be added to the purchase price amounts equal to any taxes, however designated, levied or based on such price or on the Agreement, or the Services, including state and local sales, use or equivalent or amounts in lieu thereof paid or payable by Inflow in respect to the foregoing, unless Customer provides Inflow with an appropriate exemption certificate. Support Services will be billed monthly unless otherwise specified in the Purchase Agreement. Services provided on a time and material basis will be billed monthly and unless otherwise specified in writing payment will be due upon receipt of invoice.

2. **Customer Responsibilities.**

Customer shall appoint a primary contact person to communicate with Inflow Support. Customer shall provide all access and consents necessary to provide the Services.

3. **Services Warranty.** Inflow warrants that all Services will be carried out in a professional and workmanlike manner by qualified personnel. Inflow can make available upon request a list of supported hardware platforms, operating systems, database versions, and other third-party software products for both the server software and client software and this warranty will only apply to the configurations set forth on the list. This warranty is contingent upon Customer's adherence to these supported configurations and following the proper installation and support practices and procedures in which the Telephone System was intended. If any of the Services do not conform to the warranty standards set forth above, provided that Customer notifies Inflow in writing specifying the nature and extent of the non-conformity, Inflow shall: (i) re-perform the applicable Services to cure the non-conformity as promptly as possible but in all cases within thirty (30) days of receipt of notice, or (ii) refund to Customer the applicable fees. THESE REMEDIES SHALL BE EXCLUSIVE AND SHALL BE THE CUSTOMER'S SOLE REMEDIES AGAINST INFLOW. EXCEPT FOR THE ABOVE EXPRESS LIMITED WARRANTY, INFLOW MAKES NO OTHER WARRANTIES WITH REGARD TO THE SERVICES, EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE, AND INFLOW SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NON-INFRINGEMENT.

4. **Inflow Gold, Gold Advantage, and Platinum Support Services.** ShoreTel Telephone System Customers may purchase an Inflow Gold Support Plan, Gold Advantage Support Plan, or Inflow Platinum Support Plan as described below.

a. **Inflow Gold Support Services.** Inflow Gold Support Service Plans consist of the following:

- i. **Telephone, Web Chat and E-Mail Support.** Unlimited Telephone, Web Chat and E-mail support during On-Hours (M-F 5:00 a.m. – 5:00 p.m. Pacific Time, excluding Holidays). Emergency after hours and holiday support is included. Remote access moves, adds, and changes are beyond the scope of Inflow Gold Support, but are available and may be purchased.
- ii. **Hardware Support.** Hardware support includes the support described above as well as overnight replacement of ShoreGear Switches. Phone coverage is optional under Gold, Gold Advantage, and Platinum plans. Ground shipping is standard for replacement of defective phones that are currently under support. For International Deployments, unless otherwise agreed to in writing and signed by Inflow and the Customer shall be delivered via reasonable efforts utilizing the most expedient shipping method available at the time the part replacement is requested by Customer. Network switches, routers and servers are not covered under Inflow Gold Support.
- iii. **On-Site Services.** On-site support services are provided on a last resort basis for product troubleshooting, repair, and/or replacement issues. Service calls for moves, adds, and changes are beyond the scope of Inflow Support but are available and may be purchased.
- iv. **Software Updates and New Releases.** Customer will receive new software releases and applicable software maintenance updates during the term of the Inflow Gold Support Plan upon request following written notice of such releases/updates by Inflow. Installation of such software releases and updates are included but limited to one update per year. Additional updates will be billable at Inflow's current hourly rate. These updates will be accomplished by Inflow remotely. If onsite service is required, Inflow's hourly rates apply. Software support does not entitle the Customer to new software designed to add additional applications or to provide functions not included in the software originally licensed. Such new software may be licensed separately from Inflow and/or the manufacturer. If Customer elects not to install two successive updates of either hardware or software, Customer will be subject to an update charge or may incur additional reasonable charges for support due to the additional costs associated with supporting older versions of the product. Updates are defined as major software releases only. Customer may elect to forgo minor build releases without penalty.





www.inflowcom
acct@inflowcommunications.com
503-894-7782
FEIN 27-1324807

Item 9b.

BILL TO:

City of Oregon City
City of Oregon City A/P
1234 Linn Avenue
Oregon City, OR 97045

SHIP TO:

City of Oregon City
1234 Linn Avenue
Oregon City, OR 97045

Billing Number	17571
PO Number	None
FOB	Shipping Point
Billing Date	6/5/2021
Billing Due Date	6/20/2021
Amount Due	\$49,955.14

17571 - Public Works Building

Product Description	Comment	Quantity	Unit Price	Extended Price
Additional Site license		1.00	\$530.00	\$530.00
Mitel IP Phone IP480		42.00	\$335.00	\$14,070.00
Mitel Voice Switch ST100DA		1.00	\$7,900.00	\$7,900.00
MiVoice Connect Courtesy license		3.00	\$115.00	\$345.00
MiVoice Connect Essentials lic bundle		62.00	\$235.00	\$14,570.00
Partner Support (1 Year, No Phones) - Gold - Prorated		1.00	\$9,141.00	\$9,141.00
Rack Mount Tray Kit		1.00	\$110.00	\$110.00
SIP Device license		3.00	\$32.00	\$96.00
SIP Trunk Software license		1.00	\$53.50	\$53.50
SoundStation IP 6000 (SIP) Conference Phone 802.3af Power Over Ethernet Expandable		3.00	\$929.00	\$2,787.00
Freight	Jenne freight	1.00	\$28.13	\$28.13
Freight	ScanSource freight	1.00	\$324.51	\$324.51
Sales Tax		1.00	\$0.00	\$0.00

Payment by ACH

Investors Bank
Routing: 221272031
Account: 1001678575

Payment by Check

Inflow Communications, Inc.
9450 SW Gemini Dr #54242
Beaverton, OR 97008-7105

Please send remittance information to:

acct@inflowcommunications.com

Preferred payment method is ACH. Payments by credit card will be assessed a 3% processing fee.

Finance charges of 1.5% per month (annual rate of 18%) may be assessed on past due balances. Accounts over 90 days past due may be subject to service or support interruptions. If collection procedures become necessary client agrees to pay all collection costs and/or legal fees.



www.inflowcomm.co
acct@inflowcommunications.co
503-894-7782
FEIN 27-1324807

Item 9b.

Product Description	Comment	Quantity	Unit Price	Extended Price
			Total	\$49,955.14
			Amount Paid	\$.00
			Amount Due	\$49,955.14

Payment by ACH

Investors Bank
Routing: 221272031
Account: 1001678575

Payment by Check

Inflow Communications, Inc.
9450 SW Gemini Dr #54242
Beaverton, OR 97008-7105

Please send remittance information to:

acct@inflowcommunications.com

Preferred payment method is ACH. Payments by credit card will be assessed a 3% processing fee. //

Finance charges of 1.5% per month (annual rate of 18%) may be assessed on past due balances. Accounts over 90 days past due may be subject to service or support interruptions. If collection procedures become necessary client agrees to pay all collection costs and/or legal fees.



Item 9b.

www.inflowcommunications.com
acct@inflowcommunications.com
503-894-7782
FEIN 27-1324807

BILL TO:

City of Oregon City
City of Oregon City A/P
1234 Linn Avenue
Oregon City, OR 97045

SHIP TO:

City of Oregon City
1234 Linn Avenue
Oregon City, OR 97045

Billing Number	17607
PO Number	None
FOB	Shipping Point
Billing Date	6/9/2021
Billing Due Date	6/24/2021
Amount Due	\$2,640.00

17607 - 30% Project Initiation - Public Works Building

Product Description	Comment	Quantity	Unit Price	Extended Price
Professional Services	Professional Services: Public Works Building	.30	\$8,800.00	\$2,640.00
Sales Tax		1.00	\$.00	\$.00

Total	\$2,640.00
Amount Paid	\$.00
Amount Due	\$2,640.00

Payment by ACH

Investors Bank
Routing: 221272031
Account: 1001678575

Payment by Check

Inflow Communications, Inc.
9450 SW Gemini Dr #54242
Beaverton, OR 97008-7105

Please send remittance information to:

acct@inflowcommunications.com

Preferred payment method is ACH. Payments by credit card will be assessed a 3% processing fee.

Finance charges of 1.5% per month (annual rate of 18%) may be assessed on past due balances. Accounts over 90 days past due may be subject to service or support interruptions. If collection procedures become necessary client agrees to pay all collection costs and/or legal fees.

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 9b.

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Consultant Status.

(a) Consultant is an independent consultant and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12-month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 9b.

Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Consultant by reason of this Agreement.

(c) The payment of a claim in this manner shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment.

Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT (4/2017)

Page 2 of 5

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 9b.

Consultant shall comply with all federal, state, and local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's

workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$2,000,000 combined, single-limit, per-occurrence/\$4,000,000 annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

14. Legal Expenses. In the event legal action is

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 9b.

brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally

delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party and shall in such notice appoint a disinterested

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 9b.

person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a

signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.



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: 08/4/2021

SUBJECT:

Resolution No. 21-02, Adopting Updated City of Oregon City Public Works Sanitary Sewer Design Standards

STAFF RECOMMENDATION:

Approve Resolution No. 21-02 adopting the revised Sanitary Sewer Design Standards.

EXECUTIVE SUMMARY:

Revisions to the Sanitary Sewer Design Standards were made to the previously adopted July 17, 2019 standards to add standards needed for implementation of the inflow/infiltration program and to provide clarification and flexibility to drop manhole and service lateral design and construction.

BACKGROUND:

Under Resolution No. 19-25, the current Sanitary Sewer Design Standards were adopted July 17, 2019. The standards were modernized and updated to current practices from a previous document dated 1993. The Sanitary Sewer Design Standards are technical standards used by the Public Works Department to review private development, implement private development in the field, provide design to capital improvement projects, and provide maintenance to the existing system.

With the implementation of the inflow/infiltration (I/I) program, the design standards needed further revision. Revisions associated with I/I include section 2.0 adding that no stormwater runoff shall be conveyed to the sanitary sewer system. Revisions also include section 2.08 allowing flexibility and additional options for the type of pipe material used in the sanitary system. A revision to the allowed depth of sewer was provided due to the constraints of Oregon City topography.

While the design standards were open for revision, an update to section 2.16.D. was made adding flexibility and clarity to the use of drop manholes within the system.

Section 2.17.A. was revised to provide clarity to the service line standards due to misunderstandings and misinterpretations in the field over the past year.

OPTIONS:

1. Approve Resolution No. 21-02 as requested.
2. Approve Resolution No. 21-02 with specific modifications.
3. Deny Resolution No. 21-02. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$0.00

FY(s): Not Applicable

Funding Source(s): Not Applicable

RESOLUTION NO. 21-02

A RESOLUTION ADOPTING UPDATED CITY OF OREGON CITY PUBLIC WORKS SANITARY SEWER DESIGN STANDARDS

WHEREAS, the City of Oregon City operates a sanitary sewer system in order to convey sanitary sewage from the residents of the City to the Tri-City Sewer District (also known as Water Environment Services District);

WHEREAS, the City's sanitary sewer system serves over 5,500 acres of developed property within the City limits and is comprised of over 100 miles of pipelines, over 2,000 manholes, and numerous service lines; and

WHEREAS, the City finds it is necessary to establish and implement uniform engineering design standards for all Public Works Sanitary Sewer projects in the interest of health, safety, and welfare of the residents of the City of Oregon City.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the City Commission, by this resolution, adopts the Public Works Sanitary Sewer Design Standards, attached to this resolution as Exhibit A, for application to all publicly owned Sanitary Sewer System improvements within the City.

Section 2. The effective date for the Public Works Sanitary Sewer Design Standards shall be the date this resolution is adopted, signed, and approved.

Section 3. The Public Works Sanitary Sewer Design Standards adopted by this resolution shall supersede the Public Works Sanitary Sewer Design Standards, as adopted July 17, 2019.

Section 4. That the City Commission, by this resolution, empowers the City Engineer to periodically update these Standards as needed to maintain currency with standard engineering practices and standards.

Approved and adopted at a regular meeting of the City Commission held on the 4th day of August 2021.

Rachel Lyles Smith, Mayor

Attested to this 4th day August 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A – Sanitary Sewer Design Standards 2021



CITY OF OREGON CITY
PUBLIC WORKS

SANITARY SEWER DESIGN STANDARDS

RESOLUTION NO. 19-25 21-02

ADOPTED: July 17, 2020 19 January 20 August February 43, 2021

PREPARED BY

Public Works Department

625 Center Street

Oregon City, Oregon 97045-0304

P:\PublicWorks\Division Folders\Engineering Development Services\References & Standards\Sanitary\Current Standards July 17, 2019

P:\PublicWorks\Division Folders\Engineering Development Services\References & Standards\Sanitary\Current Standards August 4,

2021 P:\PublicWorks\Division Folders\Engineering Development Services\References & Standards\Sanitary\Current Standards January 20, 2021

|

RESOLUTION NO. ~~19-2521-02~~**A RESOLUTION ADOPTING UPDATED CITY OF OREGON CITY PUBLIC WORKS
SANITARY SEWER DESIGN STANDARDS**

WHEREAS, the City of Oregon City operates a sanitary sewer system in order to convey sanitary sewage from the residents of the City to the Tri-City Sewer District (also known as Water Environment Services District); and

WHEREAS, the City's sanitary sewer system serves over 5,500 acres of developed property within the City limits and is comprised of over 100 miles of pipelines, over 2,000 manholes, and numerous service lines; and

WHEREAS, the City finds it is necessary to establish and implement uniform engineering design standards for all Public Works Sanitary Sewer projects in the interest of health, safety, and welfare of the residents of the City of Oregon City.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Commission, by this Resolution, adopts the Public Works Sanitary Sewer Design Standards, attached to this resolution as Exhibit "A", for application to all publicly-owned Sanitary Sewer System improvements within the City.

Section 2. The effective date for the Public Works Sanitary Sewer Design Standards shall be the date this resolution is adopted, signed, and approved.

Section 3. The Public Works Sanitary Sewer Design Standards adopted by this resolution shall supersede the Public Works Sanitary Sewer Design Standards, as adopted July ~~17~~¹⁶, ~~2019~~¹⁹⁹³.

Section 4. That the Commission, by this Resolution, empowers the City Engineer to periodically update these Standards as needed to maintain currency with standard engineering practices and standards.

Approved and adopted at a regular meeting of the City Commission held on the ~~4th~~^{3rd}~~17th~~ day of ~~August~~^{February} ~~July~~, 20~~21~~¹⁹.

~~City Commission President~~ RACHEL LYLES ROCKY SMITH,
~~DAN HOLLADAY, Mayor~~ RACHEL LYLES SMITH,
MAYOR

Attested to this ____ day of _____ Approved as to legal sufficiency:
20~~21~~¹⁹:

Kattie Riggs, City Recorder

City Attorney

SANITARY SEWER DESIGN STANDARDS

TABLE OF CONTENTS

SECTION I - GENERAL	21
1.00 PURPOSE	21
1.01 GOALS	21
1.02 REVISIONS TO THESE STANDARDS	32
1.03 SHORTENED DESIGNATION	32
1.04 APPLICABILITY	32
1.05 REFERENCES	43
1.06 STANDARD SPECIFICATIONS	54
1.07 DEFINITIONS AND TERMS	54
1.08 ENGINEERING POLICY	98
1.09 APPROVAL OF ALTERNATE MATERIALS OR METHODS	98
1.10 ISSUANCE OF BUILDING PERMITS	109
1.11 TRANSFER OF ENGINEERING RESPONSIBILITY	109
 SECTION II - DESIGN	 1140
2.00 GENERAL DESIGN CONSIDERATIONS	1140
2.01 SANITARY SEWER SYSTEM CAPACITY (SANITARY SEWER MASTER PLAN)	1240
2.02 SANITARY SEWER CONSTRUCTION PLANS	1342
2.03 TITLE SHEET	1413
2.04 PLAN AND PROFILES	1514
2.05 SANITARY SEWER APPURTENANCES/CONSTRUCTION NOTES	1514
2.06 PLAN SUBMITTAL, APPROVALS, INSPECTION REQUIREMENTS	1817
2.07 SANITARY SEWER MASTER PLAN REQUIREMENTS	2018
2.08 PIPE MATERIAL	2019
2.09 PIPE SIZE	2120
2.10 MINIMUM/MAXIMUM SLOPES	2220
2.11 ELEVATION OFFSET AT MANHOLES	2322
2.12 ANCHOR WALLS AND HIGH VELOCITY REQUIREMENTS	2422
2.13 MINIMUM DEPTH	2423
2.14 LOCATION	2624
2.15 ALIGNMENT	2827
2.16 MANHOLES AND CLEANOUTS	2827
2.17 LATERAL SEWER SERVICE LATERAL) & PRIVATE COLLECTOR SYSTEMS	3129
2.18 ABANDONING FACILITIES	3432
2.19 PIPE BEDDING AND TRENCH BACKFILL	3432
2.20 TESTING	3533
2.21 AS-BUILT DRAWINGS/DIGITAL MAPPING REQUIREMENTS	3533
 SECTION III - STANDARD DRAWINGS	 3735
 SECTION IV - STANDARD CONSTRUCTION NOTES	 3836
 SECTION V - MINIMUM GUIDELINES FOR INSPECTION	 4038

SECTION I – GENERAL

1.00 PURPOSE

The purpose of these Sanitary Sewer Design Standards is to provide a consistent policy under which certain physical aspects of sanitary sewer design will be implemented. Most of the elements contained in this document are Public Works oriented and most are related to public improvements and City contract projects; however, it is intended that they apply to both public and private work designated herein.

These Standards cannot provide for all situations. They are intended to assist but not to substitute for competent work by design professionals. It is expected that land surveyors, engineers, and architects will bring to each project the best of skills from their respective disciplines.

The Standards are also not intended to limit unreasonably any innovative or creative effort which could result in better quality, better cost savings, or both. Any proposed departures from the Standards will be judged, however, on the likelihood that such variance will produce a compensating or comparable result, in every way adequate for the user and City resident.

1.01 GOALS

Following from the above purpose, the Standards have the objective of developing a sanitary sewer system which will:

- A. Be consistent with the Oregon City Comprehensive Plan, Oregon City Municipal Code, the Oregon City Sanitary Sewer Master Plan, Tri-City Service District Plans and Policies, the State Plumbing Code, Oregon Department of Environmental Quality (DEQ) Wastewater Permitting Program, the most recent edition of the ODOT/APWA Standard Specifications for Construction, and City Code Chapter 13.08;
- B. Be of adequate design to carry the expected flow, within their design life, and at sufficient depth to serve adjacent properties;
- C. Has sufficient grade to maintain a minimum velocity of two feet (2') per second when flowing half full;
- D. Have sufficient structural strength to resist all expected loads, both internal and external, which may be imposed; and able to preserve the functionality of the sewer system;

- E. Be of materials resistant to both corrosion and erosion, and have a minimum design life of 75 years or the maximum industry standard, whichever is greater;
- F. Be economical and safe to build and maintain; and,
- G. Prevent infiltration and/or inflow of ground and surface waters.

Alternate materials and methods will be considered for approval on the basis of these objectives.

Whenever any conflict exists between the references in 1.01.A. and these standards, the references in 1.01.A. take precedent.

1.02 REVISIONS TO THESE STANDARDS

It is anticipated that revisions to these Standards will be made from time to time. The date appearing on the title page is the date of the latest revision. Users should apply the latest published issue to the work contemplated. The Standard Drawings and Construction Notes referenced in Section III and IV may be revised from time to time as deemed necessary without revision to this overall document.

1.03 SHORTENED DESIGNATION

These City of Oregon City Sanitary Sewer Design Standards shall be cited routinely in the text as the "Standards."

1.04 APPLICABILITY

These Standards shall govern all construction and upgrading of all public and private sanitary sewer facilities in the City of Oregon City and/or applicable work within its service areas.

Permanent sanitary sewer facilities shall be provided to all property (legal lots of record created by a partitioning or subdivision of land as per City of Oregon City Municipal Code within the City of Oregon City per these Standards).

Whenever possible, sewer pipelines shall be located on public property. Where pipelines are required to pass through private property, easements shall be obtained from the property owner.

The public sewer system shall include the sewer mains, manholes, and the service lines up to the [back of the curb](#) ~~of or~~ edge of pavement. The public sewer system is owned, operated, and maintained by the City of Oregon City unless otherwise noted.

The piping from the City curb or edge of pavement to the point of sanitary sewer use (~~the building supply line~~) is subject to the requirements of the Oregon Plumbing Specialty Code. The piping beyond the City curb or edge of pavement is considered privately owned and maintained.

Where applicable, developing property shall provide public sewer extension along their frontage or through their site for extension to undeveloped property.

The design of the following are special problems and are not covered in detail in these Standards:

- A. Sewage Pump Stations
- B. Force Mains
- C. Siphons
- D. Relining of Existing Sewers
- E. Internal Sealing of Existing Sewers
- F. Treatment Plants
- G. Outfall Sewers
- H. Energy Dissipators
- I. Regulating Devices
- J. Flow Measurement Devices
- K. Hydrogen Sulfide and/or Hazardous Gasses

Review and approval of the above special problems by the City Engineer shall be required. When requested by the City, full design calculations shall be submitted for review prior to approval. Additional review and approval of the above special problems where applicable by the Department of Environmental Quality (DEQ) shall be required.

For areas of the City or Urban Growth Boundary that cannot be served by public sewer, internal policies and decisions will determine if the property can be developed.

1.05 REFERENCES

The Standards are intended to be consistent with the most currently adopted provisions of:

- A. Oregon City Municipal Code;
- B. Oregon City Comprehensive Plan;
- C. Oregon City Sanitary Sewer Master Plan;
- D. Oregon Statewide Planning Goals and Guidelines;
- E. Oregon Plumbing Specialty Code;
- F. Oregon Administrative Rules, Chapter 340;
- G. Referenced National Trade Standards such as ASTM;
- H. Local Trade Standards such as ODOT/APWA; and
- I. Tri-City Service District (Water Environment Services).

Design shall comply with Oregon Department of Environmental Quality sewer design guidelines.

American Society of Civil Engineers (ASCE) Manual and Report on Engineering Practice, No. 60, Gravity Sanitary Sewer Design and Construction, was used as a reference in preparation of the original 1993 design standards.

1.06 STANDARD SPECIFICATIONS

The workmanship and materials shall be in accordance with the current edition of the “Standard Specifications for Public Works Construction” except where the Standards provide other design detail. These standards are prepared by the Oregon Chapter of APWA, as modified by the City of Oregon City.

1.07 DEFINITIONS AND TERMS

As-Built Plans/Record Drawing – Plans signed and dated by the Consulting Engineer indicating that the plans have been reviewed and revised, if necessary, to accurately show all known as-constructed details of a particular public works project.

Building Drain – The building drain is that part of the lowest piping of the sewer system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins five feet (5') outside the building wall (building foundation).

Building Official – The Building Official of the City of Oregon City or his/her authorized representative.

Building Sewer – That part of the horizontal piping of the sewer system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

Building Supply – The building supply is the pipe carrying potable sewage from the cleanout near the property line to a building or other point of use or distribution to the lot. Building supply shall also mean sewer service. (See Customer Line)

City – The City of Oregon City, Oregon.

City Engineer – The City Engineer of the City of Oregon City or his/her authorized representative.

Collection Systems – Facilities maintained by the City of Oregon City and Tri-City Service District connected thereto for the collecting, pumping, conveying, and controlling of wastewater.

Commercial User – Any user of the sanitary sewer who is neither a residential or industrial user.

Consulting Engineer – The engineer, licensed by the State of Oregon as a Civil Engineer under whose direction plans, profiles, and details for the work are prepared and submitted to the City for review and approval.

Cooling Water – Water other than sewage or industrial waste which is used as a medium for carrying away excess heat from any apparatus, appliance, mechanism, device, or thing, in which, in the course of such cooling process, is not mixed or co-mingled with any other substance or used as a means of carrying off any other substance, in suspension or in solution, thereby exiting such cooling process in substantially the same condition, save for temperature as when it entered.

~~Customer Line – That piping connecting the cleanout to the building sewer system. (See Building Supply)~~

Cut Sheets – Sheets of tabulated data indicating stationings, structures, fittings, angle points, beginning of curve, points on curve, end of curves, sewer slope, staking offset, various elevations, offset cuts, and sewer depths.

Definition of Words – Wherever, in these Standards, the words directed, required, permitted, ordered, designated, or words of like importance are used, they shall be understood to mean the direction, requirement, permission, or order of designation of the City Engineer. Similarly, the words approved, acceptable, satisfactory, shall mean approved by, acceptable to, or satisfactory to the City Engineer.

Director – The Director of Public Works of the City of Oregon City or his/her authorized representative.

~~Distribution System – Distribution main sewer and ancillary equipment used to transmit sewage from the supply source to the treatment plant.~~

Domestic Sewage – The liquid and water-borne waste derived from the ordinary living processes, free from industrial wastes, and of such character to permit satisfactory disposal, without special treatment into the public sewer or by means of private sewage disposal system.

Dwelling Unit – A habitable living unit that provides basic living requirements including permanent cooking and toilet facilities.

Easement – Easements are areas along the line of all public sewers which are outside of dedicated rights-of-way, and shall be prepared on approved forms granting rights along the line of the sewer to the City.

Fixture Unit Equivalents – The unit equivalent of plumbing fixtures as tabulated in the Oregon Plumbing Specialty Code.

Flow – The wastewater flow from an industry or institution (daily average), or house connection.

Industrial Waste – A water-borne waste and wastewater from an industrial user.

Lateral Sewer – Any sewer line to which a private building sewer connects or may connect. The lateral sewers are located within public right-of-way or easements, and generally [a single point of connection connect](#) to the main sewer and extend to the right-of-way or easement. They may also be [known-referred to as the public as-a-service lateral-or-a-building service-lateral](#).

Main Sewer – (Public Sewer) – A public sewer which has been or is being constructed to accommodate more than one (1) lateral sewer or to which a building sewer connects or may connect. [\(Normally eight inches \(8"\) in diameter.\)](#)

Multiple Family Dwelling – A building or portion designed thereof for occupancy by two (2) or more families, living independently of each other.

Manufacturer's Name – Any manufacturer's name, specification, catalog number, or type used herein is specified by make and order to establish the standard requirements of the City. Other equivalent makes will be considered for approval, providing they are comparable with this established standard.

Owner – Any individual, partnership, firm, or corporation by whom the Consulting Engineer has been retained or who, as a property owner, is making arrangements with the City.

Person – Individual, firm, corporation, association, agency, or other entity.

Plans – Construction plans, including system site plans, sewer plans and profiles, cross sections, detailed drawings, etc., or reproductions thereof, approved or to be approved by the City Engineer, which show the location, character, dimensions, and details for the work to be done, in which constitute a supplement to these Standards.

Plumbing System – All plumbing fixtures and traps, or soil, waste, special waste, and vent pipes within a building and to a point five feet (5') outside the building foundation thereof.

Premise – Any lot, parcel, or tract of land owned by a single entity.

Private Collection System – A privately owned and maintained sewer system installed to serve multiunit structures on single ownership properties, which cannot legally be further divided, such as apartments, mobile home parks, and schools or installed in commercial or industrial subdivisions. A single-family residence with an unattached garage or shop with sanitary facilities is exempt from this definition.

Public Sewer – Any sewer in public right-of-way or public easement operated and maintained by the City.

Residential User – The owner, lessee, or occupant of a single dwelling unit in one (1) structure.

Right-of-Way – All land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of land is reserved for or dedicated to the use of the general public. Within this right-of-way, the City shall have the right to install or maintain sewers and other public utilities.

Roadway – All of the right-of-way dedicated, granted, used or to be used, for transportation purposes.

Sewage – The wastewater derived from human habitation and use of buildings for residential, institutional, or commercial purposes, excluding stormwater and industrial waste.

Sewer – An underground conduit for conveying sewage.

Single-Family Dwelling – Any residential building designed to house one (1) family.

Standard Plans or Drawings – The drawings of structures or devices commonly used for City public works infrastructure and referred to on the design plans. These standard drawings are included in Section III, Standard Drawings.

Stormwater – Ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage, or other like drainage other than sewage or industrial waste.

Streets or Roads – Any public highway, road, street, avenue, alley, way, easement, or right-of-way used or to be used for a motor vehicle, bicycle, or other legal mode of transportation.

Structures – Those structures designated on the standard plans or drawings as manholes, etc. Detailed drawings of structures or devices commonly used in City work and mentioned in these Standards are included in Section IV, Standard Drawings.

Trunk Sewer – A public sewer ten inches (10") or larger which has been or is being constructed to accommodate more than one (1) main sewer or lateral sewer.

Traveled Way – That portion of the roadway for the movement of motor vehicles, bicycles, or other legal modes of transportation, exclusive of shoulder and auxiliary lanes.

Uniform Plumbing Code – The Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials, current edition as revised by the State of Oregon, called the “Oregon Plumbing Specialty Code.”

1.08 ENGINEERING POLICY

The engineering policy of the City of Oregon City requires strict compliance with Oregon Revised Statute 672 for professional engineers.

All engineering plans, reports, or documents shall be prepared by a registered professional Civil Engineer licensed in the state of Oregon.

These documents may also be prepared by a subordinate employee under his/her direction, and shall be signed by him/her and stamped with his/her seal to indicate his/her responsibility for them. It shall be the Consulting Engineer’s responsibility to review any proposed system, extension, and/or existing system change with the City, before engineering or proposed design work, to determine any special requirements or whether the proposal is permissible. A City approval granted on the plans or other documents, for any job, does not in any way relieve the Consulting Engineer of his/her responsibility to meet all requirements of the City. A City approval also does not relieve the Consulting Engineer of his/her obligation to protect the life, health, and property of the public. The plan for any job shall be revised or supplemented at any time it is determined that the full requirements of the City have not been met.

The City will warn a Consulting Engineer in writing of their conduct for submitting false or inaccurate information of a material nature. The City will also advise the Oregon State Board of Engineering Examiners.

1.09 APPROVAL OF ALTERNATE MATERIALS OR METHODS

Any alternate material or method not explicitly approved herein will be considered for approval on the basis of the objectives set forth in 1.00 PURPOSE. Persons seeking such approvals shall make the request in writing. Approval of any major deviation from these Standards will be in written form. Approval of minor matters will be made in writing if requested.

Any alternate must meet or exceed the minimum requirements set in these Standards.

The written request is to include, but is not limited to, the manufacturer's specifications and testing results, design drawings, calculations, and other pertinent information.

Any deviations or special problems shall be reviewed on a case-by-case basis and approved by the City Engineer. When requested by the City, full design calculations shall be submitted for review with the request for approval.

1.10 ISSUANCE OF BUILDING PERMITS

Sewer improvements as well as all other public infrastructure improvements are required to be completed and be accepted by the City before any building permits for connection to new single-family residential dwellings can be issued.

Building permits may be issued for commercial, industrial, and multi-family projects once city engineering approval has been provided for the plans.

Occupancy may not be granted to a building until all improvements are complete to the satisfaction of the City Engineer and Building Official.

1.11 TRANSFER OF ENGINEERING RESPONSIBILITY

Project sewer plans shall always have an engineer of record performing the function of Consulting Engineer. If the Consulting Engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the Consulting Engineer.

The new Consulting Engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as Consulting Engineer.

SECTION II – DESIGN

2.00 GENERAL DESIGN CONSIDERATIONS

Design shall comply with Oregon Department of Environmental Quality (DEQ) Sewer design guidelines.

Sanitary sewers shall be designed to remove the domestic sewage and industrial wastes from basements of houses, commercial or industrial buildings, and all public and private establishments where possible.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.

Stormwater, including street, roof, or footing drainage, shall not be discharged into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system.

Unpolluted cooling waters shall be kept out of sanitary sewers.

The overflow drains and filter backwash lines of swimming pools and "hot tubs" shall ~~drain into a~~ be connected to the sanitary sewer building drain in accordance with the uniform plumbing code.

In general, sewer systems shall be designed to care for future loads and for ultimate development as predicted in the City's Sanitary Sewer Master Plan.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels in order to provide for an orderly development of the drainage area. This shall include the extension of sewer mains in easements across the property to adjoining properties and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development.

All materials shall be new and undamaged. No rebuilt, reconditioned, or used material will be allowed unless approved by the City Engineer. The same manufacturer of each item shall be used throughout the project.

All work and materials shall conform to the most recent edition of the ODOT/APWA Oregon Standard Specifications for Public Works Construction as adopted and modified by the City of Oregon City.

2.01 SANITARY SEWER SYSTEM CAPACITY (SANITARY SEWER MASTER PLAN)

The City Sanitary Sewer Master Plan encompasses the City's sewer needs within the City's Urban Growth Boundary. The Master Plan analyzes the City's trunk sewers making recommendations for upgrades and extensions to handle future growth and ultimate development within the existing Urban Growth Boundary. In the process, flow design criteria were established and a flow generation computer model was developed.

When required by the City, the Consulting Engineer shall prove to the City that all necessary methods of determining present and future capacity of the sanitary sewer have been considered.

The Consulting Engineer may also need to verify that capacity exists within the Tri-City Service District.

When required, the following shall be included in the design calculations:

- A. DRAINAGE BASIN – A map showing the drainage basin in which the project is located may be required. This map should show the major basins that are consistent with the City's Sanitary Sewer Master Plan, and any applicable amendments and updates thereto.
- B. POPULATION DENSITY – The population density figures shall be obtained from the most recent information obtained for use by the zoning or planning department. If these figures vary from those of the applicable Master Plan estimates, this difference must be noted in the design calculation.
- C. PER CAPITA AVERAGE FLOWS – The per capita average flows used in the Master Plan shall be used.
- D. FLOW VARIATIONS AND PEAKING FACTOR – Accepted flow design practice must be employed. A factor must be used, and the method utilized to obtain such factor must coincide with the method used in the Master Plan described above.
- E. INFILTRATION AND INFLOW – Infiltration and inflow (I&I) must be represented in flow calculations in the design of the sanitary system. I&I rates utilized in the Sanitary Sewer Master Plan shall be used.
- F. SEWAGE FLOWS – Sewage flows must reflect any reasonably anticipated increase due to the development of the drainage basin upstream from the project being considered.
- G. DESIGN CAPACITY – Design capacity of main and trunk sewers shall be designated on the following basis:

1. Main Sewers – Design capacity shall be based on sewers flowing two-thirds (2/3) full.
2. Trunk Sewers – Design shall be based on sewers flowing full, without head.

2.02 SANITARY SEWER CONSTRUCTION PLANS

- A. GENERAL – Complete plans and specifications for all proposed sanitary sewer improvements including any necessary dedications and easements shall be submitted to the Public Works Department, for approval, and must receive the required approval prior to construction permit issuance and beginning of construction. See Section 2.06 for required submittal information.

Plans shall also be submitted for review and approval to Department of Environmental Quality when appropriate.

Improvements shall be constructed as shown on the plans and in accordance with these Standards and Standard Drawings. Equipment and materials shall be installed in compliance with the manufacturer's recommendations, except where a higher quality of workmanship is required by the Plan Specifications and these Standards.

All materials and work shall be in strict accordance with any applicable regulations and requirements of Federal, State, and local authorities. The contractor may be required to arrange for inspection by these agencies and submit evidence of their approval, when required or requested by the Public Works Department.

Take care to prevent damage to pipe, appurtenances, and other materials and equipment during transportation, unloading, and final placement for installation. Under no circumstances shall materials be dropped or dumped into the trench.

All damaged materials and equipment during construction shall be replaced or repaired to the satisfaction of the Public Works Department.

The contractor shall maintain safe working conditions for employees, City staff, and the general public in and around trench excavations. Precautions shall be taken to avoid damage to franchise utilities, adjacent properties, existing sewer infrastructure, and public or private landscapes/hardscapes. If any underground utilities are damaged, report damage to Public Works Operations Department immediately.

B. PLAN PREPARATION – Construction plans and specifications shall be prepared by a professional civil engineer licensed in the State of Oregon. Plans and specifications shall be prepared in accordance with the following requirements:

1. Dimensions – Construction plans shall be clearly and legibly drawn on 24 x 36 inches with a 1-½ inch clear margin on the left side and one inch (1") margins on all other sides unless another format is approved by the City Engineer.
2. Scale – Horizontal scale shall be not smaller than 1" = 50'; vertical scale shall be not smaller than 1" = 5' or as approved by the City Engineer. 1" = 20' shall be required when more detail is needed.
3. Form – Title Sheet, Overall Utility Plan, Erosion/Sedimentation Control Plan, Grading Plan (if applicable), Plan and Profiles, and Details.

The sewer can be combined with the water plan if the sewer plans are part of a subdivision, commercial development, or City project where other public facilities are involved (water, storm, streets). However, the Consulting Engineer must ensure that the notes for the sanitary sewer and water are drafted to distinguish a definite difference between the water and sanitary. For example: surround all water notes with a cloud symbol and all sewer notes with a box symbol.

2.03 TITLE SHEET

- A. Plan view (site plan) of the entire project, showing street right-of-way and/or subdivision layout to a scale of 1" = 100'. A smaller scale may be used on large projects upon approval of the City Engineer. A project is too large when a minimum dimension of two inches (2") cannot be maintained between the title, system site plan, and vicinity map. A scale of 1" = 200' may be used in this case.

The site plan shall be a composite plan showing all complete properties to be served by the sanitary sewer improvements and properties adjacent to and within 250 feet of those served. The site plan shall also show existing and proposed water lines, tract names and numbers, and lot numbers or property owner's names and street names.

- B. Index of Sheets, including a graphical index if more than one (1) plan sheet.
- C. Complete legend of symbols used.
- D. Vicinity map to a scale of not less than 1" = 800' showing the project location unless another scale is approved by the City Engineer.

- E. Engineer Title Block – Located in lower right-hand corner or right edge of paper with scale, north arrow, date, drawing number, the engineer's name, address and official stamp, and where applicable, the owner/developer's name and address as determined by current standards maintained by the City Engineer.
- F. Space for City approval stamp, 3"x3", preferably in the lower right-hand corner (to be provided on each sheet of the plan set) as determined by current standards maintained by the City Engineer.
- G. Temporary and permanent benchmarks including their descriptions. See comments under profiles.
- H. Current City Standard Construction Notes and other special notes relating to construction methods, or include the City Standard Construction Notes in the Contract Documents with a note on the drawings so indicating.
- I. City Planning File No. or City Capital Improvement Project No.
- J. City G.P.S. Survey Control (see Sec. 2.18-21 As-Built Drawings/Digital Mapping Requirements).

NOTE: If all of the above items cannot be located on the title sheet, a different location within the plans may be used upon approval by the City Engineer.

2.04 PLAN AND PROFILES

- A. PLAN – Plan view of sanitary sewer lines shall be to a scale of 1" = 50' unless a different scale is approved by the City Engineer and shall contain the following information in addition to the above:
 - 1. Adjacent street curbs/pavement edge and property lines, right-of-way and utility easements referenced to property corners, street intersections, or section lines. Adequate two-foot (2') contour lines or property corner and curb elevations to help determine if existing basements or proposed daylight basements in new subdivisions can or should be served.
 - 2. Location of each manhole and sewer appurtenance shall be numbered and stationed to facilitate checking the plans with the profiles. The stationing shall be tied to existing property corners or street monuments with the relationship of each manhole and cleanout shown to the property corners or street centerline.

Each line with a separate designation (A 0+00. B 0+00. etc.) shall be stationed continuously upgrade from 0+00 at its point of connection to

another line (0+00 represents the centerline of the existing manhole or existing plug or cleanout if a main extension).

3. Location of each service ~~wye or~~ tee stationed with the size, length, and depth at property line indicated.
4. Location of existing water courses, geologic hazards, stream and railroad crossings, gas mains, culverts, water main, storm drains, underground and overhead power and other utilities (including but not limited to gas, electric, telephone, cable, fiber) that cross the alignment within 500 feet of the proposed extension in order to prevent future grade conflicts. All water course crossings must show the 100-year flood plain. This information may be shown on the site plan.
5. Location of wells, water main valves, pump stations, fire hydrants and blow-offs within a 100-foot radius of the proposed extension.
6. All manholes, water mains, services, gas mains, underground power, and other utilities that either cross the alignment within 250 feet of the terminus of the proposed extension or are adjacent to the proposed extension within the right-of-way or within ten feet (10') of the easement line. The intent is to prevent grade conflicts of all future extensions.
7. Location of other proposed public improvements (including but not limited to sanitary sewer, storm sewer, curbs, traffic signals, street lighting, street signage).
8. Location of existing private facilities (including but not limited to driveways, retaining walls, mailboxes, trees).
9. Location and description of all known existing surveying monuments, including, but not limited to, section corners, quarter corners, donation land claim corners, and City Control Survey monuments. Any monuments removed or destroyed by construction shall be replaced per ORS 209.150. If a boundary control survey or plat is prepared in conjunction with the construction plans, a copy shall be submitted with the construction plans for review. See Section 2.48-21 As-Built/Digital Mapping Requirements.
10. Match lines with sheet number references.

- B. **PROFILES** – Profiles for the individual sanitary sewer lines shall be to the same horizontal scale and preferably on the same sheet, drawn immediately below the corresponding plan view to a vertical scale that will provide a 10 to 1 distortion (Example: Horizontal 1" = 50', Vertical 1" = 5' (or as approved) reading from 0+00 left to right. However, if spatial and clarity needs are met better by having plan and profiles on separate sheets, they may be on separate sheets. Other scales are

acceptable if approved by the City Engineer. Profiles shall contain at least the following information in addition to the above:

1. Location of manholes and other appurtenances with each manhole numbered and stationed as in item A-2 above.
2. Profile of the existing and proposed ground and/or pavement surface and sewer invert.
3. Size, slope, length, backfill classification, and type of material of the line between consecutive manholes. ~~Type of pipe may be designated by abbreviations listed under Section 2.07.~~
4. Elevation of original ground, finished grade, proposed rim elevation, and sewer inverts at each manhole (Mean Sea Level Datum, U.S.G.S.).

The benchmark used as a basis for vertical control in the design and temporary benchmarks set for construction shall be shown on the plans.

Profiles shall be based on one of the following benchmark systems:

- a. City of Oregon City,
 - b. ODOT, or
 - c. U.S. Geodetic Survey.
5. Railroad and culvert crossings, geologic hazard areas, ditch, or stream crossings with elevations of the ditch or stream bed and the 100-year flood elevation profile and casing details. ~~See Section 2.13 (b) and 2.13 (c) for additional plan requirements.~~
 6. Utility crossings that conflict with the proposed sewer installation.
 7. All existing facilities upon which work is to be performed, i.e., installation, repair, or removal.

SPECIAL NOTE: If practicable, the Consulting Engineer shall field locate and verify the alignment, depth, and inverts of all existing facilities shown on the plans that will be crossed by proposed facilities. City as-built records are only to be used as an aid to the Consulting Engineer when field verifying the existing facilities.

2.05 SANITARY SEWER APPURTENANCES/CONSTRUCTION NOTES

- A. APPURTENANCES – Detailed drawings shall be included for all sanitary sewer appurtenances including manholes, pump stations, siphons, outfall bulkheads, stormwater diversion, etc. Appropriate references to City of Oregon City Standard Drawings may be used in lieu of details actually shown on the plans.
- B. CONSTRUCTION NOTES – Standard City General Construction Notes and Sanitary Sewer Notes shall be included on the plans, or a statement referencing the City's Standard Construction Notes. These notes may be added to or revised, upon City Engineer approval, to accommodate specific projects.

2.06 PLAN SUBMITTAL, APPROVALS, INSPECTION REQUIREMENTS

Construction plans shall be submitted to the Public Works Department for checking to ensure compliance with these Standards, City of Oregon City Ordinances, and good engineering practice. Submitted plans shall include the following:

- A. Engineer's Preliminary Cost Estimate (or Opinion of Probable Cost);
- B. Engineering Review Checklist checked by Consulting Engineer; and
- C. A tie to the ~~City horizontal~~ appropriate survey control system. Survey ties to include monuments tied and closure results.

Submitted plans shall also include (if applicable) the following:

- A. Supplemental specifications;
- B. Soils report and design recommendations;
- C. Geotechnical report and design recommendations;
- D. Natural Resource report and design recommendations;
- E. Easement and right-of-way descriptions and sketches;
- F. A tie to the City benchmark systems, including closure results;
- G. Boundary control survey;
- H. Final plat; and
- I. Other material as requested by the City Engineer.

A 2½ percent plan check fee (or currently established fee – fee is a percentage of an approved engineer's cost estimate), will be levied at the time plans are submitted to the Engineering Division of the Development Services Department. Plans will not be checked until fee is paid.

Once the plans are approved and construction permit issued, the Consulting Engineer for private development projects shall be responsible for providing inspection and surveying services necessary to stake and construct the project. The Consulting Engineer shall prepare the as-built drawings when the project is complete.

The Consulting Engineer preparing the plans for a privately funded public improvement project shall execute a "City of Oregon City, Developer/Engineer Agreement for Public Works Improvements." This agreement provides for the following services from the Consulting Engineer:

- A. Perform surveying sufficient to prepare construction plans.
- B. Prepare construction plans and specifications, and obtain approvals.
- C. Attend a preconstruction meeting.
- D. Perform construction staking and inspection.

If the Consulting Engineer is not furnishing all of the above services, the specific arrangements (i.e., subcontracting) must be supplied to the City. The name, address, and telephone number of Consulting Engineer, surveyor, and contact person shall be included.

Should the services of the Consulting Engineer be terminated or curtailed below the specified tasks, he/she shall correspond with the City so indicating.

The Consulting Engineer doing inspection for a privately funded public improvement project shall follow the City's "Minimum Guidelines for Inspection/Observation of Public Works Construction" or similar policy.

It shall be the policy of the City of Oregon City to provide spot check only inspection services for non-public funded public improvements. A 2½ percent inspection fee, (or currently established fee – fee is a percentage of an approved engineer's cost estimate) will be collected at the time the plans are approved. This inspection fee is in addition to the plan check fee. A permit is issued for construction when the following items are provided:

- A. Approved Engineering Plan;
- B. Engineer's Final Cost Estimate (or Opinion of Probable Cost);
- C. Accepted Geotechnical Report (if required);
- D. Accepted Natural Resource Plan (if required);
- E. Performance Bond;
- F. Developer/Engineer Agreement;
- G. Erosion Control Permit (if required);
- H. Permits from other jurisdiction if working in their right-of-way;
- I. Approval from State of Oregon Health Division (if City does not continue its program to approve plans on behalf of the State); and
- J. Any other permits required from any other agencies having jurisdiction on the project.
- K. [Traffic Control Plan](#)

A project becomes accepted by the City when construction is complete and the following have been completed or obtained:

- A. Two-Year Maintenance Bond;
- B. Consulting Engineer's Certificate of Completion;
- C. Completed Punchlist; and
- D. Recorded Subdivision or Easement Document (when required).

A sewer main becomes owned, operated, and maintained by the City once the maintenance period is over and any deficiencies have been corrected.

2.07 SANITARY SEWER MASTER PLAN REQUIREMENTS

The City uses the current adopted Sanitary Sewer Master Plan to recommend improvements to the existing and future distribution-collection system. These recommendations shall be included in the design; however, they may be modified based on updating of the Master Plan or updated computer model runs for specific design requirements.

2.08 PIPE MATERIAL

Pipe materials shall conform to the current edition of "Standard Specifications for Public Works Construction" by APWA as adopted and modified by the City.

All public sanitary sewers shall be constructed with PVC 3034 DR 35 pipe. Where required for added strength, Class 50 Ductile Iron pipe shall be used. C900 pipe may be used in place of ductile iron pipe.

~~Concrete pipe may not be used on mainline and lateral sewers due to high infiltration problems caused by Oregon City's high groundwater. Concrete pipe which is not centrifugally cast has numerous pinholes which add to the infiltration problem. Tests have shown that infiltration is also directly related to the number of joints in the line installed.~~

High Density Polyethylene (HDPE) Pipe may be used for pipe bursting only. Pipe bursting requires the approval of the City Engineer or Assistant Public Works Director.

Cured in Place Pipe (CIPP) may be considered for use used on a case by case basis with approval of the City Engineer or Assistant Public Works Director. The exact material specification shall be provided by the manufacturer and approved by the City Engineer prior to its use.

All other material pipes shown in the table below are provided due to those material types potentially existing within the field. Other materials shall only be used for point repairs and not new sewers.

~~Design engineers are encouraged to specify pipe materials that have a long length between joints and which are not porous in nature.~~

The type of acceptable sewer pipe shall be called out in the Construction Notes or on the plans. Known existing pipe materials shall be called out on the plans.

Acceptable abbreviations for existing and proposed types of pipe are as follows:

Abbreviations	Pipe Type
ABS	Acrylonitrile Butadiene Styrene
AC	Asbestos Cement
<u>CIPP</u>	<u>Cured in Place Pipe</u>
CI	Cast Iron
DI	Ductile Iron
<u>HDPE</u>	<u>High Density Polyethylene</u>
PVC	Poly-Vinyl Chloride
VC	Vitrified Clay
NRCP	Non-reinforced Concrete Pipe
RCP	Reinforced Concrete Pipe

A. US Made Products

All materials shall be made in the United States of America unless approved by the City Engineer. Exceptions to US ~~A Made-made~~ may only be approved by the City Engineer if the product is not available in the USA or if the City Engineer determines that the lead time required will negatively affect the general public.

B. Minimum Pipe Cover

MINIMUM PIPE COVER

Type of Pipe	Paved Areas (inches)	Unpaved Areas (inches)
Other Approved Pipe	48	36
<u>RCP Class III</u>	<u>30</u>	<u>18</u>
<u>RCP Class IV</u>	<u>24</u>	<u>12</u>
<u>RCP Class V</u>	<u>18</u>	<u>6</u>
AWWA C900	24	12
AWWA C905	24	12
Ductile Iron*	18	6

* A minimum of 18"-inches of cover is preferred. 6" of cover less than 18-inches may be used if approved by the City Engineer.

2.09 PIPE SIZE

Sewer mains (public sewers) shall not be less than eight inches (8") inside diameter, except that for short non-extendable sections ~~up to~~(not to exceed 250 feet in length), the minimum diameter may be reduced to six inches (6") per the Oregon Administrative Rule, Chapter 340, Div. 52, APPENDIX "A." Sewers shall be sized to handle the ultimate flows of the basin as determined-established through the City's latest version of the sewer hydraulic model, certain results of which may be included in the Sewer Master Plan.

~~Sewer mains (public sewers)~~Main sewers shall begin at a manhole and shall terminate at a manhole except that a cleanout may be used at the upper end of a sewer that will be extended on the same grade and alignment during the next construction phase.

2.10 MINIMUM/MAXIMUM SLOPES

- A. MINIMUM SLOPE – All sanitary sewers shall be laid on a slope which will produce a mean velocity, when flowing full, of at least two feet (2') per second, which is based upon Manning's pipe friction formula using a roughness coefficient valued at not less than 0.013, or the pipe manufacturer's recommendations, whichever is greater. The minimum acceptable slope for various pipe sizes with an "n" value of 0.013 are listed below:

MINIMUM SLOPE

Inside Pipe Diameter (inches)	Slope (feet per 100 feet)
6	0.60 (preferably 1.00)
8	0.40 (preferably 0.75)
10	0.30
12	0.22
15	0.15
18	0.12
21	0.10
24	0.09
27 (and larger)	0.08

The preferable slope shall be used in all cases unless an exception is approved by the City Engineer.

In general, slopes greater than those shown above are desirable and are particularly recommended on the upper ends of sewers. The preferable slope shown shall be used in all cases without exception for the last 400 feet of non-extendable sewers.

In theory, new PVC sewers have a manufacturer's "n" value of 0.009. However, sand and grit, as well as slime, build up on the pipe walls which renders a true "n" value with time of 0.013. Hence, an "n" value of less than 0.013 will not be considered for approval.

Engineers shall not specify sewers of sizes which are obviously larger than is necessary for satisfactory carrying capacity, but which are specified in order to meet grade requirements, i.e., a ten inch (10") pipe for an eight inch (8") pipe to acquire a decrease in slope.

- B. MAXIMUM SLOPES – Grades (slopes) shall be determined to the center of the manhole. The average between any inlet slope S_i and outlet Slope S_o across the manhole shall not exceed 0.25 foot per foot, or 25%.

$$\frac{S_i + S_o}{2} = \text{less than } 0.25$$

The intent is to prevent the difference in pipe inverts at the manhole wall on steep sewers from exceeding one foot (1'), which with the offset permitted in 2.10 d, renders it impossible to insert a TV camera into the outfall line if the average slope exceeds 0.25 or 25%. Application is to sewers with a slope in excess of 19 percent.

2.11 ELEVATION OFFSET AT MANHOLES

Standards for elevation differences at manholes have been established to compensate for normal energy losses and to prevent surcharging of a sewer by a larger sewer. For purposes of slope calculation and for establishing elevation differences, the elevations are given at the intersection of the sewer centerlines (usually the center of the manhole). The rules for elevation differences at manholes are as follows:

- A. The crowns of incoming sewers shall be at least as high as the crown of the outgoing sewer. This is assuming all incoming lines are equal to or smaller than outgoing lines. At a minimum, a 0.2 foot drop across the manhole is required.
- B. If the deflection angle of the sewer alignment at a manhole is less than 45°, the invert elevation difference shall be at least 0.20 foot.
- C. If the deflection angle of the sewer alignment at a manhole is 45° or greater, the invert elevation difference shall be 0.20 [foot](#).
- D. If there is a grade conflict with an existing utility, the maximum [offset-invert elevation difference](#) may be one foot (1') if approved.
- E. The slope of a sewer within a manhole shall be no less than the slope of the same sewer outside of the manhole.
- F. See Section 2.16-D, Drop Manholes.

- G. All connections must enter the manhole through a channel in the base. This includes drop connections, lateral sewer where allowed, and connections to existing manholes.

Where conditions make compliance with these standards impractical, exceptions will be permitted. It will be necessary; however, for the designer to provide a complete analysis of the need for such ~~designs~~design exceptions.

2.12 ANCHOR WALLS AND HIGH VELOCITY REQUIREMENTS

Sewers on slopes of twenty percent (20%) or more shall be secured by anchor walls in accordance with the City's Anchor Wall Standard Details. Spacing for anchors shall be per the City's Standard Detail.

Where velocities greater than fifteen feet (15') per second are attained, the pipe material shall be ductile iron and special provision shall be made to protect manholes against erosion and displacement by ~~shock~~the forces associated with high velocity flows. This may be accomplished by installing additional manholes to decrease the slope or to split a large horizontal direction change into smaller incremental changes.

2.13 MINIMUM DEPTH

All sanitary sewer mains shall be laid at a depth sufficient to drain building sewers, to protect against damage by frost or traffic, and to drain basement sewers where practical. Sufficient depth shall mean the minimum cover from the top of the pipe to finish grade at the sewer alignment.

Under normal conditions, sanitary sewer mains in residential areas shall be placed in the street with the following minimum cover:

- A. Lateral Sewer – Four feet (4')
- B. Main and Trunk Sewer
 - 1. In the roadway - Eight feet (8')
 - 2. In easements - Six feet (6')

The City Engineer may approve a shallower depth if unique situations exist and where there is sufficient evidence that the sewer pipe material proposed will be structurally acceptable. ~~Where the topography is relatively flat and existing sewers are shallow (five feet (5') or less), the minimum cover may be three feet (3').~~ Less than ~~four~~three feet (~~4~~3') of cover will require the installation of ductile iron pipe or approved equal. See Table 2.1 below for class of pipe required.

In new residential hillside subdivisions, mainline and lateral sewers shall be placed in the street at a depth sufficient to drain building sewers on the low side of the street (three feet (3') plus 2 percent grade to building site).

Deviation from the above standards will be considered on a case-by-case basis when one (1) of the following circumstances exist:

- C. Underlying rock strata – required: A request in writing to the City Engineer together with submission of a soils report with a plan and profile certifying that bed rock exists three feet (3') below the undisturbed ground surface at all investigated alignments is required.
- D. B.—A ditch or stream must be crossed – required: A plan and profile; horizontal scale 1" = 20', vertical scale 1" = 2' is required.

TABLE NO. 2.1
PIPE CLASS REQUIREMENT
(Sewer less than 3' of Cover)

PIPE SIZE (inches)	DEPTH OF COVER (feet)	IN FILLS – USE <u>D.I.DI</u> class*	TRENCH – Use <u>D.I.DI</u> class*
4	0.5	51	51
	1.0	51	51
	1.5	51	51
	2.0	51	51
6	0.5	53	50
	1.0	51	50
	1.5	50	50
	2.0	50	50
8	0.5	54	50
	1.0	52	50
	1.5	50	50
	2.0	50	50

*C900 may be used as an alternative in place of Ductile Iron Pipe (D.I.)

2.14 LOCATION

- A. RELATION TO WATER LINES AND OTHER UTILITIES – No sanitary sewer shall be less than fifty feet (50') from any well, spring, or other source of domestic water supply unless approved by the City Engineer. All sanitary sewers or parts thereof which are located within fifty feet (50') from any such source of domestic water supply shall be constructed of ductile iron water pipe with watertight joints, or by other DEQ approved pipe.

Sanitary sewers and domestic water lines shall not be laid in the same trench. Parallel water and sewer lines shall be located at least ten feet (10') apart horizontally where there is less than 18 inches of vertical clearance between the water and sewer lines. In all instances, in this section and the following sections, distances are measured edge to edge. When physical conditions render this spacing impossible or impractical, then ductile iron water pipe with watertight joints will be required for the sewer line, Construction Standards, as outlined per the Oregon Administrative Rule Chapter 333-61-050, shall be followed.

Wherever it is necessary for sewer and water lines to cross, the crossing should be at an angle of approximately 90 degrees and the sewer shall either be located 18 inches or more below the water line or be constructed of ductile iron water pipe with watertight joints for a distance of nine feet (9') from both sides of the water line.

When a sanitary sewer line is crossing less than 12 inches below a storm drain line which is 12 inches or greater in diameter, the sewer line must be constructed with ductile iron pipe for the structural integrity of the sanitary sewer line. The intent is to prevent broken or deformed sanitary sewer lines installed with storm drains in close proximity.

Where sanitary main or trunk sewers are being designed for installation parallel to other utility pipe or conduit lines, the vertical location shall be in such a manner that will permit future side connections of main or lateral sewers and avoid conflicts with parallel utilities without abrupt changes in vertical slope of the main, lateral side, or building sewers.

- B. SEWERS IN STREETS OR EASEMENTS – Under normal conditions, sewers shall be located in the street right-of-way five feet (5') from the street centerline on the North and West side of the street, unless there is an advantage to locating it on the low side of the street.

If streets have curved alignments, the center of the manhole shall be not less than six feet (6') from the curb face on the West side of the curve nor the sewer centerline less than ten feet (10') from the curb face on the East of the curve. The intent is to prevent a conflict with new storm drain and water lines while still providing for the least number of manholes required to traverse a curve, and prevent a conflict with survey monuments required by Oregon City Code.

Sewers in easements will be allowed only after all reasonable attempts to place the mains in the right-of-way have been exhausted. Provisions shall be made for vehicular access to manholes and services for preventive maintenance and emergency service.

When it is necessary to locate sewers in easements, the sewer shall be centered in the easement and the conditions of the easement shall be such that the easement shall not be used for any purpose which would interfere with the unrestricted use for sewer main purposes. Under no circumstances shall a building or structure, tree or fence, be placed over a sanitary sewer main or within a sewer easement.

Sewers laid in easements along property lines, with easement's center on the property line, shall have the sewer and the easement centerline offset thirty inches (30") from the property line.

Easements for sewers less than 15 inches in diameter shall have a minimum width of fifteen feet (15'). Sewers greater than 15 inches in diameter shall have a minimum easement width of twenty feet (20'). Deviations from these minimum widths shall be subject to approval of the City Engineer,

Easement locations for public sewer mains serving a Planned Development, apartment complex, or commercial/industrial development shall be located in parking lots, private drives, or similar open areas which will permit an unobstructed vehicle access for maintenance by City forces.

Sewers with more than six feet (6') of cover and/or inside diameters 24 inches or greater will require wider easements. A slope of one (1) horizontal to one (1) vertical from the sewer invert to ground surface will be used in determining easement width. Easement widths shall vary from the fifteen-foot (15') minimum by five foot (5') increments (i.e., 15, 20, feet), etc.

Common placement in the easement of sewer and storm drain line may be allowed under certain conditions subject to approval by the City Engineer. Common easements will be reviewed on a case-by-case basis. Separation of utilities must also meet Oregon State Department of Environmental Quality (DEQ) requirements.

All easements must be furnished to the City for review and approval prior to acceptance by the City Commission and recording. Standard City utility easement document forms and guidelines for preparation of descriptions and sketches shall be used.

- C. RELATION TO STREAMS AND DRAINAGE CHANNELS – Generally, the top of all sanitary sewers entering, crossing, or adjacent to streams shall be at a sufficient depth below the natural bottom of the stream bed to protect the sewer line. One foot (1') of cover is required where the sewer is in rock, three feet (3') of cover is required

in other materials. In paved channels, the top of the sewer line shall be placed at least six inches (6") below finish grade of the bottom of the channel. Sewers located along streams shall be located outside of the stream bed and sufficiently removed therefrom to provide for future possible stream channel widening. All manhole covers shall be leakproof per City Standard Details at or below the 100-year flood elevation.

Sewers crossing streams or drainage channels shall be designed to cross the stream as nearly perpendicular to the stream channel as possible.

Pipe material shall be ductile iron Class 50 or C900 with an 18-foot length of pipe centered on the stream or drainage channel centerline. The ductile iron pipe shall extend to a point where a one-to-one slope, that begins at the top of the bank and slopes down from the bank away from the channel centerline, intersects the top of the pipe.

All crossings of streams and drainage channels shall include a geotechnical report addressing design, scour, velocity, erosion, protective measures, etc.

2.15 ALIGNMENT

Sewer lines shall be laid on a straight alignment and uniform slope between consecutive manholes. The line and grade may not vary by more than 1/32 inch per inch of pipe diameter. Variance shall not exceed ½ inch unless approved by the City Engineer.

Horizontal and vertical curves in sanitary sewers are not permitted.

See related comments under Location, Section 2.14.

2.16 MANHOLES AND CLEANOUTS

- A. CLEANOUTS – Cleanouts will not be approved as substitutes for manholes, except at the upper end of main sewers that will be extended on the same grade and alignment during the next construction phase. All cleanouts will be considered in a case-by-case basis and approved by the City Engineer.
- B. MANHOLE TAPS – When an existing manhole is tapped to install a new sewer main or lateral, the new sewer shall enter the manhole with the invert a minimum 0.25 feet below the floor elevation (or shelf) of the manhole and a channel shall be formed in the floor of the manhole to the invert of the existing sewer.
- C. MANHOLES – Manholes shall be placed at the following locations:
 - 1. Every change in grade (grade break) or alignment of a sewer.

2. Every point of change in size or abrupt invert elevation (drop) change of a sewer.
3. Each intersection or junction of a sewer.
4. Upper end of all main sewers, except as provided in (a) above.
 - a. Adjacent to the radius point of a cul-de-sac.
 - b. In front of the last property or lot being served, ten feet (10') past the common lot line of the adjoining parcel served.
5. At intervals of 400 feet or less. Deviation from this requirement will be reviewed on the basis of whether or not flushing and cleaning equipment can adequately service the sewer line.
6. At any point where a service lateral or private sewer of eight inches (8") or larger intersects a sewer main.

Manholes shall not be located in the curb or in the gutter. Placement of manholes behind the curb shall be reviewed on a case-by-case basis for approval. Consideration shall be given to those sewers which already exist behind the curb. Also see Section 2.14-B, Location, Sewer in Streets or Easements.

Two (2) manholes shall be installed when the horizontal deflection angle between tangents on a sewer main exceeds 105° for a new line connecting into an existing main. Spacing of such manholes shall be a minimum of ten feet (10') outside to outside. The intent is to prevent a new sewer connection from discharging into an existing sewer opposing the existing flow.

Where practical, manholes shall be located at street intersections. All manholes from which future sewer line extensions are anticipated shall have a pipe stub planned and installed at the grade and direction of the anticipated sewer main extension. Pipe stubs shall be a minimum of eight inches (8") in size and shall protrude at least two feet (2') outside of the manhole base and plugged with a permanent watertight gasketed cap or plug securely fastened or blocked to withstand test pressures.

Risers shall be used to bring casting to grade. Combined riser sections shall not exceed twelve inches (12") in height between cone and casting.

D. **DROP MANHOLES** – Drop manholes shall only be used in extreme cases of slope difference between existing and proposed sewer lines or when very special conditions exist such as a conflict with existing facilities which cannot be relocated.

Public Works Department review of the plans and written approval of the City Engineer is required.

Outside drop assemblies ~~may~~shall be provided for pipelines 12 inches in diameter and ~~larger~~smaller when entering a manhole at a distance of more than 24 inches above the invert of the outlet line. The vertical displacement shall be measured at the inside manhole walls and not the manhole centerline. ~~Larger pipelines shall be introduced into the manhole at the manhole invert.~~ See Section 2.11, Elevation Offset at Manholes.

~~Inside drop assemblies may be provided for pipelines 10 inches in diameter and smaller when entering a manhole at a distance of more than 24 inches above the invert of the outlet line. The vertical displacement shall be measured at the inside manhole walls and not the manhole centerline.~~

~~In the event a drop assembly is proposed that is different from the standards, the City Engineer may approve it, on a case by case basis, if the manhole and piping configuration is provided and is sufficient for operation and maintenance and if the City Engineer believes no other method can be used.~~

~~All drop assemblies, when used, shall use materials which are not subject to corrosion. Stainless steel shall be the preferred material unless an alternative is proposed that is approved by the City Engineer or Assistant Public Works Director.~~

~~Only one drop is allowed per manhole.~~

~~Drop manholes shall only be used in extreme cases of slope difference between existing and proposed sewer lines or when very special conditions exist such as a conflict with existing facilities which cannot be relocated. It shall take the written approval of the City Engineer after review of the plans by the Public Works Department.~~

- E. DROP ACROSS THE STRUCTURE – See Section 2.11, Elevation Offset at Manholes.
- F. MONITORING MANHOLE – A monitoring manhole shall be required at the property line upstream from the manhole connection of the City sewer main for non-residential applications (see Water Environment Services Non-residential questionnaire) as may be required by Tri-City Service District (Water Environment Services), Clackamas County.
- G. CONNECTION TO EXISTING MANHOLES – When a project is connecting to existing manholes or sewer extensions, the existing manhole shall be rehabilitated in its entirety as specified by the City.

- H. MISCELLANEOUS – Where manhole rims are two feet (2') or greater above grade of finished ground, the manhole lid shall be made of aluminum.

2.17 LATERAL SEWER SERVICE & PRIVATE COLLECTOR SYSTEMS

- A. LATERAL SEWER – See definition for lateral sewer under Section 1.07.

Each individual building site shall be connected by a separate private building sewer service line connected to the public sewer. Combined building sewer lines will be permitted only when the property cannot legally be further divided. An example of this is a residential lot with a house and an unattached garage or shop with plumbing facilities.

The minimum inside diameter of a sewer service lateral shall be four inches (4") and shall be equal to or greater than the building sewer diameter. Service laterals to be built to the same construction standards and of the same materials as the sewer mainline.

Service laterals in general shall be placed at 90 degrees to the main sewer line to avoid excessive exposure to other utilities during excavation for construction or maintenance of the service lines. Angles other than 90 degrees may be approved for special conditions such as cul-de-sac lots. Service line connections shall not be made at manholes, except at cul-de-sacs where the sewer main will not be extended. All connections at manholes shall be considered on a case-by-case basis and approved by the City Engineer.

The minimum slope of lateral sewers shall be 2.00 percent (~~2 feet of drop per 100 feet of run~~^{1/4 inch per foot}) except for unusual conditions where a slope of 1.00 percent (~~1 foot of drop per 100 feet of run~~^{1/8 inch per foot}) may be acceptable if approved by the City Engineer~~approved~~. It will be necessary; however, for the designer to provide a complete analysis of the need for any sewer service lateral slope less than 2.00 percent. The maximum slope shall be 100.00 percent (45 degrees or one foot per foot). Deep connection risers (see the Standard Detail for service laterals to deep sewers) or drop connections to manholes must be used where service line slopes would exceed 100 percent.

~~Tees for s~~Service laterals installed at greater than 10% slope (deep laterals), tees shall be installed at 100% slope (1 foot of drop per 1 foot of run) and with 1/16 or 1/8 bends installed to provide proper grade (2% or greater) for service lateral. Service laterals shall be installed to the street right-of-way line or easement line. A watertight plug shall be installed in end of lateral and a 2" x 4" pressure treated wood marker shall be placed at lateral end, from pipe invert to two feet (2') above the ground. 2" x 4" top to be painted white and marked with an "S" and the depth of the lateral measured from ground to invert of pipe. ~~Curb Sanitary Design Standards 30 June 1993 line to have an "S" stenciled in black paint on face of~~

~~curb at lateral crossing. The “SS” shall also be stamped on the adjacent curb if one exists.~~ A tracer wire (green 18 gauge, insulated copper wire) shall be installed from the mainline to the surface at the 2x4 marker. Omni Ball markers shall be placed above the intersection of the service line and the main line.

Tees shall be located no closer than five feet (5') to manholes ~~or other tees~~. Tees shall be located near the low side of lots. Tees may be located a minimum of 18” apart measured from edge of pipe to edge of pipe. This requirement may be amended for unique situations if approved by the City Engineer.

Lateral connections shall be a minimum of 18” apart on the mainline.

All sanitary sewer service laterals shall have a 2-way cleanout at the right-of-way line per Oregon City Standard Drawings.

- B. BUILDING SEWER – The building sewers are those private sewer lines which connect the building drain to the public service lateral, or the private collection system. Building sewers are installed and maintained by property owners.

Building sewers shall conform to the Oregon Plumbing Specialty Code. No roof, surface, foundation, or stormwater drain lines shall be connected to the public sewers.

Building sewer clean-outs shall be installed at the right-of-way and at 100-foot intervals thereafter per the Oregon Plumbing Specialty Code. Building sewers shall have at least four feet (4') of cover at the property line. Generally, the topography of the property will dictate how deep the building line must be.

Each individual building site shall be connected by a separate building sewer line connected to the public or private collector sewer. Combined building sewers will be permitted only when the property cannot legally be further divided, subject to approval of City Engineer.

The inside diameter of a building sewer shall be a minimum of four inches (4") and shall be equal to or greater than the building plumbing stub diameter. The minimum inside diameter of building sewers to serve multi-family dwellings or commercial buildings shall be six inches (6"). Fixture unit equivalents in accordance with the Oregon Plumbing Specialty Code shall be used to determine the size of the side sewer.

A building sewer serving a single residence may cross one private property provided a private easement is obtained and the route is approved by the City Engineer.

A backwater check valve, as specified in Oregon Plumbing Specialty Code, shall be installed when the lowest floor level of a house to be connected to the public main

sewer is below a point which is 12 inches above the top of the nearest upstream manhole or cleanout structure. A gate valve in addition to the required backwater check valve is optional but should be considered for installation for additional protection should the backwater valve fail or become clogged with debris.

- C. PRIVATE COLLECTION SYSTEM – A private collection system is a privately-owned and maintained sewer system installed to serve multi-unit structures on single ownership properties, which cannot legally be further divided, such as apartments, mobile home parks, and schools, or installed in commercial or industrial subdivisions. A single-family residence with an unattached garage or shop with sanitary facilities is exempt.

Private collection system sewers shall conform to the Oregon Plumbing Specialty Code with the following exceptions:

1. Manholes are recommended on lines six inches (6") or larger if there are branches downgradient of six inches (6") or larger that serve more than one (1) structure. The spacing shall be per the Oregon Plumbing Specialty Code (300 feet).
2. Manholes are required if a line has the potential of becoming a public line when phasing of a project is involved.
3. A manhole is required at the connection to the City Sewer Main.
4. The minimum depth for line sizes 6 inches or greater shall be six feet (6') to prevent utility conflicts unless a variance is requested and approved.
5. A monitoring manhole is required at the property line upstream from the manhole connection at the City Sewer Main for non-residential applications (see Water Environment Services Non-residential questionnaire) as may be required by Tri-City Service District (Water Environment Services), Clackamas County.
6. If the grade requirements of the Oregon Plumbing Specialty Code cannot be met, grade standards for public sewers can be used if manholes are provided, and Clackamas County Plumbing Department approves.

The monitoring manhole shall consist of a standard 48" manhole with the inlet pipeline invert placed 0.4 foot above the outlet invert. The inlet pipe shall extend one foot (1') past the manhole wall and shall be cut in half six inches (6") from the outfall end and the top half of the pipe removed. The channel shall be formed from the outfall end to the outlet line in the usual manner.

The intent is to provide a half round section of pipe inside the manhole into which City personnel will place a flow monitoring equipment.

D. LOCATING BUILDING SEWERS AND PRIVATE COLLECTION SYSTEMS –

All building sewers and private collection systems shall have an electrical conductive tracer wire, 18 gauge minimum size, insulated copper, and green sheeting, installed in the trench for the purpose of locating pipe in the future. The tracer wire shall run the length of the installed pipe, with one end located around the mainline or lateral. The other end of the tracer wire shall be of sufficient length for an electrical conductive splice.

2.18 ABANDONING FACILITIES

The Contactor shall seal the open ends of all pipes, etc. that are to be abandoned with an end cap, coupling, or a concrete plug with a thickness equal to the diameter of the pipe which is permanent watertight. The Public Works Department requires that all abandoned piping be severed as close to active piping as practical.

All service lines are required to be abandoned at or near the sewer main. All other parts of the service lines and other appurtenances are to be cut off and removed at 24 inches minimum below finish grade.

Structures (manholes, cleanouts, etc.) shall be removed completely to eliminate conflict with any future utility improvements. Abandonment of structures shall be completed only after piped systems have been properly abandoned.

Abandoned cleanouts in pavement areas shall be cut off 24 inches below grade, removed, gravel filled, and plugged with compacted asphalt. Cleanouts outside of pavement areas shall be cut off 24 inches below grade, removed, and filled with native backfill.

The Public Works Department has first claim to any removed or abandoned sanitary materials. The Contractor shall dispose of all unwanted materials in an approved manner.

2.19 PIPE BEDDING AND TRENCH BACKFILL

All trench excavation shall be in conformance with Oregon City Standard Drawing for Pipe Bedding and Backfill and shall be classified as either rock or common excavation. All excess material from the trench excavation shall be disposed of to an approved site.

Pipe bedding and trench backfill may be Class A on all sewer lines outside public streets or outside of paved areas. Trench backfill shall be Class B in all public streets or paved areas in the project as outlined in Oregon City Standard Drawing for Pipe Bedding and Backfill. The Class B backfill shall extend a minimum of three feet (3') beyond the edge of street or hard surfaced areas. CDF Backfill may be required instead of Class B as applicable per Oregon City Pavement Cut Standard.

Trench backfill compaction shall be 95% of AASHTO T-180 Modified Proctor from top of pipe zone up to road base. Contractor to determine type of equipment and method to use to achieve the required compaction. 95% compaction, AASHTO T-180, is required in public streets and paved areas, 85% compaction of AASHTO T-99 in non-paved or unimproved areas.

2.20 TESTING

All sewer lines shall be tested and video inspected by the contractor per latest edition of APWA/ODOT Oregon Standard Specifications for Construction with the exception that all lines shall be video inspected downstream with the flow.

All manholes shall be vacuum tested per APWA/ODOT Oregon Standard Specifications for Construction.

2.21 AS-BUILT DRAWINGS/DIGITAL MAPPING REQUIREMENTS

For the purposes of this section, as-built drawings will also mean drawings of record, record drawings, or terms indicative of an attempt to record the as-constructed state of the improvement.

Following completion of construction, the Consulting Engineer shall submit as-built drawings in the form requested by the City Engineer. As-built drawings shall be the same size and format as the construction plans. As-built drawings shall describe all revisions to the previously approved construction plans. The Consulting Engineer shall also certify that the public improvements have been completed in accordance with the City of Oregon City Public Works Standards and Specifications to the best of his/her knowledge. (This is completed with a Certificate of Completion.) The words “As-Built Drawing” or “Record Drawing” shall appear as the last entry in the revision block along with the month, day, and year the as-built drawing was prepared. Submission of as-built drawings shall be made within 90 days of acceptance by the City. The cost to produce these as-built drawings shall be included in the Consulting Engineer’s cost estimate for establishing the surety amount for the performance surety. Failure to submit these as-built drawings shall be grounds for withholding final release of the surety amount.

The Consulting Engineer shall provide design calculations and complete test results to the City Engineer.

All as-builts shall follow the most recent version of the City of Oregon City’s “As-Built Drawing and Post Construction Survey Requirements.”

The following minimum information shall be noted on sanitary sewer as-built drawings:

- A. Generally, the location of manholes (with rim, bottom, and invert elevations), cleanouts, laterals shall be shown including locations of Omni Ball markers.
- B. Station and/or property line/corner to manholes and service laterals.
- C. Slope of all sewer mains and laterals.
- D. Show material type of all sewer mains and laterals.
- E. Any other change altering the approved plans.
- F. Actual location and depth from finish grade of street of any other utilities encountered during construction.

SECTION III – STANDARD DRAWINGS

SANITARY SEWER STANDARD DRAWINGS

TABLE OF CONTENTS

301.	MANHOLE - <i>STORM & SANITARY SEWER</i>
302.	SHALLOW MANHOLE - <i>STORM & SANITARY SEWER</i>
303.	DROP MANHOLE CONNECTION
305.	MANHOLE FRAMES & COVERS - <i>STORM & SANITARY SEWER</i>
306.	WATERPROOF & TAMPERPROOF MANHOLE FRAME & COVER
307.	MANHOLE STEP - <i>STORM & SANITARY SEWER</i>
308.	POURED IN-PLACE MANHOLE BASE - <i>STORM & SANITARY SEWER</i>
309.	SANITARY SEWER CLEANOUT ON MAIN LINE
310.	SANITARY SEWER SERVICE
310-A.	2-WAY CLEANOUT FOR SANITARY SEWER SERVICE
311.	SANITARY SEWER SERVICE TAP TO EXISTING SEWERS
313.	PIPE BEDDING & TRENCH BACK FILL - <i>STORM & SANITARY SEWER & WATER PIPE</i>
317.	MARKER POST

City of Oregon City
Public Works Standard Drawings

OC 313. Pipe Bedding and Trench Backfill – Storm & Sanitary & Water Pipe
OC 513. Typical Utility Placement Detail

SECTION IV – STANDARD CONSTRUCTION NOTES

SECTION V – MINIMUM GUIDELINES FOR INSPECTION



CITY OF OREGON CITY
PUBLIC WORKS

SANITARY SEWER DESIGN STANDARDS

RESOLUTION NO. 21-02

ADOPTED: August 4, 2021

PREPARED BY

Public Works Department

625 Center Street

Oregon City, Oregon 97045-0304

SANITARY SEWER DESIGN STANDARDS

TABLE OF CONTENTS

SECTION I - GENERAL	1
1.00 PURPOSE	1
1.01 GOALS	1
1.02 REVISIONS TO THESE STANDARDS	2
1.03 SHORTENED DESIGNATION	2
1.04 APPLICABILITY	2
1.05 REFERENCES	3
1.06 STANDARD SPECIFICATIONS	4
1.07 DEFINITIONS AND TERMS	4
1.08 ENGINEERING POLICY	8
1.09 APPROVAL OF ALTERNATE MATERIALS OR METHODS	8
1.10 ISSUANCE OF BUILDING PERMITS	9
1.11 TRANSFER OF ENGINEERING RESPONSIBILITY	9
 SECTION II - DESIGN	 10
2.00 GENERAL DESIGN CONSIDERATIONS	10
2.01 SANITARY SEWER SYSTEM CAPACITY (SANITARY SEWER MASTER PLAN)	10
2.02 SANITARY SEWER CONSTRUCTION PLANS	12
2.03 TITLE SHEET	13
2.04 PLAN AND PROFILES	14
2.05 SANITARY SEWER APPURTENANCES/CONSTRUCTION NOTES	14
2.06 PLAN SUBMITTAL, APPROVALS, INSPECTION REQUIREMENTS	17
2.07 SANITARY SEWER MASTER PLAN REQUIREMENTS	19
2.08 PIPE MATERIAL	19
2.09 PIPE SIZE	20
2.10 MINIMUM/MAXIMUM SLOPES	21
2.11 ELEVATION OFFSET AT MANHOLES	22
2.12 ANCHOR WALLS AND HIGH VELOCITY REQUIREMENTS	23
2.13 MINIMUM DEPTH	23
2.14 LOCATION	24
2.15 ALIGNMENT	27
2.16 MANHOLES AND CLEANOUTS	27
2.17 LATERAL SEWER SERVICE LATERAL) & PRIVATE COLLECTOR SYSTEMS	29
2.18 ABANDONING FACILITIES	32
2.19 PIPE BEDDING AND TRENCH BACKFILL	33
2.20 TESTING	33
2.21 AS-BUILT DRAWINGS/DIGITAL MAPPING REQUIREMENTS	34
 SECTION III - STANDARD DRAWINGS	 35
 SECTION IV - STANDARD CONSTRUCTION NOTES	 36
 SECTION V - MINIMUM GUIDELINES FOR INSPECTION	 37

SECTION I – GENERAL

1.00 PURPOSE

The purpose of these Sanitary Sewer Design Standards is to provide a consistent policy under which certain physical aspects of sanitary sewer design will be implemented. Most of the elements contained in this document are Public Works oriented and most are related to public improvements and City contract projects; however, it is intended that they apply to both public and private work designated herein.

These Standards cannot provide for all situations. They are intended to assist but not to substitute for competent work by design professionals. It is expected that land surveyors, engineers, and architects will bring to each project the best of skills from their respective disciplines.

The Standards are also not intended to limit unreasonably any innovative or creative effort which could result in better quality, better cost savings, or both. Any proposed departures from the Standards will be judged, however, on the likelihood that such variance will produce a compensating or comparable result, in every way adequate for the user and City resident.

1.01 GOALS

Following from the above purpose, the Standards have the objective of developing a sanitary sewer system which will:

- A. Be consistent with the Oregon City Comprehensive Plan, Oregon City Municipal Code, the Oregon City Sanitary Sewer Master Plan, Tri-City Service District Plans and Policies, the State Plumbing Code, Oregon Department of Environmental Quality (DEQ) Wastewater Permitting Program, the most recent edition of the ODOT/APWA Standard Specifications for Construction, and City Code Chapter 13.08;
- B. Be of adequate design to carry the expected flow, within their design life, and at sufficient depth to serve adjacent properties;
- C. Has sufficient grade to maintain a minimum velocity of two feet (2') per second when flowing half full;
- D. Have sufficient structural strength to resist all expected loads, both internal and external, which may be imposed; and able to preserve the functionality of the sewer system;
- E. Be of materials resistant to both corrosion and erosion, and have a minimum design life of 75 years or the maximum industry standard, whichever is greater;

- F. Be economical and safe to build and maintain; and,
- G. Prevent infiltration and/or inflow of ground and surface waters.

Alternate materials and methods will be considered for approval on the basis of these objectives.

Whenever any conflict exists between the references in 1.01.A. and these standards, the references in 1.01.A. take precedent.

1.02 REVISIONS TO THESE STANDARDS

It is anticipated that revisions to these Standards will be made from time to time. The date appearing on the title page is the date of the latest revision. Users should apply the latest published issue to the work contemplated. The Standard Drawings and Construction Notes referenced in Section III and IV may be revised from time to time as deemed necessary without revision to this overall document.

1.03 SHORTENED DESIGNATION

These City of Oregon City Sanitary Sewer Design Standards shall be cited routinely in the text as the "Standards."

1.04 APPLICABILITY

These Standards shall govern all construction and upgrading of all public and private sanitary sewer facilities in the City of Oregon City and/or applicable work within its service areas.

Permanent sanitary sewer facilities shall be provided to all property (legal lots of record created by a partitioning or subdivision of land as per City of Oregon City Municipal Code within the City of Oregon City per these Standards).

Whenever possible, sewer pipelines shall be located on public property. Where pipelines are required to pass through private property, easements shall be obtained from the property owner.

The public sewer system shall include the sewer mains, manholes, and the service lines up to the back of the curb or edge of pavement. The public sewer system is owned, operated, and maintained by the City of Oregon City unless otherwise noted.

The piping from the City curb or edge of pavement to the point of sanitary sewer use is subject to the requirements of the Oregon Plumbing Specialty Code. The piping beyond the City curb or edge of pavement is considered privately owned and maintained.

Where applicable, developing property shall provide public sewer extension along their frontage or through their site for extension to undeveloped property.

The design of the following are special problems and are not covered in detail in these Standards:

- A. Sewage Pump Stations
- B. Force Mains
- C. Siphons
- D. Relining of Existing Sewers
- E. Internal Sealing of Existing Sewers
- F. Treatment Plants
- G. Outfall Sewers
- H. Energy Dissipators
- I. Regulating Devices
- J. Flow Measurement Devices
- K. Hydrogen Sulfide and/or Hazardous Gasses

Review and approval of the above special problems by the City Engineer shall be required. When requested by the City, full design calculations shall be submitted for review prior to approval. Additional review and approval of the above special problems where applicable by the Department of Environmental Quality (DEQ) shall be required.

For areas of the City or Urban Growth Boundary that cannot be served by public sewer, internal policies and decisions will determine if the property can be developed.

1.05 REFERENCES

The Standards are intended to be consistent with the most currently adopted provisions of:

- A. Oregon City Municipal Code;
- B. Oregon City Comprehensive Plan;
- C. Oregon City Sanitary Sewer Master Plan;
- D. Oregon Statewide Planning Goals and Guidelines;
- E. Oregon Plumbing Specialty Code;
- F. Oregon Administrative Rules, Chapter 340;
- G. Referenced National Trade Standards such as ASTM;
- H. Local Trade Standards such as ODOT/APWA; and
- I. Tri-City Service District (Water Environment Services).

Design shall comply with Oregon Department of Environmental Quality sewer design guidelines.

American Society of Civil Engineers (ASCE) Manual and Report on Engineering Practice, No. 60, Gravity Sanitary Sewer Design and Construction, was used as a reference in preparation of the original 1993 design standards.

1.06 STANDARD SPECIFICATIONS

The workmanship and materials shall be in accordance with the current edition of the “Standard Specifications for Public Works Construction” except where the Standards provide other design detail. These standards are prepared by the Oregon Chapter of APWA, as modified by the City of Oregon City.

1.07 DEFINITIONS AND TERMS

As-Built Plans/Record Drawing – Plans signed and dated by the Consulting Engineer indicating that the plans have been reviewed and revised, if necessary, to accurately show all known as-constructed details of a particular public works project.

Building Drain – The building drain is that part of the lowest piping of the sewer system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins five feet (5') outside the building wall (building foundation).

Building Official – The Building Official of the City of Oregon City or his/her authorized representative.

Building Sewer – That part of the horizontal piping of the sewer system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

City – The City of Oregon City, Oregon.

City Engineer – The City Engineer of the City of Oregon City or his/her authorized representative.

Collection Systems – Facilities maintained by the City of Oregon City and Tri-City Service District connected thereto for the collecting, pumping, conveying, and controlling of wastewater.

Commercial User – Any user of the sanitary sewer who is neither a residential or industrial user.

Consulting Engineer – The engineer, licensed by the State of Oregon as a Civil Engineer under whose direction plans, profiles, and details for the work are prepared and submitted to the City for review and approval.

Cooling Water – Water other than sewage or industrial waste which is used as a medium for carrying away excess heat from any apparatus, appliance, mechanism, device, or thing, in which, in the course of such cooling process, is not mixed or co-mingled with any other substance or used as a means of carrying off any other substance, in suspension or in solution, thereby exiting such cooling process in substantially the same condition, save for temperature as when it entered.

Cut Sheets – Sheets of tabulated data indicating stationings, structures, fittings, angle points, beginning of curve, points on curve, end of curves, sewer slope, staking offset, various elevations, offset cuts, and sewer depths.

Definition of Words – Wherever, in these Standards, the words directed, required, permitted, ordered, designated, or words of like importance are used, they shall be understood to mean the direction, requirement, permission, or order of designation of the City Engineer. Similarly, the words approved, acceptable, satisfactory, shall mean approved by, acceptable to, or satisfactory to the City Engineer.

Director – The Director of Public Works of the City of Oregon City or his/her authorized representative.

Domestic Sewage – The liquid and water-borne waste derived from the ordinary living processes, free from industrial wastes, and of such character to permit satisfactory disposal, without special treatment into the public sewer or by means of private sewage disposal system.

Dwelling Unit – A habitable living unit that provides basic living requirements including permanent cooking and toilet facilities.

Easement – Easements are areas along the line of all public sewers which are outside of dedicated rights-of-way, and shall be prepared on approved forms granting rights along the line of the sewer to the City.

Fixture Unit Equivalents – The unit equivalent of plumbing fixtures as tabulated in the Oregon Plumbing Specialty Code.

Flow – The wastewater flow from an industry or institution (daily average), or house connection.

Industrial Waste – A water-borne waste and wastewater from an industrial user.

Lateral Sewer – Any sewer line to which a private building sewer connects or may connect. The lateral sewers are located within public right-of-way or easements, and generally a single point of connection to the main sewer and extend to the right-of-way or easement. They may also be referred to as the public service lateral.

Main Sewer – (Public Sewer) – A public sewer which has been or is being constructed to accommodate more than one (1) lateral sewer or to which a building sewer connects or may connect.

Multiple Family Dwelling – A building or portion designed thereof for occupancy by two (2) or more families, living independently of each other.

Manufacturer's Name – Any manufacturer's name, specification, catalog number, or type used herein is specified by make and order to establish the standard requirements of the City. Other equivalent makes will be considered for approval, providing they are comparable with this established standard.

Owner – Any individual, partnership, firm, or corporation by whom the Consulting Engineer has been retained or who, as a property owner, is making arrangements with the City.

Person – Individual, firm, corporation, association, agency, or other entity.

Plans – Construction plans, including system site plans, sewer plans and profiles, cross sections, detailed drawings, etc., or reproductions thereof, approved or to be approved by the City Engineer, which show the location, character, dimensions, and details for the work to be done, in which constitute a supplement to these Standards.

Plumbing System – All plumbing fixtures and traps, or soil, waste, special waste, and vent pipes within a building and to a point five feet (5') outside the building foundation thereof.

Premise – Any lot, parcel, or tract of land owned by a single entity.

Private Collection System – A privately owned and maintained sewer system installed to serve multiunit structures on single ownership properties, which cannot legally be further divided, such as apartments, mobile home parks, and schools or installed in commercial or industrial subdivisions. A single-family residence with an unattached garage or shop with sanitary facilities is exempt from this definition.

Public Sewer – Any sewer in public right-of-way or public easement operated and maintained by the City.

Residential User – The owner, lessee, or occupant of a single dwelling unit in one (1) structure.

Right-of-Way – All land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of land is reserved for or dedicated to the use of the general public. Within this right-of-way, the City shall have the right to install or maintain sewers and other public utilities.

Roadway – All of the right-of-way dedicated, granted, used or to be used, for transportation purposes.

Sewage – The wastewater derived from human habitation and use of buildings for residential, institutional, or commercial purposes, excluding stormwater and industrial waste.

Sewer – An underground conduit for conveying sewage.

Single-Family Dwelling – Any residential building designed to house one (1) family.

Standard Plans or Drawings – The drawings of structures or devices commonly used for City public works infrastructure and referred to on the design plans. These standard drawings are included in Section III, Standard Drawings.

Stormwater – Ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage, or other like drainage other than sewage or industrial waste.

Streets or Roads – Any public highway, road, street, avenue, alley, way, easement, or right-of-way used or to be used for a motor vehicle, bicycle, or other legal mode of transportation.

Structures – Those structures designated on the standard plans or drawings as manholes, etc. Detailed drawings of structures or devices commonly used in City work and mentioned in these Standards are included in Section IV, Standard Drawings.

Trunk Sewer – A public sewer ten inches (10") or larger which has been or is being constructed to accommodate more than one (1) main sewer or lateral sewer.

Traveled Way – That portion of the roadway for the movement of motor vehicles, bicycles, or other legal modes of transportation, exclusive of shoulder and auxiliary lanes.

Uniform Plumbing Code – The Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials, current edition as revised by the State of Oregon, called the “Oregon Plumbing Specialty Code.”

1.08 ENGINEERING POLICY

The engineering policy of the City of Oregon City requires strict compliance with Oregon Revised Statute 672 for professional engineers.

All engineering plans, reports, or documents shall be prepared by a registered professional Civil Engineer licensed in the state of Oregon.

These documents may also be prepared by a subordinate employee under his/her direction, and shall be signed by him/her and stamped with his/her seal to indicate his/her responsibility for them. It shall be the Consulting Engineer's responsibility to review any proposed system, extension, and/or existing system change with the City, before engineering or proposed design work, to determine any special requirements or whether the proposal is permissible. A City approval granted on the plans or other documents, for any job, does not in any way relieve the Consulting Engineer of his/her responsibility to meet all requirements of the City. A City approval also does not relieve the Consulting Engineer of his/her obligation to protect the life, health, and property of the public. The plan for any job shall be revised or supplemented at any time it is determined that the full requirements of the City have not been met.

The City will warn a Consulting Engineer in writing of their conduct for submitting false or inaccurate information of a material nature. The City will also advise the Oregon State Board of Engineering Examiners.

1.09 APPROVAL OF ALTERNATE MATERIALS OR METHODS

Any alternate material or method not explicitly approved herein will be considered for approval on the basis of the objectives set forth in 1.00 PURPOSE. Persons seeking such approvals shall make the request in writing. Approval of any major deviation from these Standards will be in written form. Approval of minor matters will be made in writing if requested.

Any alternate must meet or exceed the minimum requirements set in these Standards.

The written request is to include, but is not limited to, the manufacturer's specifications and testing results, design drawings, calculations, and other pertinent information.

Any deviations or special problems shall be reviewed on a case-by-case basis and approved by the City Engineer. When requested by the City, full design calculations shall be submitted for review with the request for approval.

1.10 ISSUANCE OF BUILDING PERMITS

Sewer improvements as well as all other public infrastructure improvements are required to be completed and be accepted by the City before any building permits for connection to new single-family residential dwellings can be issued.

Building permits may be issued for commercial, industrial, and multi-family projects once city engineering approval has been provided for the plans.

Occupancy may not be granted to a building until all improvements are complete to the satisfaction of the City Engineer and Building Official.

1.11 TRANSFER OF ENGINEERING RESPONSIBILITY

Project sewer plans shall always have an engineer of record performing the function of Consulting Engineer. If the Consulting Engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the Consulting Engineer. The new Consulting Engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as Consulting Engineer.

SECTION II – DESIGN

2.00 GENERAL DESIGN CONSIDERATIONS

Design shall comply with Oregon Department of Environmental Quality (DEQ) Sewer design guidelines.

Sanitary sewers shall be designed to remove the domestic sewage and industrial wastes from basements of houses, commercial or industrial buildings, and all public and private establishments where possible.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.

Stormwater, including street, roof, or footing drainage, shall not be discharged into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system.

Unpolluted cooling waters shall be kept out of sanitary sewers.

The overflow drains and filter backwash lines of swimming pools and "hot tubs" shall be connected to the building drain in accordance with the uniform plumbing code.

In general, sewer systems shall be designed to care for future loads and for ultimate development as predicted in the City's Sanitary Sewer Master Plan.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels in order to provide for an orderly development of the drainage area. This shall include the extension of sewer mains in easements across the property to adjoining properties and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development.

All materials shall be new and undamaged. No rebuilt, reconditioned, or used material will be allowed unless approved by the City Engineer. The same manufacturer of each item shall be used throughout the project.

All work and materials shall conform to the most recent edition of the ODOT/APWA Oregon Standard Specifications for Public Works Construction as adopted and modified by the City of Oregon City.

2.01 SANITARY SEWER SYSTEM CAPACITY (SANITARY SEWER MASTER PLAN)

The City Sanitary Sewer Master Plan encompasses the City's sewer needs within the City's Urban Growth Boundary. The Master Plan analyzes the City's trunk sewers making

recommendations for upgrades and extensions to handle future growth and ultimate development within the existing Urban Growth Boundary. In the process, flow design criteria were established and a flow generation computer model was developed.

When required by the City, the Consulting Engineer shall prove to the City that all necessary methods of determining present and future capacity of the sanitary sewer have been considered.

The Consulting Engineer may also need to verify that capacity exists within the Tri-City Service District.

When required, the following shall be included in the design calculations:

- A. DRAINAGE BASIN – A map showing the drainage basin in which the project is located may be required. This map should show the major basins that are consistent with the City's Sanitary Sewer Master Plan, and any applicable amendments and updates thereto.
- B. POPULATION DENSITY – The population density figures shall be obtained from the most recent information obtained for use by the zoning or planning department. If these figures vary from those of the applicable Master Plan estimates, this difference must be noted in the design calculation.
- C. PER CAPITA AVERAGE FLOWS – The per capita average flows used in the Master Plan shall be used.
- D. FLOW VARIATIONS AND PEAKING FACTOR – Accepted flow design practice must be employed. A factor must be used, and the method utilized to obtain such factor must coincide with the method used in the Master Plan described above.
- E. INFILTRATION AND INFLOW – Infiltration and inflow (I&I) must be represented in flow calculations in the design of the sanitary system. I&I rates utilized in the Sanitary Sewer Master Plan shall be used.
- F. SEWAGE FLOWS – Sewage flows must reflect any reasonably anticipated increase due to the development of the drainage basin upstream from the project being considered.
- G. DESIGN CAPACITY – Design capacity of main and trunk sewers shall be designated on the following basis:
 - 1. Main Sewers – Design capacity shall be based on sewers flowing two-thirds (2/3) full.
 - 2. Trunk Sewers – Design shall be based on sewers flowing full, without head.

2.02 SANITARY SEWER CONSTRUCTION PLANS

- A. GENERAL – Complete plans and specifications for all proposed sanitary sewer improvements including any necessary dedications and easements shall be submitted to the Public Works Department, for approval, and must receive the required approval prior to construction permit issuance and beginning of construction. See Section 2.06 for required submittal information.

Plans shall also be submitted for review and approval to Department of Environmental Quality when appropriate.

Improvements shall be constructed as shown on the plans and in accordance with these Standards and Standard Drawings. Equipment and materials shall be installed in compliance with the manufacturer's recommendations, except where a higher quality of workmanship is required by the Plan Specifications and these Standards.

All materials and work shall be in strict accordance with any applicable regulations and requirements of Federal, State, and local authorities. The contractor may be required to arrange for inspection by these agencies and submit evidence of their approval, when required or requested by the Public Works Department.

Take care to prevent damage to pipe, appurtenances, and other materials and equipment during transportation, unloading, and final placement for installation. Under no circumstances shall materials be dropped or dumped into the trench.

All damaged materials and equipment during construction shall be replaced or repaired to the satisfaction of the Public Works Department.

The contractor shall maintain safe working conditions for employees, City staff, and the general public in and around trench excavations. Precautions shall be taken to avoid damage to franchise utilities, adjacent properties, existing sewer infrastructure, and public or private landscapes/hardscapes. If any underground utilities are damaged, report damage to Public Works Operations Department immediately.

- B. PLAN PREPARATION – Construction plans and specifications shall be prepared by a professional civil engineer licensed in the State of Oregon. Plans and specifications shall be prepared in accordance with the following requirements:
1. Dimensions – Construction plans shall be clearly and legibly drawn on 24 x 36 inches with a 1-½ inch clear margin on the left side and one inch (1")

margins on all other sides unless another format is approved by the City Engineer.

2. Scale – Horizontal scale shall be not smaller than 1" = 50'; vertical scale shall be not smaller than 1" = 5' or as approved by the City Engineer. 1" = 20' shall be required when more detail is needed.
3. Form – Title Sheet, Overall Utility Plan, Erosion/Sedimentation Control Plan, Grading Plan (if applicable), Plan and Profiles, and Details.

The sewer can be combined with the water plan if the sewer plans are part of a subdivision, commercial development, or City project where other public facilities are involved (water, storm, streets). However, the Consulting Engineer must ensure that the notes for the sanitary sewer and water are drafted to distinguish a definite difference between the water and sanitary. For example: surround all water notes with a cloud symbol and all sewer notes with a box symbol.

2.03 TITLE SHEET

- A. Plan view (site plan) of the entire project, showing street right-of-way and/or subdivision layout to a scale of 1" = 100'. A smaller scale may be used on large projects upon approval of the City Engineer. A project is too large when a minimum dimension of two inches (2") cannot be maintained between the title, system site plan, and vicinity map. A scale of 1" = 200' may be used in this case.

The site plan shall be a composite plan showing all complete properties to be served by the sanitary sewer improvements and properties adjacent to and within 250 feet of those served. The site plan shall also show existing and proposed water lines, tract names and numbers, and lot numbers or property owner's names and street names.

- B. Index of Sheets, including a graphical index if more than one (1) plan sheet.
- C. Complete legend of symbols used.
- D. Vicinity map to a scale of not less than 1" = 800' showing the project location unless another scale is approved by the City Engineer.
- E. Engineer Title Block – Located in lower right-hand corner or right edge of paper with scale, north arrow, date, drawing number, the engineer's name, address and official stamp, and where applicable, the owner/developer's name and address as determined by current standards maintained by the City Engineer.

- F. Space for City approval stamp, 3"x3", preferably in the lower right-hand corner (to be provided on each sheet of the plan set) as determined by current standards maintained by the City Engineer.
- G. Temporary and permanent benchmarks including their descriptions. See comments under profiles.
- H. Current City Standard Construction Notes and other special notes relating to construction methods, or include the City Standard Construction Notes in the Contract Documents with a note on the drawings so indicating.
- I. City Planning File No. or City Capital Improvement Project No.
- J. Survey Control (see Sec. 2.21 As-Built Drawings/Digital Mapping Requirements).

NOTE: If all of the above items cannot be located on the title sheet, a different location within the plans may be used upon approval by the City Engineer.

2.04 PLAN AND PROFILES

- A. PLAN – Plan view of sanitary sewer lines shall be to a scale of 1" = 50' unless a different scale is approved by the City Engineer and shall contain the following information in addition to the above:
 - 1. Adjacent street curbs/pavement edge and property lines, right-of-way and utility easements referenced to property corners, street intersections, or section lines. Adequate two-foot (2') contour lines or property corner and curb elevations to help determine if existing basements or proposed daylight basements in new subdivisions can or should be served.
 - 2. Location of each manhole and sewer appurtenance shall be numbered and stationed to facilitate checking the plans with the profiles. The stationing shall be tied to existing property corners or street monuments with the relationship of each manhole and cleanout shown to the property corners or street centerline.

Each line with a separate designation (A 0+00. B 0+00. etc.) shall be stationed continuously upgrade from 0+00 at its point of connection to another line (0+00 represents the centerline of the existing manhole or existing plug or cleanout if a main extension).
 - 3. Location of each service tee stationed with the size, length, and depth at property line indicated.

4. Location of existing water courses, geologic hazards, stream and railroad crossings, gas mains, culverts, water main, storm drains, underground and overhead power and other utilities (including but not limited to gas, electric, telephone, cable, fiber) that cross the alignment within 500 feet of the proposed extension in order to prevent future grade conflicts. All water course crossings must show the 100-year flood plain. This information may be shown on the site plan.
 5. Location of wells, water main valves, pump stations, fire hydrants and blow-offs within a 100-foot radius of the proposed extension.
 6. All manholes, water mains, services, gas mains, underground power, and other utilities that either cross the alignment within 250 feet of the terminus of the proposed extension or are adjacent to the proposed extension within the right-of-way or within ten feet (10') of the easement line. The intent is to prevent grade conflicts of all future extensions.
 7. Location of other proposed public improvements (including but not limited to sanitary sewer, storm sewer, curbs, traffic signals, street lighting, street signage).
 8. Location of existing private facilities (including but not limited to driveways, retaining walls, mailboxes, trees).
 9. Location and description of all known existing surveying monuments, including, but not limited to, section corners, quarter corners, donation land claim corners, and City Control Survey monuments. Any monuments removed or destroyed by construction shall be replaced per ORS 209.150. If a boundary control survey or plat is prepared in conjunction with the construction plans, a copy shall be submitted with the construction plans for review. See Section 2.21 As-Built/Digital Mapping Requirements.
 10. Match lines with sheet number references.
- B. PROFILES – Profiles for the individual sanitary sewer lines shall be to the same horizontal scale and preferably on the same sheet, drawn immediately below the corresponding plan view to a vertical scale that will provide a 10 to 1 distortion (Example: Horizontal 1" = 50', Vertical 1" = 5' (or as approved) reading from 0+00 left to right. However, if spatial and clarity needs are met better by having plan and profiles on separate sheets, they may be on separate sheets. Other scales are acceptable if approved by the City Engineer. Profiles shall contain at least the following information in addition to the above:
1. Location of manholes and other appurtenances with each manhole numbered and stationed as in item A-2 above.

2. Profile of the existing and proposed ground and/or pavement surface and sewer invert.
3. Size, slope, length, backfill classification, and type of material of the line between consecutive manholes.
4. Elevation of original ground, finished grade, proposed rim elevation, and sewer inverts at each manhole (Mean Sea Level Datum, U.S.G.S.).

The benchmark used as a basis for vertical control in the design and temporary benchmarks set for construction shall be shown on the plans.

Profiles shall be based on one of the following benchmark systems:

- a. City of Oregon City,
 - b. ODOT, or
 - c. U.S. Geodetic Survey.
5. Railroad and culvert crossings, geologic hazard areas, ditch, or stream crossings with elevations of the ditch or stream bed and the 100-year flood elevation profile and casing details.
 6. Utility crossings that conflict with the proposed sewer installation.
 7. All existing facilities upon which work is to be performed, i.e., installation, repair, or removal.

SPECIAL NOTE: If practicable, the Consulting Engineer shall field locate and verify the alignment, depth, and inverts of all existing facilities shown on the plans that will be crossed by proposed facilities. City as-built records are only to be used as an aid to the Consulting Engineer when field verifying the existing facilities.

2.05 SANITARY SEWER APPURTENANCES/CONSTRUCTION NOTES

- A. APPURTENANCES – Detailed drawings shall be included for all sanitary sewer appurtenances including manholes, pump stations, siphons, outfall bulkheads, stormwater diversion, etc. Appropriate references to City of Oregon City Standard Drawings may be used in lieu of details actually shown on the plans.
- B. CONSTRUCTION NOTES – Standard City General Construction Notes and Sanitary Sewer Notes shall be included on the plans, or a statement referencing the City's Standard Construction Notes. These notes may be added to or revised, upon City Engineer approval, to accommodate specific projects.

2.06 PLAN SUBMITTAL, APPROVALS, INSPECTION REQUIREMENTS

Construction plans shall be submitted to the Public Works Department for checking to ensure compliance with these Standards, City of Oregon City Ordinances, and good engineering practice. Submitted plans shall include the following:

- A. Engineer's Preliminary Cost Estimate (or Opinion of Probable Cost);
- B. Engineering Review Checklist checked by Consulting Engineer; and
- C. A tie to the appropriate survey control system. Survey ties to include monuments tied and closure results.

Submitted plans shall also include (if applicable) the following:

- A. Supplemental specifications;
- B. Soils report and design recommendations;
- C. Geotechnical report and design recommendations;
- D. Natural Resource report and design recommendations;
- E. Easement and right-of-way descriptions and sketches;
- F. A tie to the City benchmark systems, including closure results;
- G. Boundary control survey;
- H. Final plat; and
- I. Other material as requested by the City Engineer.

A 2½ percent plan check fee (or currently established fee – fee is a percentage of an approved engineer's cost estimate), will be levied at the time plans are submitted to the Engineering Division of the Development Services Department. Plans will not be checked until fee is paid.

Once the plans are approved and construction permit issued, the Consulting Engineer for private development projects shall be responsible for providing inspection and surveying services necessary to stake and construct the project. The Consulting Engineer shall prepare the as-built drawings when the project is complete.

The Consulting Engineer preparing the plans for a privately funded public improvement project shall execute a "City of Oregon City, Developer/Engineer Agreement for Public Works Improvements." This agreement provides for the following services from the Consulting Engineer:

- A. Perform surveying sufficient to prepare construction plans.
- B. Prepare construction plans and specifications, and obtain approvals.
- C. Attend a preconstruction meeting.
- D. Perform construction staking and inspection.

If the Consulting Engineer is not furnishing all of the above services, the specific arrangements (i.e., subcontracting) must be supplied to the City. The name, address, and

telephone number of Consulting Engineer, surveyor, and contact person shall be included.

Should the services of the Consulting Engineer be terminated or curtailed below the specified tasks, he/she shall correspond with the City so indicating.

The Consulting Engineer doing inspection for a privately funded public improvement project shall follow the City's "Minimum Guidelines for Inspection/Observation of Public Works Construction" or similar policy.

It shall be the policy of the City of Oregon City to provide spot check only inspection services for non-public funded public improvements. A 2½ percent inspection fee, (or currently established fee – fee is a percentage of an approved engineer's cost estimate) will be collected at the time the plans are approved. This inspection fee is in addition to the plan check fee. A permit is issued for construction when the following items are provided:

- A. Approved Engineering Plan;
- B. Engineer's Final Cost Estimate (or Opinion of Probable Cost);
- C. Accepted Geotechnical Report (if required);
- D. Accepted Natural Resource Plan (if required);
- E. Performance Bond;
- F. Developer/Engineer Agreement;
- G. Erosion Control Permit (if required);
- H. Permits from other jurisdiction if working in their right-of-way;
- I. Approval from State of Oregon Health Division (if City does not continue its program to approve plans on behalf of the State); and
- J. Any other permits required from any other agencies having jurisdiction on the project.
- K. Traffic Control Plan

A project becomes accepted by the City when construction is complete and the following have been completed or obtained:

- A. Two-Year Maintenance Bond;
- B. Consulting Engineer's Certificate of Completion;
- C. Completed Punchlist; and
- D. Recorded Subdivision or Easement Document (when required).

A sewer main becomes owned, operated, and maintained by the City once the maintenance period is over and any deficiencies have been corrected.

2.07 SANITARY SEWER MASTER PLAN REQUIREMENTS

The City uses the current adopted Sanitary Sewer Master Plan to recommend improvements to the existing and future collection system. These recommendations shall be included in the design; however, they may be modified based on updating of the Master Plan or updated computer model runs for specific design requirements.

2.08 PIPE MATERIAL

Pipe materials shall conform to the current edition of "Standard Specifications for Public Works Construction" by APWA as adopted and modified by the City.

All public sanitary sewers shall be constructed with PVC 3034 DR 35 pipe. Where required for added strength, Class 50 Ductile Iron pipe shall be used. C900 pipe may be used in place of ductile iron pipe.

High Density Polyethylene (HDPE) Pipe may be used for pipe bursting only. Pipe bursting requires the approval of the City Engineer.

Cured in Place Pipe (CIPP) may be considered for use on a case by case basis with approval of the City Engineer. The exact material specification shall be provided by the manufacturer and approved by the City Engineer prior to its use.

All other material pipes shown in the table below are provided due to those material types potentially existing within the field. Other materials shall only be used for point repairs and not new sewers.

The type of acceptable sewer pipe shall be called out in the Construction Notes or on the plans. Known existing pipe materials shall be called out on the plans.

Acceptable abbreviations for existing and proposed types of pipe are as follows:

Abbreviations	Pipe Type
ABS	Acrylonitrile Butadiene Styrene
AC	Asbestos Cement
CIPP	Cured in Place Pipe
CI	Cast Iron
DI	Ductile Iron
HDPE	High Density Polyethylene
PVC	Poly-Vinyl Chloride
VC	Vitrified Clay
NRCP	Non-reinforced Concrete Pipe
RCP	Reinforced Concrete Pipe

A. US Made Products

All materials shall be made in the United States of America unless approved by the City Engineer. Exceptions to USA made may only be approved by the City Engineer if the product is not available in the USA or if the City Engineer determines that the lead time required will negatively affect the general public.

B. Minimum Pipe Cover

MINIMUM PIPE COVER

Type of Pipe	Paved Areas (inches)	Unpaved Areas (inches)
Other Approved Pipe	48	36
AWWA C900	24	12
AWWA C905	24	12
Ductile Iron*	18	6

* A minimum of 18-inches of cover is preferred. Cover less than 18-inches may be used if approved by the City Engineer.

2.09 PIPE SIZE

Sewer mains (public sewers) shall not be less than eight inches (8") inside diameter, except that for short non-extendable sections (not to exceed 250 feet in length), the minimum diameter may be reduced to six inches (6") per the Oregon Administrative Rule, Chapter 340, Div. 52, APPENDIX "A." Sewers shall be sized to handle the ultimate flows of the basin as established through the City's latest version of the sewer hydraulic model, certain results of which may be included in the Sewer Master Plan.

Main sewers shall begin at a manhole and shall terminate at a manhole except that a cleanout may be used at the upper end of a sewer that will be extended on the same grade and alignment during the next construction phase.

2.10 MINIMUM/MAXIMUM SLOPES

- A. MINIMUM SLOPE – All sanitary sewers shall be laid on a slope which will produce a mean velocity, when flowing full, of at least two feet (2') per second, which is based upon Manning's pipe friction formula using a roughness coefficient valued at not less than 0.013, or the pipe manufacturer's recommendations, whichever is greater. The minimum acceptable slope for various pipe sizes with an "n" value of 0.013 are listed below:

MINIMUM SLOPE

Inside Pipe Diameter (inches)	Slope (feet per 100 feet)
6	0.60 (preferably 1.00)
8	0.40 (preferably 0.75)
10	0.30
12	0.22
15	0.15
18	0.12
21	0.10
24	0.09
27 (and larger)	0.08

The preferable slope shall be used in all cases unless an exception is approved by the City Engineer.

In general, slopes greater than those shown above are desirable and are particularly recommended on the upper ends of sewers. The preferable slope shown shall be used in all cases without exception for the last 400 feet of non-extendable sewers.

In theory, new PVC sewers have a manufacturer's "n" value of 0.009. However, sand and grit, as well as slime, build up on the pipe walls which renders a true "n" value with time of 0.013. Hence, an "n" value of less than 0.013 will not be considered for approval.

Engineers shall not specify sewers of sizes which are obviously larger than is necessary for satisfactory carrying capacity, but which are specified in order to meet grade requirements, i.e., a ten inch (10") pipe for an eight inch (8") pipe to acquire a decrease in slope.

- B. MAXIMUM SLOPES – Grades (slopes) shall be determined to the center of the manhole. The average between any inlet slope S_i and outlet Slope S_o across the manhole shall not exceed 0.25 foot per foot, or 25%.

$$\frac{S_i + S_o}{2} = \text{less than } 0.25$$

The intent is to prevent the difference in pipe inverts at the manhole wall on steep sewers from exceeding one foot (1'), which with the offset permitted in 2.10 d, renders it impossible to insert a TV camera into the outfall line if the average slope exceeds 0.25 or 25%. Application is to sewers with a slope in excess of 19 percent.

2.11 ELEVATION OFFSET AT MANHOLES

Standards for elevation differences at manholes have been established to compensate for normal energy losses and to prevent surcharging of a sewer by a larger sewer. For purposes of slope calculation and for establishing elevation differences, the elevations are given at the intersection of the sewer centerlines (usually the center of the manhole). The rules for elevation differences at manholes are as follows:

- A. The crowns of incoming sewers shall be at least as high as the crown of the outgoing sewer. This is assuming all incoming lines are equal to or smaller than outgoing lines. At a minimum, a 0.2 foot drop across the manhole is required.
- B. If the deflection angle of the sewer alignment at a manhole is less than 45°, the invert elevation difference shall be at least 0.20 foot.
- C. If the deflection angle of the sewer alignment at a manhole is 45° or greater, the invert elevation difference shall be 0.20 foot.
- D. If there is a grade conflict with an existing utility, the maximum invert elevation difference may be one foot (1') if approved.
- E. The slope of a sewer within a manhole shall be no less than the slope of the same sewer outside of the manhole.
- F. See Section 2.16-D, Drop Manholes.
- G. All connections must enter the manhole through a channel in the base. This includes drop connections, lateral sewer where allowed, and connections to existing manholes.

Where conditions make compliance with these standards impractical, exceptions will be permitted. It will be necessary; however, for the designer to provide a complete analysis of the need for such design exceptions.

2.12 ANCHOR WALLS AND HIGH VELOCITY REQUIREMENTS

Sewers on slopes of twenty percent (20%) or more shall be secured by anchor walls in accordance with the City's Anchor Wall Standard Details. Spacing for anchors shall be per the City's Standard Detail.

Where velocities greater than fifteen feet (15') per second are attained, the pipe material shall be ductile iron and special provision shall be made to protect manholes against erosion and displacement by the forces associated with high velocity flows. This may be accomplished by installing additional manholes to decrease the slope or to split a large horizontal direction change into smaller incremental changes.

2.13 MINIMUM DEPTH

All sanitary sewer mains shall be laid at a depth sufficient to drain building sewers, to protect against damage by frost or traffic, and to drain basement sewers where practical. Sufficient depth shall mean the minimum cover from the top of the pipe to finish grade at the sewer alignment.

Under normal conditions, sanitary sewer mains in residential areas shall be placed in the street with the following minimum cover:

- A. Lateral Sewer – Four feet (4')
- B. Main and Trunk Sewer
 - 1. In the roadway - Eight feet (8')
 - 2. In easements - Six feet (6')

The City Engineer may approve a shallower depth if unique situations exist and where there is sufficient evidence that the sewer pipe material proposed will be structurally acceptable. Less than four feet (4') of cover will require the installation of ductile iron pipe or approved equal. See Table 2.1 below for class of pipe required.

In new residential hillside subdivisions, mainline and lateral sewers shall be placed in the street at a depth sufficient to drain building sewers on the low side of the street (three feet (3') plus 2 percent grade to building site).

Deviation from the above standards will be considered on a case-by-case basis when one (1) of the following circumstances exist:

- C. Underlying rock strata – required: A request in writing to the City Engineer together with submission of a soils report with a plan and profile certifying that bed rock

exists three feet (3') below the undisturbed ground surface at all investigated alignments is required.

- D. A ditch or stream must be crossed – required: A plan and profile; horizontal scale 1" = 20', vertical scale 1" = 2' is required.

TABLE NO. 2.1
PIPE CLASS REQUIREMENT
(Sewer less than 3' of Cover)

PIPE SIZE (inches)	DEPTH OF COVER (feet)	IN FILLS – USE DI class*	TRENCH – Use DI class*
4	0.5	51	51
	1.0	51	51
	1.5	51	51
	2.0	51	51
6	0.5	53	50
	1.0	51	50
	1.5	50	50
	2.0	50	50
8	0.5	54	50
	1.0	52	50
	1.5	50	50
	2.0	50	50

*C900 may be used as an alternative in place of Ductile Iron Pipe (D.I.)

2.14 LOCATION

- A. RELATION TO WATER LINES AND OTHER UTILITIES – No sanitary sewer shall be less than fifty feet (50') from any well, spring, or other source of domestic water supply unless approved by the City Engineer. All sanitary sewers or parts thereof which are located within fifty feet (50') from any such source of domestic water supply shall be constructed of ductile iron water pipe with watertight joints, or by other DEQ approved pipe.

Sanitary sewers and domestic water lines shall not be laid in the same trench. Parallel water and sewer lines shall be located at least ten feet (10') apart horizontally

where there is less than 18 inches of vertical clearance between the water and sewer lines. In all instances, in this section and the following sections, distances are measured edge to edge. When physical conditions render this spacing impossible or impractical, then ductile iron water pipe with watertight joints will be required for the sewer line, Construction Standards, as outlined per the Oregon Administrative Rule Chapter 333-61-050, shall be followed.

Wherever it is necessary for sewer and water lines to cross, the crossing should be at an angle of approximately 90 degrees and the sewer shall either be located 18 inches or more below the water line or be constructed of ductile iron water pipe with watertight joints for a distance of nine feet (9') from both sides of the water line.

When a sanitary sewer line is crossing less than 12 inches below a storm drain line which is 12 inches or greater in diameter, the sewer line must be constructed with ductile iron pipe for the structural integrity of the sanitary sewer line. The intent is to prevent broken or deformed sanitary sewer lines installed with storm drains in close proximity.

Where sanitary main or trunk sewers are being designed for installation parallel to other utility pipe or conduit lines, the vertical location shall be in such a manner that will permit future side connections of main or lateral sewers and avoid conflicts with parallel utilities without abrupt changes in vertical slope of the main, lateral side, or building sewers.

- B. SEWERS IN STREETS OR EASEMENTS – Under normal conditions, sewers shall be located in the street right-of-way five feet (5') from the street centerline on the North and West side of the street, unless there is an advantage to locating it on the low side of the street.

If streets have curved alignments, the center of the manhole shall be not less than six feet (6') from the curb face on the West side of the curve nor the sewer centerline less than ten feet (10') from the curb face on the East of the curve. The intent is to prevent a conflict with new storm drain and water lines while still providing for the least number of manholes required to traverse a curve, and prevent a conflict with survey monuments required by Oregon City Code.

Sewers in easements will be allowed only after all reasonable attempts to place the mains in the right-of-way have been exhausted. Provisions shall be made for vehicular access to manholes and services for preventive maintenance and emergency service.

When it is necessary to locate sewers in easements, the sewer shall be centered in the easement and the conditions of the easement shall be such that the easement shall not be used for any purpose which would interfere with the unrestricted use for sewer main purposes. Under no circumstances shall a building or structure, tree or fence, be placed over a sanitary sewer main or within a sewer easement.

Sewers laid in easements along property lines, with easement's center on the property line, shall have the sewer and the easement centerline offset thirty inches (30") from the property line.

Easements for sewers less than 15 inches in diameter shall have a minimum width of fifteen feet (15'). Sewers greater than 15 inches in diameter shall have a minimum easement width of twenty feet (20'). Deviations from these minimum widths shall be subject to approval of the City Engineer,

Easement locations for public sewer mains serving a Planned Development, apartment complex, or commercial/industrial development shall be located in parking lots, private drives, or similar open areas which will permit an unobstructed vehicle access for maintenance by City forces.

Sewers with more than six feet (6') of cover and/or inside diameters 24 inches or greater will require wider easements. A slope of one (1) horizontal to one (1) vertical from the sewer invert to ground surface will be used in determining easement width. Easement widths shall vary from the fifteen-foot (15') minimum by five foot (5') increments (i.e., 15, 20, feet), etc.

Common placement in the easement of sewer and storm drain line may be allowed under certain conditions subject to approval by the City Engineer. Common easements will be reviewed on a case-by-case basis. Separation of utilities must also meet Oregon State Department of Environmental Quality (DEQ) requirements.

All easements must be furnished to the City for review and approval prior to acceptance by the City Commission and recording. Standard City utility easement document forms and guidelines for preparation of descriptions and sketches shall be used.

- C. RELATION TO STREAMS AND DRAINAGE CHANNELS – Generally, the top of all sanitary sewers entering, crossing, or adjacent to streams shall be at a sufficient depth below the natural bottom of the stream bed to protect the sewer line. One foot (1') of cover is required where the sewer is in rock, three feet (3') of cover is required in other materials. In paved channels, the top of the sewer line shall be placed at least six inches (6") below finish grade of the bottom of the channel. Sewers located along streams shall be located outside of the stream bed and sufficiently removed therefrom to provide for future possible stream channel widening. All manhole covers shall be leakproof per City Standard Details at or below the 100-year flood elevation.

Sewers crossing streams or drainage channels shall be designed to cross the stream as nearly perpendicular to the stream channel as possible.

Pipe material shall be ductile iron Class 50 or C900 with an 18-foot length of pipe centered on the stream or drainage channel centerline. The ductile iron pipe shall extend to a point where a one-to-one slope, that begins at the top of the bank and slopes down from the bank away from the channel centerline, intersects the top of the pipe.

All crossings of streams and drainage channels shall include a geotechnical report addressing design, scour, velocity, erosion, protective measures, etc.

2.15 ALIGNMENT

Sewer lines shall be laid on a straight alignment and uniform slope between consecutive manholes. The line and grade may not vary by more than 1/32 inch per inch of pipe diameter. Variance shall not exceed ½ inch unless approved by the City Engineer.

Horizontal and vertical curves in sanitary sewers are not permitted.

See related comments under Location, Section 2.14.

2.16 MANHOLES AND CLEANOUTS

- A. CLEANOUTS – Cleanouts will not be approved as substitutes for manholes, except at the upper end of main sewers that will be extended on the same grade and alignment during the next construction phase. All cleanouts will be considered in a case-by-case basis and approved by the City Engineer.
- B. MANHOLE TAPS – When an existing manhole is tapped to install a new sewer main or lateral, the new sewer shall enter the manhole with the invert a minimum 0.25 feet below the floor elevation (or shelf) of the manhole and a channel shall be formed in the floor of the manhole to the invert of the existing sewer.
- C. MANHOLES – Manholes shall be placed at the following locations:
 - 1. Every change in grade (grade break) or alignment of a sewer.
 - 2. Every point of change in size or abrupt invert elevation (drop) change of a sewer.
 - 3. Each intersection or junction of a sewer.
 - 4. Upper end of all main sewers, except as provided in (a) above.
 - a. Adjacent to the radius point of a cul-de-sac.

- b. In front of the last property or lot being served, ten feet (10') past the common lot line of the adjoining parcel served.
- 5. At intervals of 400 feet or less. Deviation from this requirement will be reviewed on the basis of whether or not flushing and cleaning equipment can adequately service the sewer line.
- 6. At any point where a service lateral or private sewer of eight inches (8") or larger intersects a sewer main.

Manholes shall not be located in the curb or in the gutter. Placement of manholes behind the curb shall be reviewed on a case-by-case basis for approval. Consideration shall be given to those sewers which already exist behind the curb. Also see Section 2.14-B, Location, Sewer in Streets or Easements.

Two (2) manholes shall be installed when the horizontal deflection angle between tangents on a sewer main exceeds 105° for a new line connecting into an existing main. Spacing of such manholes shall be a minimum of ten feet (10') outside to outside. The intent is to prevent a new sewer connection from discharging into an existing sewer opposing the existing flow.

Where practical, manholes shall be located at street intersections. All manholes from which future sewer line extensions are anticipated shall have a pipe stub planned and installed at the grade and direction of the anticipated sewer main extension. Pipe stubs shall be a minimum of eight inches (8") in size and shall protrude at least two feet (2') outside of the manhole base and plugged with a permanent watertight gasketed cap or plug securely fastened or blocked to withstand test pressures.

Risers shall be used to bring casting to grade. Combined riser sections shall not exceed twelve inches (12") in height between cone and casting.

D. DROP MANHOLES – Drop manholes shall only be used in extreme cases of slope difference between existing and proposed sewer lines or when very special conditions exist such as a conflict with existing facilities which cannot be relocated. Public Works Department review of the plans and written approval of the City Engineer is required.

Outside drop assemblies may be provided for pipelines 12 inches in diameter and larger when entering a manhole at a distance of more than 24 inches above the invert of the outlet line. The vertical displacement shall be measured at the inside manhole walls and not the manhole centerline. See Section 2.11, Elevation Offset at Manholes.

Inside drop assemblies may be provided for pipelines 10 inches in diameter and smaller when entering a manhole at a distance of more than 24 inches above the

invert of the outlet line. The vertical displacement shall be measured at the inside manhole walls and not the manhole centerline.

In the event a drop assembly is proposed that is different from the standards, the City Engineer may approve it, on a case by case basis, if the manhole and piping configuration is provided and is sufficient for operation and maintenance and if the City Engineer believes no other method can be used.

All drop assemblies, when used, shall use materials which are not subject to corrosion. Stainless steel shall be the preferred material unless an alternative is proposed that is approved by the City Engineer or Assistant Public Works Director.

Only one drop is allowed per manhole.

- E. DROP ACROSS THE STRUCTURE – See Section 2.11, Elevation Offset at Manholes.
- F. MONITORING MANHOLE – A monitoring manhole shall be required at the property line upstream from the manhole connection of the City sewer main for non-residential applications (see Water Environment Services Non-residential questionnaire) as may be required by Tri-City Service District (Water Environment Services), Clackamas County.
- G. CONNECTION TO EXISTING MANHOLES – When a project is connecting to existing manholes or sewer extensions, the existing manhole shall be rehabilitated in its entirety as specified by the City.
- H. MISCELLANEOUS – Where manhole rims are two feet (2') or greater above grade of finished ground, the manhole lid shall be made of aluminum.

2.17 LATERAL SEWER SERVICE & PRIVATE COLLECTOR SYSTEMS

- A. LATERAL SEWER – See definition for lateral sewer under Section 1.07.

Each individual building site shall be connected by a separate private building sewer service line connected to the public sewer. Combined building sewer lines will be permitted only when the property cannot legally be further divided. An example of this is a residential lot with a house and an unattached garage or shop with plumbing facilities.

The minimum inside diameter of a sewer service lateral shall be four inches (4") and shall be equal to or greater than the building sewer diameter. Service laterals to be built to the same construction standards and of the same materials as the sewer mainline.

Service laterals in general shall be placed at 90 degrees to the main sewer line to avoid excessive exposure to other utilities during excavation for construction or maintenance of the service lines. Angles other than 90 degrees may be approved for special conditions such as cul-de-sac lots. Service line connections shall not be made at manholes, except at cul-de-sacs where the sewer main will not be extended. All connections at manholes shall be considered on a case-by-case basis and approved by the City Engineer.

The minimum slope of lateral sewers shall be 2.00 percent (2 feet of drop per 100 feet of run) except for unusual conditions where a slope of 1.00 percent (1 feet of drop per 100 feet of run) may be acceptable if approved by the City Engineer. It will be necessary; however, for the designer to provide a complete analysis of the need for any sewer service lateral slope less than 2.00 percent. The maximum slope shall be 100.00 percent (45 degrees or one foot per foot). Deep connection risers (see the Standard Detail for service laterals to deep sewers) or drop connections to manholes must be used where service line slopes would exceed 100 percent.

Service laterals installed at greater than 10% slope (deep laterals), tees shall be installed at 100% slope (1 feet of drop per 1 feet of run) and with 1/16 or 1/8 bends installed to provide proper grade (2% or greater) for service lateral. Service laterals shall be installed to the street right-of-way line or easement line. A watertight plug shall be installed in end of lateral and a 2" x 4" pressure treated wood marker shall be placed at lateral end, from pipe invert to two feet (2') above the ground. 2" x 4" top to be painted white and marked with an "SS" and the depth of the lateral measured from ground to invert of pipe. The "SS" shall also be stamped on the adjacent curb if one exists. A tracer wire (green 18 gauge, insulated copper wire) shall be installed from the mainline to the surface at the 2x4 marker. Omni Ball markers shall be placed above the intersection of the service line and the main line.

Tees shall be located no closer than five feet (5') to manholes. Tees shall be located near the low side of lots. Tees may be located a minimum of 18" apart measured from edge of pipe to edge of pipe. This requirement may be amended for unique situations if approved by the City Engineer.

Lateral connections shall be a minimum of 18" apart on the mainline.

All sanitary sewer service laterals shall have a 2-way cleanout at the right-of-way line per Oregon City Standard Drawings.

- B. BUILDING SEWER – The building sewers are those private sewer lines which connect the building drain to the public service lateral, or the private collection system. Building sewers are installed and maintained by property owners.

Building sewers shall conform to the Oregon Plumbing Specialty Code. No roof, surface, foundation, or stormwater drain lines shall be connected to the public sewers.

Building sewer clean-outs shall be installed at the right-of-way and at 100-foot intervals thereafter per the Oregon Plumbing Specialty Code. Building sewers shall have at least four feet (4') of cover at the property line. Generally, the topography of the property will dictate how deep the building line must be.

Each individual building site shall be connected by a separate building sewer line connected to the public or private collector sewer. Combined building sewers will be permitted only when the property cannot legally be further divided, subject to approval of City Engineer.

The inside diameter of a building sewer shall be a minimum of four inches (4") and shall be equal to or greater than the building plumbing stub diameter. The minimum inside diameter of building sewers to serve multi-family dwellings or commercial buildings shall be six inches (6"). Fixture unit equivalents in accordance with the Oregon Plumbing Specialty Code shall be used to determine the size of the side sewer.

A building sewer serving a single residence may cross one private property provided a private easement is obtained and the route is approved by the City Engineer.

A backwater check valve, as specified in Oregon Plumbing Specialty Code, shall be installed when the lowest floor level of a house to be connected to the public main sewer is below a point which is 12 inches above the top of the nearest upstream manhole or cleanout structure. A gate valve in addition to the required backwater check valve is optional but should be considered for installation for additional protection should the backwater valve fail or become clogged with debris.

- C. PRIVATE COLLECTION SYSTEM – A private collection system is a privately-owned and maintained sewer system installed to serve multi-unit structures on single ownership properties, which cannot legally be further divided, such as apartments, mobile home parks, and schools, or installed in commercial or industrial subdivisions. A single-family residence with an unattached garage or shop with sanitary facilities is exempt.

Private collection system sewers shall conform to the Oregon Plumbing Specialty Code with the following exceptions:

1. Manholes are recommended on lines six inches (6") or larger if there are branches downgradient of six inches (6") or larger that serve more than one (1) structure. The spacing shall be per the Oregon Plumbing Specialty Code (300 feet).

2. Manholes are required if a line has the potential of becoming a public line when phasing of a project is involved.
3. A manhole is required at the connection to the City Sewer Main.
4. The minimum depth for line sizes 6 inches or greater shall be six feet (6') to prevent utility conflicts unless a variance is requested and approved.
5. A monitoring manhole is required at the property line upstream from the manhole connection at the City Sewer Main for non-residential applications (see Water Environment Services Non-residential questionnaire) as may be required by Tri-City Service District (Water Environment Services), Clackamas County.
6. If the grade requirements of the Oregon Plumbing Specialty Code cannot be met, grade standards for public sewers can be used if manholes are provided, and Clackamas County Plumbing Department approves.

The monitoring manhole shall consist of a standard 48" manhole with the inlet pipeline invert placed 0.4 foot above the outlet invert. The inlet pipe shall extend one foot (1') past the manhole wall and shall be cut in half six inches (6") from the outfall end and the top half of the pipe removed. The channel shall be formed from the outfall end to the outlet line in the usual manner.

The intent is to provide a half round section of pipe inside the manhole into which City personnel will place a flow monitoring equipment.

D. LOCATING BUILDING SEWERS AND PRIVATE COLLECTION SYSTEMS –

All building sewers and private collection systems shall have an electrical conductive tracer wire, 18 gauge minimum size, insulated copper, and green sheeting, installed in the trench for the purpose of locating pipe in the future. The tracer wire shall run the length of the installed pipe, with one end located around the mainline or lateral. The other end of the tracer wire shall be of sufficient length for an electrical conductive splice.

2.18 ABANDONING FACILITIES

The Contactor shall seal the open ends of all pipes, etc. that are to be abandoned with an end cap, coupling, or a concrete plug with a thickness equal to the diameter of the pipe which is permanent watertight. The Public Works Department requires that all abandoned piping be severed as close to active piping as practical.

All service lines are required to be abandoned at or near the sewer main. All other parts of the service lines and other appurtenances are to be cut off and removed at 24 inches minimum below finish grade.

Structures (manholes, cleanouts, etc.) shall be removed completely to eliminate conflict with any future utility improvements. Abandonment of structures shall be completed only after piped systems have been properly abandoned.

Abandoned cleanouts in pavement areas shall be cut off 24 inches below grade, removed, gravel filled, and plugged with compacted asphalt. Cleanouts outside of pavement areas shall be cut off 24 inches below grade, removed, and filled with native backfill.

The Public Works Department has first claim to any removed or abandoned sanitary materials. The Contractor shall dispose of all unwanted materials in an approved manner.

2.19 PIPE BEDDING AND TRENCH BACKFILL

All trench excavation shall be in conformance with Oregon City Standard Drawing for Pipe Bedding and Backfill and shall be classified as either rock or common excavation. All excess material from the trench excavation shall be disposed of to an approved site.

Pipe bedding and trench backfill may be Class A on all sewer lines outside public streets or outside of paved areas. Trench backfill shall be Class B in all public streets or paved areas in the project as outlined in Oregon City Standard Drawing for Pipe Bedding and Backfill. The Class B backfill shall extend a minimum of three feet (3') beyond the edge of street or hard surfaced areas. CDF Backfill may be required instead of Class B as applicable per Oregon City Pavement Cut Standard.

Trench backfill compaction shall be 95% of AASHTO T-180 Modified Proctor from top of pipe zone up to road base. Contractor to determine type of equipment and method to use to achieve the required compaction. 95% compaction, AASHTO T-180, is required in public streets and paved areas, 85% compaction of AASHTO T-99 in non-paved or unimproved areas.

2.20 TESTING

All sewer lines shall be tested and video inspected by the contractor per latest edition of APWA/ODOT Oregon Standard Specifications for Construction with the exception that all lines shall be video inspected downstream with the flow.

All manholes shall be vacuum tested per APWA/ODOT Oregon Standard Specifications for Construction.

2.21 AS-BUILT DRAWINGS/DIGITAL MAPPING REQUIREMENTS

For the purposes of this section, as-built drawings will also mean drawings of record, record drawings, or terms indicative of an attempt to record the as-constructed state of the improvement.

Following completion of construction, the Consulting Engineer shall submit as-built drawings in the form requested by the City Engineer. As-built drawings shall be the same size and format as the construction plans. As-built drawings shall describe all revisions to the previously approved construction plans. The Consulting Engineer shall also certify that the public improvements have been completed in accordance with the City of Oregon City Public Works Standards and Specifications to the best of his/her knowledge. (This is completed with a Certificate of Completion.) The words “As-Built Drawing” or “Record Drawing” shall appear as the last entry in the revision block along with the month, day, and year the as-built drawing was prepared. Submission of as-built drawings shall be made within 90 days of acceptance by the City. The cost to produce these as-built drawings shall be included in the Consulting Engineer’s cost estimate for establishing the surety amount for the performance surety. Failure to submit these as-built drawings shall be grounds for withholding final release of the surety amount.

The Consulting Engineer shall provide design calculations and complete test results to the City Engineer.

All as-builts shall follow the most recent version of the City of Oregon City’s “As-Built Drawing and Post Construction Survey Requirements.”

The following minimum information shall be noted on sanitary sewer as-built drawings:

- A. Generally, the location of manholes (with rim, bottom, and invert elevations), cleanouts, laterals shall be shown including locations of Omni Ball markers.
- B. Station and/or property line/corner to manholes and service laterals.
- C. Slope of all sewer mains and laterals.
- D. Show material type of all sewer mains and laterals.
- E. Any other change altering the approved plans.
- F. Actual location and depth from finish grade of street of any other utilities encountered during construction.

SECTION III – STANDARD DRAWINGS

SANITARY SEWER STANDARD DRAWINGS

TABLE OF CONTENTS

301.	MANHOLE - <i>STORM & SANITARY SEWER</i>
302.	SHALLOW MANHOLE - <i>STORM & SANITARY SEWER</i>
303.	DROP MANHOLE CONNECTION
305.	MANHOLE FRAMES & COVERS - <i>STORM & SANITARY SEWER</i>
306.	WATERPROOF & TAMPERPROOF MANHOLE FRAME & COVER
307.	MANHOLE STEP - <i>STORM & SANITARY SEWER</i>
308.	POURED IN-PLACE MANHOLE BASE - <i>STORM & SANITARY SEWER</i>
309.	SANITARY SEWER CLEANOUT ON MAIN LINE
310.	SANITARY SEWER SERVICE
310-A.	2-WAY CLEANOUT FOR SANITARY SEWER SERVICE
311.	SANITARY SEWER SERVICE TAP TO EXISTING SEWERS
313.	PIPE BEDDING & TRENCH BACK FILL - <i>STORM & SANITARY SEWER & WATER PIPE</i>
317.	MARKER POST

City of Oregon City
Public Works Standard Drawings

OC 313. Pipe Bedding and Trench Backfill – Storm & Sanitary & Water Pipe
OC 513. Typical Utility Placement Detail

SECTION IV – STANDARD CONSTRUCTION NOTES

SECTION V – MINIMUM GUIDELINES FOR INSPECTION



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 08/04/2021
From: Community Development Director Laura Terway

SUBJECT:

Resolution No. 21-41, Adopting a Community Vision Statement for 2040

STAFF RECOMMENDATION:

Adoption of Resolution No. 21-41.

EXECUTIVE SUMMARY:

Oregon City has spent the past year seeking input from the community about the future of Oregon City. The Comprehensive Plan Update (OC 2040) project has used the robust community input to craft a draft Community Vision Statement which describes Oregon City in 2040. The Community Vision Statement will inform the Comprehensive Plan Update goals and policies which will work to implement the vision.

The City Commission and Planning Commission reviewed the draft Community Vision Statement for 2040 prior to public review. Since that time, additional feedback has been gathered and the draft Vision Statement has been altered with assistance from the Project Advisory Team and finalized with final guidance from the City Commission and Planning Commission at a joint work session.

BACKGROUND:

Oregon City has spent the past year seeking input from the community about the future of Oregon City. The Comprehensive Plan Update (OC 2040) project has used the robust community input to craft a draft Community Vision Statement for 2040 which describes Oregon City in 2040. The Vision Statement is based on the many outreach efforts conducted over the last year, and is based on two questions:

- What do we love about Oregon City today?
- What do we want to see in the future?

Since March 2020, the OC2040 Project Advisory Team (PAT) has been working to develop a draft Vision Statement that will guide the City's update of the Comprehensive Plan. The draft Vision Statement has the following four topic areas:

- Healthy and Welcoming Community
- Diverse Economy
- Connected Infrastructure
- Protected Environment

The OC2040 Project Advisory Team will use the Vision Statement as the basis for updating the Comprehensive Plan which is expected through the end of the year. The Legislative adoption process is anticipated in early 2022.

The City Commission and Planning Commission reviewed the draft Community Vision Statement prior to public review. Since that time, additional feedback has been gathered and the draft Community Vision Statement has been altered with assistance from the Project Advisory Team and finalized with final guidance from the City Commission and Planning Commission at a joint work session.

OPTIONS:

1. Provide feedback
2. Do not provide feedback

RESOLUTION NO. 21-41**A RESOLUTION ADOPTING A COMMUNITY VISION STATEMENT FOR 2040**

WHEREAS, Oregon City has spent the past year seeking input from the community about the future of Oregon City; and

WHEREAS, the Community Vision Statement summarizes those objectives to be accomplished within the 2040 planning horizon; and

WHEREAS, the Community Vision Statement is based on robust outreach efforts asking a wide variety of community members what they love about Oregon City today and what they want to see in the future; and

WHEREAS, community members participated in a variety of ways including mailed and online surveys, community conversations, advisory board meetings, direct email, advertisements.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission, by this Resolution, adopts the Community Vision Statement for 2040, attached as Exhibit A.

Section 2. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 4th day of August 2021.

Rachel Lyles Smith, Mayor

Attested to this 4th day of August 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A: Community Vision Statement for 2040



Oregon City 2040 Vision and Comprehensive Plan

COMMUNITY VISION STATEMENT FOR 2040



HEALTHY AND WELCOMING COMMUNITY

By 2040, Oregon City is a place of vitality, support, and opportunity. As the ancestral homelands of many Native American Tribes, and the location of the “End of the Oregon Trail,” Oregon City lives and breathes its rich and varied history. Oregon City honors its past and looks to the future through education, art, cultural programming and the preservation of our National Register Historic District and local Conservation District. Residents have access to quality education, and partners such as Oregon City School District and Clackamas Community College engage community members of all ages in lifelong learning. This culture of learning leads to engaged residents and a diverse, equitable and inclusive community. People from historically disadvantaged communities have equitable access to quality-of-life services that are essential for health, livability and economic advancement. Police, fire and medical services help neighbors feel safe and connect residents to services that promote health and wellbeing. Oregon City is a city of welcoming neighborhoods, both new and historic, that foster community, connect to nature and are grounded in a strong sense of place.



DIVERSE ECONOMY

By 2040, Oregon City’s economy is vibrant, diversified, and resilient. Oregon City is a thriving town where residents live, work and play while having access to the amenities of the greater metro region. A robust economy creates upward mobility and living-wage jobs. Businesses of all sizes flourish in a progressive environment, and thriving commercial and industrial districts are enhanced by partnerships with educational institutions. A strong tourism industry celebrates the Willamette Falls and Landings Heritage Area and provides economic opportunities for the community. Visitors come to Oregon City to experience the town’s historic and cultural attractions, and enjoy community events, the lively downtown and local dining and shopping throughout the City. Good jobs are balanced with a variety of diverse housing choices that ensures residents have more options to remain in their neighborhoods and be near family, friends, caregivers, and services. Affordable childcare and youth opportunities allow children growing up in Oregon City to stay and thrive. Residents can age in place and meet their housing needs through different stages of life, and our houseless neighbors find shelter, services and jobs in a strong and supportive economy.



CONNECTED INFRASTRUCTURE

By 2040, Oregon City residents are connected physically and digitally. In the same way the Municipal Elevator ties neighborhoods together within the city, Oregon City connects people to places through a network of safe and convenient streets, sidewalks, bike paths and multi-use trails. Public transit facilities bring residents and visitors to their destinations efficiently, and community members of all ages and abilities can walk, bike and roll safely between school, work, play and home. A culture of equity, coordination, thoughtful planning and fiscal responsibility guide growth and development while preserving our small-town feel. Infrastructure and utilities such as water, sewer and stormwater are maintained and improved in established neighborhoods and strategically planned in developing areas. Access to state-of-the-art communication infrastructure closes the digital divide, strengthening education and engagement, and provides a lifeline to emergency services. Oregon City is a collaborative and effective partner that coordinates with neighboring jurisdictions, and regional, statewide and federal agencies to advance transportation, utility and communication infrastructure.



PROTECTED ENVIRONMENT

By 2040, Oregon City preserves the integrity of its natural resources, and connects people to nature. Oregon City is a leader in protecting the environment and reducing the community's carbon footprint because of the City's ability to adapt and be innovative. A Climate Action Plan guides the City's investments in clean energy, waste reduction, air and water quality. The City promotes an efficient use of land that responds to the town's landscape and topography and weaves natural resources into the fabric of its neighborhoods. The powerful Willamette Falls and clean Willamette and Clackamas Rivers are the jewels of Oregon City, supporting healthy habitats for fish, wildlife and native vegetation. Oregon City is known for its extensive tree canopy and majestic groves, meandering creeks and streams and undisturbed wildlife. A network of accessible trails and greenways connect local parks, waterways and open spaces and inspire residents and visitors to boat, hike, bike, fish and recreate throughout the City.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 8/4/2021
From: Community Development Director Laura Terway

SUBJECT:

Second Reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program (Legislative File LEG-21-00002)

STAFF RECOMMENDATION:

Approval of the second reading of Ordinance No. 21-1011 and LEG-21-00002.

EXECUTIVE SUMMARY:

File No. LEG-21-00002 amends Chapter 15.28 of the Oregon City Municipal Code, which contains the procedures and conditions for signage. The amendment establishes a Public Art Mural Program and provides criteria for evaluation of proposed art mural installations.

The proposed amendment includes the following elements:

- Addition of definitions to support the mural program, including defining how a public art mural is different from a sign
- Criteria and standards for public art murals
- Process for approval of public art murals, which is proposed to be handled through the Arts Commission. The Arts Commission is described in Section 2.26 of the Municipal Code.
- Identification of zoning districts where public art murals will be permitted
- Language to ensure that first amendment rights are upheld (i.e. that the code remains content-neutral)

Legislative files follow a Type IV review process with the final decision made by the City Commission. The proposed code amendment is consistent with the Goals and Policies of the City's adopted Comprehensive Plan.

A resolution to adopt mural application and appeal fees, along with a resolution for a related Historic Review Board policy, are both included in the August 4, 2021 agenda.

BACKGROUND:

File No. LEG-21-00002 amends Chapter 15.28 of the Oregon City Municipal Code, which contains the procedures and conditions for signage. The amendment establishes a Public Art Mural Program and provides criteria to evaluate proposed art mural installations.

The 2004 Comprehensive Plan calls for a review of the sign code (Policy 2.5.3). The City updated the sign code in 2015 through a robust process that resulted in numerous revisions and updates to the signage regulations. At that time, a Community Advisory Committee drafted mural program elements and associated code language, but the code was not part of the 2015 code update. The 2015 update did formally recognize all existing, legal murals in the City, but did not provide an avenue for additional murals.

The current City Code does not provide for murals as a separate type of sign; instead, murals are considered wall signs and must comply with the size limitations for wall signs, which is one square foot for every linear foot of building façade length. For example, a building façade of 50 feet in width that is say 20 feet in height would be allowed a wall sign of up to 50 square feet, on a façade that has a total area of 1000 square feet. This provision limits large murals.

The intent and purpose of the proposed code language is to encourage the production of public art murals for acquisition by the City. Public art murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime.

The proposed amendment includes the following elements:

- Addition of definitions to support the mural program, including defining how a public art mural is different from a sign
- Criteria and standards for public art murals
- Process for approval of public art murals, which is proposed to be handled through the Arts Commission. The Arts Commission is described in Section 2.26 of the Municipal Code.
- Identification of zoning districts where public art murals will be permitted
- Language to ensure that first amendment rights are upheld (i.e. that the code remains content-neutral)

The Mural program provides for murals to be proposed by any individual or group. The proposed mural, if approved by the Arts Commission, would be in place for at least five years and be granted to the public through an easement.

The City Commission will also be presented with a new proposed Historic Review Board Policy to dictate when murals proposed in the historic overlay can be reviewed by staff, and when Historic Review Board review is required. See Exhibit 3 for more information about this proposed policy.

Legislative files follow a Type IV review process with the final decision made by the City Commission. The proposed code amendment is consistent with the Goals and Policies of the City's adopted Comprehensive Plan.

A resolution to adopt mural application and appeal fees, along with a resolution for a related HRB Policy, are both included in the August 4, 2021 agenda.

OPTIONS:

1. Approve the second reading of the ordinance
2. Direct staff to make changes to the ordinance and continue the hearing to a date certain

ORDINANCE NO. 21-1011

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING TITLE 15: BUILDINGS AND CONSTRUCTION, CHAPTER 15.28 SIGNS OF THE OREGON CITY MUNICIPAL CODE

WHEREAS, the City of Oregon City has adopted a sign ordinance to regulate signage allowed within the City; and

WHEREAS, the Oregon City Municipal Code may be amended and updated as necessary with the appropriate approval; and

WHEREAS, the proposed Chapter 15.28 will replace the existing Chapter 15.28 of the Oregon City Municipal Code; and

WHEREAS, as demonstrated in the staff report and findings for Legislative file LEG 21-00002, the proposed Code is consistent with State statutes and the goals and policies of the Oregon City Comprehensive Plan; and

WHEREAS, the Code amendment establishes a process to permit public art murals in certain zones and on certain building types to enhance the cultural and other aesthetic qualities of the City; and

WHEREAS, the Code amendments will support economic development and tourism through a City-sponsored Public Art Mural Program; and

WHEREAS, the Oregon City Planning Commission and City Commission held a series of publicly noticed work sessions and hearings to review the proposed amendments to Chapter 15.28; and

WHEREAS, based on the oral and written testimony received at the public hearings, the Planning Commission and City Commission voted to approve the proposed changes to the Oregon City Municipal Code.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Chapter 15.28 of the Oregon City Municipal Code as identified in Exhibit 1, is hereby adopted.

Read for the first time at a regular meeting of the City Commission held on the 21st day of July, and the City Commission finally enacted the foregoing Ordinance this 4th day of August 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 4th day of August 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit 1 – Amendments to City Code Chapter 15.28

PROPOSED CODE AMENDMENT – DRAFT July 13, 2021 (Not Adopted)

Changes based on City Commission direction at the July 7, 2021 hearing.

Chapter 15.28 - SIGNS

Footnotes:

--- (1) ---

Editor's note— Ord. No. 14-1003, § 1, adopted May 20, 2015, effective Nov. 1, 2015, effectively repealed Chapter 15.28, §§ 15.28.010—15.28.110, and Exhibit 1 to said ordinance enacted a new Chapter 15.28 as set out herein. The former Chapter 15.28 pertained to similar subject matter. See Ordinance List and Disposition Table for derivation.

15.28.010 - Purpose of sign regulations.

This chapter regulates the construction, placement and maintenance of signs to protect and enhance public health, safety, welfare and property. The code:

- A. Allows signs compatible with the character and uses allowed in the zoning district in which they are located;
- B. Maintains the effectiveness of traffic control signs throughout the city;
- C. Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;
- D. Maintains and enhances the scenic and other aesthetic qualities of the city;
- E. Supports the economic development of Oregon City businesses;
- F. Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and
- G. Is not intended to regulate the content of signs in any way.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.020 - Definitions.

"Abandoned sign" means a sign structure where no sign has been in place for a continuous period of at least six months.

"A-frame sign," also known as "sandwich board" or "tent sign," means a movable steeply angled sign with two sides that meets at the top in the shape of the letter "A" and is not attached to a structure or the ground.

"Air blown sign" means a sign that is intended to be inflated by air or other gas.

"Ancillary sign" means any sign allowed by this code, with or without permit, that is not a freestanding, incidental freestanding, wall, roof or projecting sign. If allowed within the zoning designation, ancillary signs include, but are not limited to: A-frame signs, flags (excluding attention flags), and banners.

"Attention flag" also known as "flutter," "feather," "teardrop," or "blade," means a pole-supported sign made of fabric, vinyl, or other similar non-rigid material, where one side of the sign is more than three times as long as any other side.

"Banner" means a sign made of fabric, vinyl, or other similar non-rigid material.

"Banner on street light pole" means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed in the right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.

"Billboard" means a sign with a display area of three hundred square feet or more, including, but not limited to, outdoor advertising signs as defined in ORS 377.710(21).

"Business" means any trade, profession, occupation or pursuit of every kind conducted in the city for gain.

"Compensation" means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and where the building owner or leaseholder fully controls the content of the art mural.

"Construct" or "constructed" means to construct, erect, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Cross street banner" means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed over the right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.

"Display" means an arrangement of objects intended to decorate, advertise, entertain, or inform people about something.

"Display area" means the total size of all sign faces on a sign.

"Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

"Flag" means a piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached, excluding banners.

"Freestanding sign" means a sign wholly supported from the ground by its own integral structure.

"Frontage" means the full length of a parcel of property that abuts a dedicated street, highway, or a city-approved vehicular public access easement.

"Government owned sign" means a sign owned by a government agency, but does not include a sign constructed by a third-party with grant funds obtained from a government agency.

"Incidental freestanding sign" means a sign wholly supported from the ground by its own integral structure, excluding A-frame signs. The maximum size allowed is less than that of a freestanding sign and greater than an ancillary sign.

"Maintenance" means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing, or repairing unusable or broken portions of the sign, and repairing defective lighting.

"Premises" means a lot or number of contiguous lots under the same ownership.

"Projecting sign" means a sign projecting more than one foot from the wall of a building.

"Public Art Mural" means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, metal, executed by hand directly upon, or affixed directly to an exterior wall or

rooftop of a building, where the work of visual art has been approved by the Arts Commission and accepted by the City into its public art collection pursuant to this Chapter.

"Roof sign" means a sign constructed or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, figure, painting, drawing, placard, poster, billboard, carving or other thing that is designed, used or intended to convey a message or image and is used to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display area.

"Sign face" means the total area as measured pursuant to Section 15.28.050.

"Sign official" means any person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

"Tenant space" means the portion of a structure occupied by a single commercial lease holder, or an owner-occupied space with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

"Traffic control sign or device" means a sign approved by the public works department through the right-of-way permit process, where the sign complies with the city's street standards and/or the Manual on Uniform Traffic Control Devices (MUTCD). In addition, traffic control sign or device includes signs on private property associated with an approved traffic control plan prepared by a transportation engineer and approved by the city through a site plan and design review process that does not involve the content of a sign.

"Undeveloped lot" means a property without a building, business or valid land use approval.

"Wall sign" means a sign that is attached to the wall of a building and extends no more than twelve inches from a wall.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.030 - Scope of sign regulations.

All signs shall be constructed and maintained only as provided by this chapter, except for any of the following:

- A. Signs not visible from either a right-of-way or property under different ownership, provided such signs are constructed and maintained in accordance with applicable law;
- B. Signs inside a building, except for strobe lights visible from the right-of-way or other private property;
- C. Signs carved into or part of materials that are an integral part of a building;
- D. Signs attached to, or carried by a person;
- E. Signs required by law or legal action;
- F. Government owned signs within the right-of-way, government-designated parks, Metro-designated open space and at stormwater facilities;
- G. City owned signs;
- H. Public art murals identified on the Oregon City Existing Mural List; and
- I. Traffic control signs and devices.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.040 - Permit required.

- A. Permit Required. No sign shall be constructed except as provided by this chapter and after a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter.
- B. Any of the following signs on private property are subject to compliance with this chapter but do not require a sign permit:
 - 1. Changes of copy whereby the sign size and material are not changing but the message is changed; or
 - 2. Ancillary signs (excluding banners) with no more than two faces and which do not exceed a display area of twelve square feet and a sign face of six square feet.
- C. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application. The amount of the fee shall be adopted by resolution of the city commission. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is constructed in compliance with the city code and to the specifications described in the approved sign permit. Any permit issued under this chapter shall be void if the sign is not constructed in accordance with any conditions of the permit and the applicable requirements of this chapter within ninety days following the date of its issuance, excluding any appeals of the city's decision. Any permit issued under this chapter shall remain in effect as long as the sign is constructed as approved in the permit and maintained as required in 15.28.140. If an applicant seeks to have the city treat its property as a premises for purposes of the sign code, then the application shall explain how the property meets the definition of premises in Section 15.28.020.
- D. Appeals. Any party aggrieved by a decision of the sign official may appeal the decision to the planning commission. Any such appeal shall be in writing and be received by the city recorder no later than fourteen days after the date the challenged decision is final. The planning commission or city commission may initiate an appeal on its own motion within the fourteen-day period. The appropriate appeal fee established by resolution of the city commission shall accompany the appeal. Proceedings before the planning commission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to city commission review of planning commission decisions involving conditional use permits.
- E. In addition to this chapter, signs shall be approved by the historic review board as required by Oregon City Municipal Code Section 17.40.060. The review shall not consider the content of the sign in any way.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.050 - Measuring sign dimensions.

- A. The following criteria shall be used for the purpose of determining the boundaries of a sign:
 - 1. The sign face includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign face.
 - 2. When signs are constructed in multiple separate pieces the sign face is calculated by measuring the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure,

character and light surface, but excluding essential sign structure, foundations or support on all pieces collectively.

- B. Sign width is measured as the horizontal distance between the outermost area of sign face for wall signs and includes the supporting structure for all other sign types.
- C. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign, including any supporting structure.
- D. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

Figure 15.28.050.A Two-Dimensional Signs

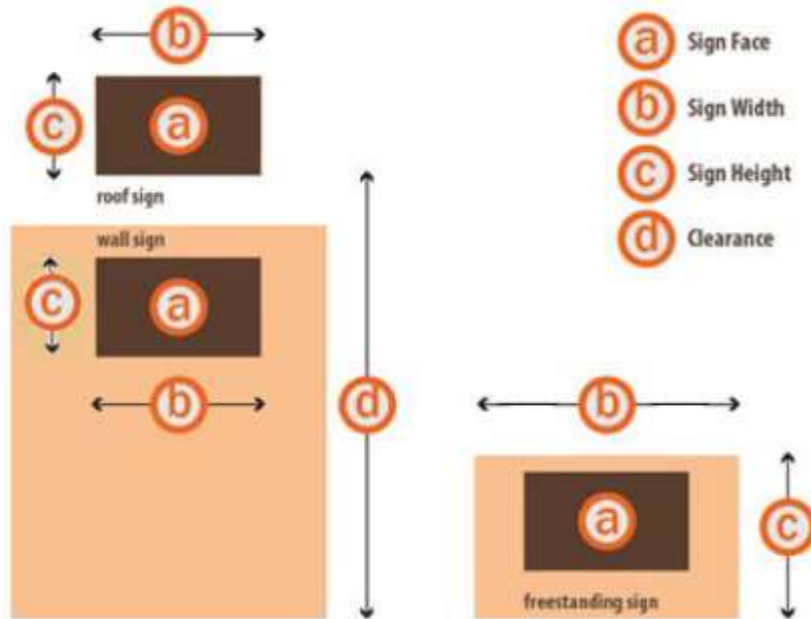
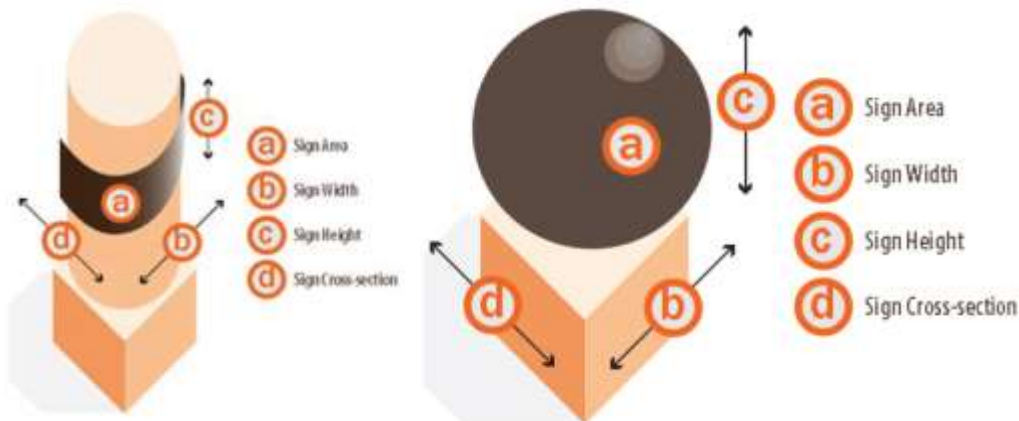


Figure 15.28.050.B Three-Dimensional, Round or Irregular Signs



(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.060 - Signs in residential zones (excluding multi-family).

These standards apply to the following zoning designations: "R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, and "R-3.5" Dwelling District, except for those subject to Section 15.28.070 or 15.28.100.

- A. General. All of the following standards apply to all signs in residential zones (excluding multi-family):
 - 1. A minimum of fifty percent of the sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
 - 2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
 - 3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 - 4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Sign. All of the following standards apply to wall signs in residential zones (excluding multi-family):
 - 1. A maximum of one wall sign is allowed for each property frontage. A wall sign is prohibited if there is a projecting sign along the same property frontage.
 - 2. The sign face shall not exceed twelve square feet.
 - 3. The sign width shall not exceed five linear feet.
- C. Freestanding Sign. Freestanding signs are prohibited.
- D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.
- E. Projecting Signs. All of the following standards apply to projecting signs in residential zones (excluding multi-family):
 - 1. A maximum of one projecting sign is allowed for each property frontage. A projecting sign is prohibited if there is a wall sign along the same property frontage.
 - 2. The display area shall not exceed twenty-four square feet and the sign face shall not exceed twelve square feet.
 - 3. The sign shall not have more than two faces.
 - 4. The projection from a building wall shall not exceed six feet and shall not project within two feet of the curb line.
 - 5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 - 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. Roof signs are prohibited.
- G. Ancillary Signs. All of the following standards apply to ancillary signs in residential zones (excluding multi-family):
 - 1. A maximum of two ancillary signs are allowed per property.
 - 2. The sign shall not have more than two faces.
 - 3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.
 - 4. Banners are prohibited in residential zones unless approved under Section 15.28.070.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.065 - Signs in multi-family residential zones.

These standards apply to the "R-2" Multi-Family Dwelling District zoning designation, except for those subject to Section 15.28.070 or 15.28.100.

- A. General. All of the following standards apply to all signs in multi-family residential zones:
 - 1. A minimum of fifty percent of the sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
 - 2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
 - 3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 - 4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Sign. All of the following standards apply to wall signs in multi-family residential zones:
 - 1. A maximum of one wall sign is allowed for each property frontage. A wall sign is prohibited if there is a projecting sign along the same property frontage.
 - 2. The sign face shall not exceed twenty square feet.
 - 3. The sign width shall not exceed five linear feet.
- C. Freestanding Sign. All of the following standards apply to freestanding signs in multi-family residential zones:
 - 1. A maximum of one freestanding sign for each property frontage is allowed.
 - 2. The display area shall not exceed forty square feet and the sign face shall not exceed twenty square feet.
 - 3. The sign width shall not exceed ten linear feet.
 - 4. The sign height shall not exceed five feet.
- D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.
- E. Projecting Signs. All of the following standards apply to projecting signs in multi-family residential zones:
 - 1. A maximum of one projecting sign is allowed for each property frontage. A projecting sign is prohibited if there is a wall sign along the same property frontage.
 - 2. The display area shall not exceed forty square feet and the sign face shall not exceed twenty square feet.
 - 3. The sign shall not have more than two faces.
 - 4. The projection from a building wall shall not exceed six feet and shall not project within two feet of the curb line.
 - 5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 - 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. Roof signs are prohibited.

- G. Ancillary Signs. All of the following standards apply to ancillary signs in multi-family residential zones:
1. A maximum of two ancillary signs are allowed per property.
 2. The sign shall not have more than two faces.
 3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.
 4. Banners are prohibited in multi-family residential zones unless approved under Section 15.28.070.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.070 - Signs for conditional uses in residential zones.

These standards apply to all conditional uses within a residential zoning district ("R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, "R-3.5" Dwelling District, and "R-2" Multi-Family Dwelling District) unless otherwise limited in the conditional use approval. Conditional uses are identified within each applicable zoning designation. Signs within the right-of-way shall comply with Section 15.28.100.

- A. General. All of the following standards apply to all signs for conditional uses in residential zones:
1. With the exception of banners, at least fifty percent of the wall sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
 2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
 3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Sign. All of the following standards apply to wall signs for conditional uses in residential zones:
1. A maximum of one wall sign per frontage is allowed.
 2. The sign face shall not exceed thirty-two square feet.
 3. The sign width shall not exceed ten linear feet.
- C. Freestanding Sign. All of the following standards apply to freestanding signs for conditional uses in residential zones:
1. A maximum of one freestanding sign per lot is allowed.
 2. The display area shall not exceed sixty-four square feet and the sign face shall not exceed thirty-two square feet.
 3. The sign width shall not exceed ten linear feet.
 4. The sign height shall not exceed fifteen feet.
- D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.
- E. Projecting Signs. All of the following standards apply to projecting signs for conditional uses in residential zones:

1. A maximum of one projecting sign is allowed if there is not a freestanding or wall sign on the same frontage.
 2. The display area shall not exceed sixty-four square feet and the sign face shall not exceed thirty-two square feet.
 3. The sign shall not have more than two faces.
 4. The projection from a building wall shall not exceed six lineal feet and shall not project within two feet of the curb line.
 5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. Roof signs are prohibited.
- G. Ancillary Signs. All of the following standards apply to ancillary signs for conditional uses in residential zones.
1. A maximum of two ancillary signs (including banners) are allowed per property.
 2. The sign shall not have more than two faces.
 3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.
 4. Additional standards for banners:
 - a. For a single property, banners may be in place for up to thirty days, up to twice per year.
 - b. Banners shall be securely placed against a building wall and may not project from the wall.
 - c. The sign length shall not exceed six lineal feet.
 - d. The sign height shall not exceed four lineal feet.
 - e. Banners are prohibited within a historic district and on any property designated as a historic landmark.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.080 - Signs in office, commercial, mixed use and industrial zones.

The following standards apply to signs in office, commercial, mixed use and industrial zones which are not identified in Section 15.28.060, 15.28.065, 15.28.070, or 15.28.100 unless otherwise provided by this code.

- A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:
1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:
1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor

tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.

2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one foot from the structure are considered wall signs.
- C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:
1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.
 2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.
 3. Maximum display area:
 - a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.
 - b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.
 - c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.
 - d. In no case shall any sign have a display area in excess of three hundred square feet.
 4. The sign width shall not exceed twenty linear feet.
 5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.
- D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:
1. A maximum of one incidental freestanding sign is allowed for each street frontage.
 2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.
 3. The sign height shall not exceed fifteen feet.
- E. Projecting Signs. All of the following standards apply to projecting signs in office, commercial, mixed use and industrial zones:
1. A maximum of one projecting sign is allowed for each tenant space if there is not a freestanding or roof sign on the same frontage.
 2. The total combined display area of projecting signs and wall signs shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed. Each ground floor tenant space may have a minimum sign face of twenty square feet, regardless of the limitation above.
 3. The sign shall not have more than two faces.
 4. The projection from a building wall shall not exceed six lineal feet and shall not project within two feet of the curb line.

5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. All of the following standards apply to roof signs in office, commercial, mixed use and industrial zones:
1. A maximum of one roof sign is permitted for each frontage if there is no projecting sign or freestanding sign along the frontage.
 2. Maximum display area:
 - a. Where the street frontage is less than fifty feet, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.
 - b. Where the street frontage is fifty feet or greater but less than two hundred feet, the display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.
 - c. Where the street frontage is two hundred feet or greater, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.
 - d. In no case shall any sign have a display area in excess of three hundred square feet.
 3. The sign width shall not exceed twenty feet and the sign height may not exceed ten feet.
 4. Skirting is required to obscure exposed hardware used to attach the sign to the roof, as viewed from the adjacent street level perspective.
- G. Ancillary Signs. All of the following standards apply to ancillary signs in office, commercial, mixed use and industrial zones:
1. A maximum of two ancillary signs (including banners) are allowed per property.
 2. The sign shall not have more than two faces.
 3. The maximum display area is twelve square feet and the maximum sign face is six square feet.
 4. Additional standards for banners:
 - a. For a single property, banners may be in place for up to thirty days, up to twice per year.
 - b. Banners shall be securely placed against a building wall and may not project from the wall.
 - c. Banners shall comply with the wall sign size requirements and the sign length shall not exceed six linear feet.
 - d. The sign height shall not exceed four linear feet.
 - e. Banners are prohibited within a historic district and on any property designated as a historic landmark.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.090 Public art murals.

- A. Public Art Mural Program Intent and Purpose. The intent and purpose of this section is to encourage the production of public art murals for acquisition by the City. Public art murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing

the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime.

- B. Criteria for Public Art Murals. All of the following criteria shall be met for public art murals:
1. Public art murals shall remain in place, without alteration, for a period of not less than five (5) years, except as may be specified by a designated governing body or by the Arts Commission in the conditions of approval. Within 30 days of the end of the approval period, the public art mural shall be removed unless a new approval is granted. Alterations to an approved and/or installed mural shall receive approval by a designated governing body or the Arts Commission.
 2. No public art murals shall be allowed on single-family dwellings, duplexes, 3-4 plexes, designated historic structures that were originally constructed as a residential use, or multi-family dwellings. As used in this subsection, single-family dwellings, duplexes, 3-4 plexes, or multi-family dwellings do not include mixed-use buildings which contain a single-family dwelling, duplex, or multi-family dwellings.
 3. Public art murals shall only be permitted within approved zoning districts.
 - a. Approved zoning districts include:
 - i. General Commercial
 - ii. Mixed Use Downtown
 - iii. Mixed Use Corridor 1
 - iv. Mixed Use Corridor 2
 - v. Willamette Falls Downtown District
 - vi. Institutional
 - b. Any use that is listed under permitted uses in the Institutional district in 17.39.020 but located in a non-Institutional Zone.
 4. The public art mural shall be painted, or if ceramic, glass tiles, tesserae, or metal, applied directly onto the surface of a building with a paint, ceramic, glass tiles, tesserae, or metal that ensures longevity, durability, and structural and surface stability. No part of the public art mural shall exceed the height of the structure to which it is tiled, painted, or affixed.
 5. No part of the public art mural shall be placed over the exterior surface of any opening of a building in a manner that prohibits use of the opening, including its windows, doors, and vents.
 6. No public art mural may contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance, image or message of the public art mural.
 7. Public art murals shall be located in a manner that is accessible to the public.
 8. The mural proposal is not mechanically reproduced, or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, images digitally printed on vinyl.
 9. The mural proposal shall include methods to mitigate the impacts of weather and vandalism and a commitment to repair the mural surface as necessary for a minimum of five years.
 10. No compensation will be given or received for the display of public art murals or for the right to place the mural on another's property.
 11. The approval and acceptance of each public art mural shall be contingent upon the conveyance of a public art mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney. The terms of the easement shall grant the right to create the public art mural on the wall of the building and provide that the person

granting the easement will maintain and restore the public art mural in its original condition for the period of the easement, and state that upon termination of the easement, the mural shall be removed, and the building restored to its prior condition.

C. Approval Process.

1. Public art murals shall be approved by the Oregon City Arts Commission at a public hearing based on the criteria in the Oregon City Municipal Code. Notice of the application and the hearing date shall be published online and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred (300) feet of the proposed mural location. Notice shall be issued at least twenty (20) days pre-hearing, and the staff report shall be available at least seven (7) days pre-hearing. At the evidentiary hearing held before the Arts Commission, all issues shall be raised and addressed. Failure to raise an issue at the hearing will preclude review on that issue.
2. In lieu of an active Arts Commission, the City Commission will review the proposal through the public hearing process described in subsection 15.28.090.C.1.

D. The decision is appealable to the City Commission on the record. Notice of the appeal shall be received in writing by the Economic Development Department within fourteen (14) calendar days from the date the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

1. All of the following shall be included as part of the notice of appeal:

- a. The City file number and date the decision to be appealed was rendered;
- b. The name, mailing address and daytime telephone number for each appellant;
- c. A statement of how each appellant has an interest in the matter and standing to appeal;
- d. A statement of the specific grounds for the appeal;
- e. The Appropriate Appeal Fee. Failure to include the appeal fee within the appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a City-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Oregon City Municipal Code Section 17.50.290.C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.

2. Standing to Appeal. Only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision. Grounds for appeal are limited to those issues raised in writing before the close of the public record. No new evidence shall be allowed.

3. Notice of the Appeal Hearing. The Economic Development Department shall issue notice of the appeal hearing to all parties who participated in writing before the close of the public record at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. Notice of the appeal hearing shall contain the following information:

- a. The file number and date of the decision being appealed;
- b. The time, date and location of the public hearing;
- c. The name of the applicant, owner and appellant (if different);

- d. The street address or other easily understood location of the subject property;
- e. A description of the permit requested and the applicant's mural proposal;
- f. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
- g. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
- h. A general explanation of the requirements for participation and the City's hearing procedures.

4. The City Commission decision on appeal is the City's final decision.

No person shall commence creation of any public art mural without first obtaining approval from the City, and executing an easement pursuant to section 15.28.090.(B).11. Murals that are created without approval through the aforementioned process that are not otherwise exempt pursuant to this chapter or are inconsistent with the conditions of approval from the City's decision shall not be deemed public art murals.

15.28.100 - Signs in the right-of-way.

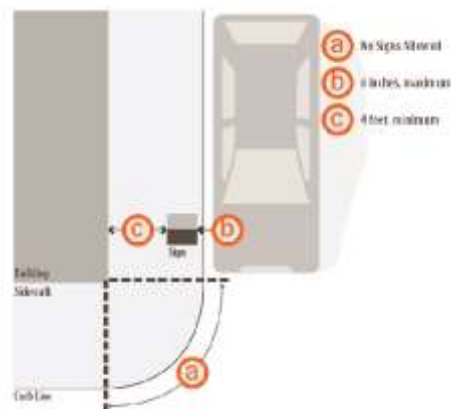
All of these standards apply to all signage within the city of Oregon City right-of-way and signs located in compliance with Section 15.28.100.B.1.a, except exempt signs described in Section 15.28.030.

A. Signs on the Ground Within the Right-of-Way. Signs on the ground within the right-of-way shall be permitted in the right-of-way in accordance with all of the following standards:

1. Number of Signs Permitted:
 - a. A maximum of one sign within the right-of-way per property frontage not within the Mixed Use Downtown District, Willamette Falls Downtown Design District or Mixed Use Corridor 1 District zoning designations.
 - b. Within the Mixed Use Downtown District, Willamette Falls Downtown Design District, or the Mixed Use Corridor 1 District, the number of signs on the ground within the right-of-way is limited to the number of operating and accessible public entrances per building or buildings on the site, up to a maximum of three signs per frontage. All properties are allowed one sign on the ground within the right-of-way per property frontage regardless of the number of building entrances. Multiple doors at one entrance are allowed one sign. Multiple individuals or entities which share the same public entrance are allowed one sign.
 - c. Approved traffic control signs or devices do not count towards the number of signs permitted within the right-of-way.
2. Material, Design and Size Standards:
 - a. The sign frame shall be wood, plastic or metal.
 - b. The sign shall be an A-frame sandwich design.
 - c. The sign may not be illuminated.
 - d. The sign width shall not exceed twenty-eight inches.
 - e. The sign depth shall not exceed two feet.
 - f. The sign height shall not exceed three feet.
 - g. The display area shall not exceed 12 square feet and the sign face shall not exceed six square feet.
3. Placement Standards:

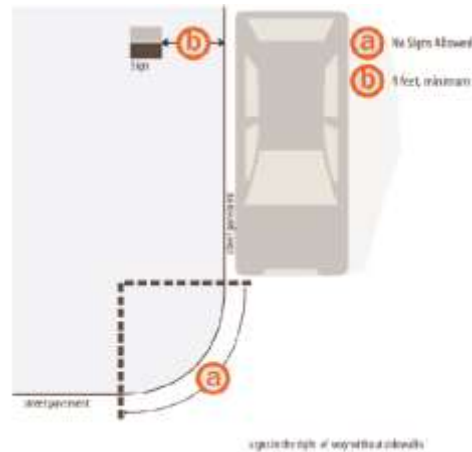
- a. Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas). The sign may not obstruct pedestrian or ADA access from the sidewalk to transit stop areas, designated ADA accessible parking spaces, ADA accessible ramps or building exits, including fire escapes. Signs may not impede or hinder the vision of drivers or bicyclists. The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices.
- b. For signs placed within the right-of-way with an adjacent sidewalk: The sign shall be placed within six inches of the face of the curb. Four feet of clearance width shall be retained on the sidewalk.

Figure 15.28.100.A.3.b:
Signs in the Right-of-Way With an Adjacent Sidewalk



- c. For signs placed in the right-of-way without an adjacent sidewalk: The sign shall be located outside of any street pavement and may not be located closer than four feet from the travel lane, turning lane, shoulder, parking lane or bicycle lane.

Figure 15.28.100.A.3.c:
Signs in the Right-of-Way Without an Adjacent Sidewalk



- d. Signs placed in the right-of-way shall remain portable and shall not be attached or anchored in any manner to trees or public property, including, but not limited to, utility or light poles, parking meters, traffic control signs, the ground, or pavement.
4. Hours of Sign Placement:
 - a. For signs not within residential zoning designations: Signs may be within the right-of-way between the hours of nine a.m. and ten p.m.
 - b. Signs within residential zoning designations may be displayed on Thursday, Friday, Saturday, and Sunday between twelve p.m. and eight p.m. daily; and from six a.m. to one p.m. on Tuesday.
5. Approval of the adjacent property owner is required.
- B. Cross Street Banners. Temporary banners which extend over a roadway shall be permitted in the right-of-way upon issuance of a permit in accordance with the requirements contained in the most recently adopted Policy for Cross Street Banners and Banners on Street Light Poles. Banners shall be installed, re-secured, and removed by the city.
- C. Banners on Street Light Poles. Temporary banners on street light poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the requirements contained in the most recently adopted Policy for Cross Street Banners and Banners on Street Light Poles. Banners shall be installed, re-secured, and removed by the city.
- D. Signs which Project over the Right-of-Way from Private Property. With the exception of projecting signs, no sign on private property may project into the right-of-way. Signs projecting into the right-of-way shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- E. Who May Place the Sign. Permits for signs within the right-of-way are approved on a first-come, first-served basis.
- F. Right-of-Way Sign Permit Process.
 1. Signs on the Ground. For all properties not zoned residential, an annual A-frame sign within the right-of-way permit is required except on Thursday, Friday, Saturday, or Sunday between twelve p.m. and eight p.m. daily; or from six a.m. to one p.m. on Tuesday. Placement of signs

subject to this exception shall meet all other applicable requirements in this chapter. An approval sticker shall be placed on each sign within the right-of-way to easily distinguish the approved signs.

2. Cross Street Banner. A cross street banner within the right-of-way permit is required each time a cross street banner is installed.
 3. Banners on Light Posts. A street light banner permit is required each time a banner on a light post is installed.
 4. Signs which Project over the Right-of-Way from Private Property. Approval from the city engineer is required each time a sign is installed.
 5. The city commission shall establish permit fees for signs located within the right-of-way.
 6. The applicant shall comply with and obtain any permits issued by any other applicable agency.
- G. Liability. The sign owner shall assume all liability associated with a sign within the right-of-way regardless of whether a permit is required.
- H. Removal of Signs within the Right-of-Way.
1. Existing signs that do not comply with these standards or that have not obtained a valid permit may be removed.
 2. The city engineer may require signs to be modified, moved or removed if streets are widened or other improvements are made in the right-of-way that result in conditions where the sign placement will not comply with the above standards. The modification, moving or removing will be at the owner's expense.
 3. The city reserves the right to change or remove the approved cross street banners or banners on light posts at any time after the installation based on operational and/or safety conditions.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.110 - Prohibited signs.

It is unlawful for any of the following signs to be constructed or maintained except as otherwise provided in this chapter:

- A. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed views of traffic control signs or devices or approaching or merging traffic or does not comply with Chapter 10.32 or 8.08 of the Oregon City Municipal Code.
- B. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts which move or rotate or change more than three times per day, except as otherwise allowed within this code.
- C. A sign with lighting that is not effectively shielded to prevent beams or rays of light from being directed at any portion of the right-of-way or public vehicular accessway or sign that does not comply with the lighting requirements in OCMC 17.62.065.
- D. A sign located upon a tree, or painted or drawn upon a natural feature.
- E. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape.
- F. Any sign with a display area larger than twelve square feet or six square feet per sign face on an undeveloped lot or parcel of property.
- G. Attention flags.

- H. A-frame signs with a display area larger than twelve square feet or six square feet per sign face or taller than three feet.
- I. Air blown signs.
- J. Billboards.
- K. Signs on fences or fencing.
- L. Banners unless otherwise allowed by this chapter.
- M. Abandoned signs.
- N. Signs that emit any sound, vibration, or smell.
- O. Flags larger than one square foot for each lineal foot in height of the flag pole or structure to which the flag is affixed.
- P. Flags exceeding sixty square feet.
- Q. Signs that may be confused with public traffic signs or highway identification.
- R. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.120 - Nonconforming signs.

All of the following standards apply to all nonconforming signs:

- A. Signs that were lawfully constructed and otherwise lawfully existing but no longer comply with this code are allowed to remain until removed. Nothing in this section shall be deemed to prevent the maintenance of any sign, or changes of sign copy on a sign.
- B. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
- C. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this chapter.
- D. A nonconforming sign (including the sign structure, foundation and supports) that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter. Whenever repairs and restoration of a damaged nonconforming sign are not started within ninety days of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
- E. Abandoned signs shall not be deemed nonconforming signs. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign maintained in violation of this provision shall be considered abandoned and will be removed as provided in this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided in this chapter. Any nonconforming sign that is determined to be an abandoned sign shall be removed as provided in this chapter.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.130 - Variances.

All of the following standards apply to variances to this chapter:

- A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:
 - 1. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
 - 2. That the request is the minimum variance that would alleviate the hardship;
 - 3. Granting the variance will equal or exceed the purpose of the regulation to be modified;
 - 4. Any impacts resulting from the adjustment are mitigated;
 - 5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
 - 6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.
- B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.
- C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.140 - Maintenance.

All signs, together with all supporting structures, shall be well maintained and kept in a good state of repair. Without limiting the foregoing, all sign owners shall comply with all of the following maintenance:

- A. Shall keep signs and supporting structures free from rust, dirt, debris, and chipped, cracked or peeling paint.
- B. Shall remove hanging, dangling, and cracked portions from all signs and supporting structures.
- C. Shall repair frayed parts on all signs and supporting structures.
- D. Shall replace defective lighting on all signs and supporting structures.
- E. Shall remove graffiti and unauthorized stickers from all signs and supporting structures.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.150 - Violation—Penalty.

In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.160 - Conflict and severability.

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, term or word is declared invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply. Any permit or approval issued in conflict with this chapter shall be void.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)



Planning Division

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.

June 21, 2021

HEARING DATE: June 28, 2021 - Planning Commission

FILE NUMBER: LEG-21-00002

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: City of Oregon City, c/o Economic Development Department
Po Box 3040, Oregon City, OR 97045
James Graham, CED, Economic Development Manager
Matthew Weintraub, Tourism Program Specialist

REQUEST: Amendments to Chapter 15.28.020 of the Oregon City Municipal Code –
Definitions

Creation of Chapter 15.28.090 of the Oregon City Municipal Code – *Public art murals*

LOCATION(S): City Wide

I. BACKGROUND:

File No. LEG-21-00002 amends Chapter 15.28 of the Oregon City Municipal Code, which contains the procedures and conditions for signage. The amendment establishes a Public Art Mural Program and provides criteria upon which Staff, the Arts Commission and City Commission evaluate proposed art installations.

Public art murals are currently not allowed in Oregon City. Art and signage that is affixed to a building are currently regulated by Chapter 15.28 of the Oregon City Municipal Code. However, many municipalities in Oregon permit and regulate public art murals. A subsequent goal of the proposed code amendment is to provide clarity for City staff and officials on the interpretation and implementation of the City's role in the permitting process.

The City Commission directed staff to identify amendments to the Oregon City Municipal Code that would allow for the installation of and clarity around public art murals to support the existing City-adopted Tourism Strategic Plan and in support of adopted Commission Goals.

PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission prior to adoption by the City Commission following public hearings. The Economic Development Department held the following public meetings to date.

2014-2015 Sign Code Update Process – multiple public meetings

November 16, 2020 – Public Listening Session #1

November 19, 2020 – Public Listening Session #2

December 10, 2020 – Oregon City Historic Review Board Work Session

March 2, 2021 – Oregon City Historic Review Board hearing

March 9, 2021 – Oregon City Commission Work Session

April 12, 2021 – Oregon City Planning Commission Work Session

May 3, 2021 – Oregon City Citizen Involvement Committee

The mural code was initially drafted as part of the 2014-2015 sign code update. In 2020 and 2021, the following direction was provided to guide staff in further amending the code:

- The code amendments should impinge on Oregon’s First Amendment protections;
- Any code change should be accompanied by a user-friendly “how-to guide”;
- A desire that the code clearly differentiate between murals and signs;
- Any codes amendments or processes should ensure continued preservation of historic buildings within Oregon City;
- The permitting process should be clear and attainable;
- Inclusion of a required maintenance agreement between parties;
- That the Oregon City Historic Review Board recommends a review waiver to allow staff to re-view mural permits applications on historically designated structures;
- To exclude the Oregon City Planning Commission from any role within the process;

SUMMARY OF CODE AMENDMENTS

The intent and purpose of the proposed code language is to encourage the production of public art murals for acquisition by the City. Public art murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original

works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime.

The proposed amendment includes the following elements:

- Addition of definitions to support the mural program, including defining how a public art mural is different from a sign
- Criteria and standards for public art murals
- Process for approval of public art murals, which is proposed to be handled through the Arts Commission. The Arts Commission is described in Section 2.26 of the Municipal Code.
- Identification of zoning districts where public art murals will be permitted
- Language to ensure that first amendment rights are upheld (i.e. that the code remains content-neutral)

The Mural program provides for murals to be proposed by any individual or group. The proposed mural, if approved by the Arts Commission, would be in place for at least five years and be granted to the public through an easement.

The City Commission will also be presented with a new proposed Historic Review Board Policy to dictate when murals proposed in the historic overlay can be reviewed by staff, and when HRB review is required. See Exhibit 5 for more information about this proposed Policy.

The Legislative Process as it relates to the Oregon City Comprehensive Plan

The applicable approval criteria for a legislative action are set forth in the applicable goals and policies of the Oregon City Comprehensive Plan, and any applicable statewide planning goals.

Section 2 – *Land Use* of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

Oregon City Comprehensive Plan (P.16)

Regular Review and Update

Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. Plan implementation process;

The 2004 Comprehensive Plan calls for a review of the sign code (Policy 2.5.3). The City updated the sign code in 2015 through a robust process that resulted in numerous revisions and updates to the signage regulations. At that time, a Community Advisory Committee drafted mural program elements and associated code language, but the code was not part of the 2015 code update. The 2015 update did formally recognize all existing, legal murals in the City, but did not provide an avenue for additional murals.

The current city code does not provide for murals as a separate type of sign; instead, murals are considered wall signs and must comply with the size limitations for wall signs, which is one square foot for every linear foot of building façade length. For example, a building façade of 50 feet in width that is say 20 feet in height would be allowed a wall sign of up to 50 square feet, on a façade that has a total area of 1000 square feet. This provision limits large murals.

The City Commission initiated the current code amendment process starting with a work session held on September 8, 2020. The City Commission received a progress report of the process on March 9, 2021. The feedback provided at this work session helped form the draft code amendments.

Staff presented the amendments to the Citizen Involvement Committee on May 3rd, 2021.

The first evidentiary public hearing for the proposed amendments will be held with the Planning Commission and will follow the notice procedures for a legislative action per OCMC 17.50. The City Commission public hearing will be scheduled once the Planning Commission has completed their review and provided a recommendation on the proposed amendments.

The Department of Land Conservation and Development was notified as required by ORS 197.610 – 197.625. The Staff Report will be made available at least seven days prior to the public hearing and the application will be processed according to the Legislative Hearing Process as required under Oregon City Municipal Code 17.50.170. Implementation of the Plan is discussed further in Criterion 2.

2. Adequacy of the Plan to guide land use actions, including an examination of trends.

The proposed code amendments are a response to trends and desires of the community for public art, placemaking, and tourism-supportive elements.

3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.

The Commission directed the filing of this legislative application to address community desires for public art, placemaking, and tourism-supportive elements.

4. Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.

There has been no update of factual information from other agencies that is related to this application.

OC2040 Comprehensive Plan Update

The city is in the process of updating the Comprehensive Plan while this legislative process is underway (www.OC2040.com). Staff anticipates that the Comprehensive Plan update will result in new goals and policies that address many of the same infrastructure and growth issues that are discussed in this Staff Report.

The OC 2040 project will update the Oregon City Comprehensive Plan to reflect the City's vision and create a guide for decision making about growth and development over the next 20 years. The plan will be implemented through goals, policies, and actions with which the development code, projects and plans must comply. However, an effective comprehensive plan needs to be much more than a policy document. It must also reflect an equitable, shared vision that supports all our community members.

Public Notice and Comments

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. - *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development on May 20, 2021. Notice of the June 28, 2021 Planning Commission public hearing was also provided to the Citizen Involvement Committee, Natural Resources Committee, Neighborhood Associations, and affected service districts, agencies and parties by email on June 8, 2021.

II. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed annexation code amendments are consistent with applicable approval criteria.

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: The proposal qualifies as initiated as a legislative request by the Economic Development Department at the direction of the City Commission.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may

adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. *Notice of Final Decision.* Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Finding: This legislative action followed the procedures found in OCMC 17.50.170 including meetings with the Citizen Involvement Committee, Planning Commission, and City Commission.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;

Finding: This legislative action is consistent with the applicable goals and policies of the comprehensive plan as detailed in the responses below. Therefore, the proposed amendments are consistent with Criterion (A).

Conformity of the proposal with the city's comprehensive plan;

Goal 1: Citizen Involvement

Goal 1.1 – Citizen Involvement Program

Policy 1.1.1 Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.4 – Community Involvement

Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.

Finding: This proposal makes no changes to the City's citizen involvement program or public notification procedures. Residents and taxpayers within 300 feet of the proposed installation site will receive public notice of the public art mural. The public process that led to the legislative file included robust community engagement, as described in this staff report.

Comprehensive Plan Section 2 Land Use

Goal 2.2: Downtown Oregon City

Develop the Downtown area (which includes the historic downtown area, the “north end” of the downtown, Clackamette Cove, and the End of the Oregon Trail area) as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for foot and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Policies

- | | |
|---------------------|--|
| Policy 2.2.1 | <i>Develop and promote a vision for the economic development and redevelopment of the downtown area that solidifies the Downtown Community Plan and Waterfront Master Plan.</i> |
| Policy 2.2.2 | <i>Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the regional center develops to its maximum capacity and realizes its full potential.</i> |
| Policy 2.2.3 | <i>Encourage the development of a strong and healthy historic downtown retail, office, and residential center.</i> |
| Policy 2.2.4 | <i>Work with major stakeholders, develop and implement a strategy to help the historic downtown area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.</i> |

Finding: The mural program will add opportunities to create a stronger sense of place within downtown Oregon City and will support downtown revitalization and tourism development.

Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The mural program will add opportunities to create a stronger sense of place within Oregon City neighborhoods. One of the purposes of the proposed Sign Code is to “Maintain and enhance the scenic and other aesthetic qualities of the city,” and input from a variety of citizens and groups informed the implementation of the sign code criteria and the proposed mural program to achieve this goal.

Goal 2.5 Retail and Neighborhood Commercial

Policy 2.5.3 *Review design standards and the sign code to ensure compatibility with existing neighborhoods.*

Policy 2.5.4 *Encourage the development of successful commercial areas organized as centers surrounded by higher density housing and office uses, rather than as commercial strips adjacent to low-density housing.*

Policy 2.5.5 *Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEEDTM-certified buildings and environmentally responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.*

Finding: The Comprehensive Plan calls for a review of the sign code (Policy 2.5.3). The City updated the sign code in 2015 through a robust process that resulted in numerous revisions and updates to the signage regulations. At that time, a Community Advisory Committee drafted mural program elements and associated code language, but the code was not part of the 2015 code update. The 2015 update did formally recognize all existing, legal murals in the City, but did not provide an avenue for additional murals.

Murals are proposed to be permitted in the following zones:

- Mixed Use Downtown
- Mixed Use Corridor 1
- Mixed Use Corridor 2
- Willamette Falls Downtown District
- Institutional
- General Commercial
- Any use that is listed under permitted uses in the Institutional district in 17.39.020 but located in a non-Institutional Zone.

See Exhibit 7 for zoning map.

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map

Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Policy 2.7.2 *Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:*

- Low Density Residential (LR)
- Mixed Use Downtown (MUD)

- *Medium Density Residential (MR)*
- *High Density Residential (HR)*
- *Commercial (C)*
- *Mixed Use Corridor (MUC)*
- *Mixed Use Employment (MUE)*
- *Industrial (I)*
- *Public and Quasi-Public (QP)*
- *Parks (P)*
- *Future Urban Holding (FUH)*

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposal will maintain the existing Oregon City Land Use Map as the official long range planning guide for land use development of the city by types, density and location (Goal 2.7).

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5.2 Scenic Views and Scenic Sites

Policy 5.2.1 *Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.*

Policy 5.2.2 *Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.*

Finding: This proposal makes no changes to the existing inventories of open space, scenic and historic areas, and natural resources or the adopted maps, code and policies pertaining thereto.

Goal 5.3 Historic Resources

Policy 5.3.3 *Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.*

Policy 5.3.8 *Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.*

Finding: This proposal makes no changes to the existing inventories of open space, scenic and historic areas, and natural resources or the adopted maps, code and policies pertaining thereto. The proposal for a new HRB Policy will ensure that murals proposed on designated historic structures do not have an adverse effect on the structure.

Goal 9: Economic Development

Goal 9.6: Tourism Promote Oregon City as a destination for tourism.

Policy 9.6.1 *Protect historic, recreational, and natural resources as the basis for tourism, such as the historic downtown.*

Policy 9.6.2 *Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and Train Depot.*

Policy 9.6.3 *Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.*

Finding: This proposal enhances goal 9, by catalyzing community, enhancing vibrancy and livability of neighborhoods, contributing to placemaking, and attracting visitation. One of the purposes of the Sign Code is to "Support the economic development of Oregon City businesses." The development of the 2015 sign code and the current proposed amendments included input from a variety of business owners that resulted in provisions to allow a variety of signage types for businesses.

Statewide Planning Goals

Finding: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. Since the City's Comprehensive Plan and its ancillary documents are already acknowledged by the Oregon Department of Land Use and Conservation (DLCD), no further analysis for consistency with Statewide Planning Goals is required.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
 - 1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 - 3. *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Staff held the required pre-application conference meeting in September 2020, along with subsequent meetings with Economic Development staff.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a*

weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: staff presented the amendments to the Citizen Involvement Committee on May 3rd, 2021.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

 - 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.**
- D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

 - 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.**
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: Legislative actions are not subject to the 120-day deadline.

III. RECOMMENDATION

Based on the findings in this report, staff recommends amendments to OCMC 15.28 for a Public Mural program. Staff will prepare an Ordinance when the matter is before the City Commission for its consideration and adoption.

EXHIBITS:

1. Proposed Amendments to Chapter 15.28
2. Applicant Narrative
3. Public input matrix
4. Proposed HRB Policy for Murals
5. Public Comment
6. Zoning Map – Proposed zones where murals are permitted
7. Proposed Mural Program Application form, fees, and guidelines
8. Map of Historic Structures in Areas where murals would be permitted

PROPOSED CODE AMENDMENT – DRAFT July 13, 2021 (Not Adopted)

Proposed amendments shown in red underline text.

Changes based on City Commission direction at the July 7, 2021 hearing are shown in green underline.

Chapter 15.28 - SIGNS

Footnotes:

--- (1) ---

Editor's note— Ord. No. 14-1003, § 1, adopted May 20, 2015, effective Nov. 1, 2015, effectively repealed Chapter 15.28, §§ 15.28.010—15.28.110, and Exhibit 1 to said ordinance enacted a new Chapter 15.28 as set out herein. The former Chapter 15.28 pertained to similar subject matter. See Ordinance List and Disposition Table for derivation.

15.28.010 - Purpose of sign regulations.

This chapter regulates the construction, placement and maintenance of signs to protect and enhance public health, safety, welfare and property. The code:

- A. Allows signs compatible with the character and uses allowed in the zoning district in which they are located;
- B. Maintains the effectiveness of traffic control signs throughout the city;
- C. Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;
- D. Maintains and enhances the scenic and other aesthetic qualities of the city;
- E. Supports the economic development of Oregon City businesses;
- F. Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and
- G. Is not intended to regulate the content of signs in any way.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.020 - Definitions.

"Abandoned sign" means a sign structure where no sign has been in place for a continuous period of at least six months.

"A-frame sign," also known as "sandwich board" or "tent sign," means a movable steeply angled sign with two sides that meets at the top in the shape of the letter "A" and is not attached to a structure or the ground.

"Air blown sign" means a sign that is intended to be inflated by air or other gas.

"Ancillary sign" means any sign allowed by this code, with or without permit, that is not a freestanding, incidental freestanding, wall, roof or projecting sign. If allowed within the zoning designation, ancillary signs include, but are not limited to: A-frame signs, flags (excluding attention flags), and banners.

"Attention flag" also known as "flutter," "feather," "teardrop," or "blade," means a pole-supported sign made of fabric, vinyl, or other similar non-rigid material, where one side of the sign is more than three times as long as any other side.

"Banner" means a sign made of fabric, vinyl, or other similar non-rigid material.

"Banner on street light pole" means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed in the right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.

"Billboard" means a sign with a display area of three hundred square feet or more, including, but not limited to, outdoor advertising signs as defined in ORS 377.710(21).

"Business" means any trade, profession, occupation or pursuit of every kind conducted in the city for gain.

"Compensation" means the exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and where the building owner or leaseholder fully controls the content of the art mural.

"Construct" or "constructed" means to construct, erect, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Cross street banner" means a sign made of fabric, vinyl, or other similar non-rigid material intended to be displayed over the right-of-way for a limited period of time which complies with Chapter 15.28 of the Oregon City Municipal Code and the Signs in the Right-of-Way Policy.

"Display" means an arrangement of objects intended to decorate, advertise, entertain, or inform people about something.

"Display area" means the total size of all sign faces on a sign.

"Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

"Flag" means a piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached, excluding banners.

"Freestanding sign" means a sign wholly supported from the ground by its own integral structure.

"Frontage" means the full length of a parcel of property that abuts a dedicated street, highway, or a city-approved vehicular public access easement.

"Government owned sign" means a sign owned by a government agency, but does not include a sign constructed by a third-party with grant funds obtained from a government agency.

"Incidental freestanding sign" means a sign wholly supported from the ground by its own integral structure, excluding A-frame signs. The maximum size allowed is less than that of a freestanding sign and greater than an ancillary sign.

"Maintenance" means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing, or repairing unusable or broken portions of the sign, and repairing defective lighting.

"Premises" means a lot or number of contiguous lots under the same ownership.

"Projecting sign" means a sign projecting more than one foot from the wall of a building.

"Public Art Mural" means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, metal, executed by hand directly upon, or affixed directly to an exterior wall or

rooftop of a building, where the work of visual art has been approved by the Arts Commission and accepted by the City into its public art collection pursuant to this Chapter.

"Roof sign" means a sign constructed or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, figure, painting, drawing, placard, poster, billboard, carving or other thing that is designed, used or intended to convey a message or image and is used to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display area.

"Sign face" means the total area as measured pursuant to Section 15.28.050.

"Sign official" means any person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

"Tenant space" means the portion of a structure occupied by a single commercial lease holder, or an owner-occupied space with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

"Traffic control sign or device" means a sign approved by the public works department through the right-of-way permit process, where the sign complies with the city's street standards and/or the Manual on Uniform Traffic Control Devices (MUTCD). In addition, traffic control sign or device includes signs on private property associated with an approved traffic control plan prepared by a transportation engineer and approved by the city through a site plan and design review process that does not involve the content of a sign.

"Undeveloped lot" means a property without a building, business or valid land use approval.

"Wall sign" means a sign that is attached to the wall of a building and extends no more than twelve inches from a wall.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.030 - Scope of sign regulations.

All signs shall be constructed and maintained only as provided by this chapter, except for any of the following:

- A. Signs not visible from either a right-of-way or property under different ownership, provided such signs are constructed and maintained in accordance with applicable law;
- B. Signs inside a building, except for strobe lights visible from the right-of-way or other private property;
- C. Signs carved into or part of materials that are an integral part of a building;
- D. Signs attached to, or carried by a person;
- E. Signs required by law or legal action;
- F. Government owned signs within the right-of-way, government-designated parks, Metro-designated open space and at stormwater facilities;
- G. City owned signs;
- H. Public art murals identified on the Oregon City Existing Mural List; and
- I. Traffic control signs and devices.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.040 - Permit required.

- A. Permit Required. No sign shall be constructed except as provided by this chapter and after a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter.
- B. Any of the following signs on private property are subject to compliance with this chapter but do not require a sign permit:
 - 1. Changes of copy whereby the sign size and material are not changing but the message is changed; or
 - 2. Ancillary signs (excluding banners) with no more than two faces and which do not exceed a display area of twelve square feet and a sign face of six square feet.
- C. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application. The amount of the fee shall be adopted by resolution of the city commission. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is constructed in compliance with the city code and to the specifications described in the approved sign permit. Any permit issued under this chapter shall be void if the sign is not constructed in accordance with any conditions of the permit and the applicable requirements of this chapter within ninety days following the date of its issuance, excluding any appeals of the city's decision. Any permit issued under this chapter shall remain in effect as long as the sign is constructed as approved in the permit and maintained as required in 15.28.140. If an applicant seeks to have the city treat its property as a premises for purposes of the sign code, then the application shall explain how the property meets the definition of premises in Section 15.28.020.
- D. Appeals. Any party aggrieved by a decision of the sign official may appeal the decision to the planning commission. Any such appeal shall be in writing and be received by the city recorder no later than fourteen days after the date the challenged decision is final. The planning commission or city commission may initiate an appeal on its own motion within the fourteen-day period. The appropriate appeal fee established by resolution of the city commission shall accompany the appeal. Proceedings before the planning commission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to city commission review of planning commission decisions involving conditional use permits.
- E. In addition to this chapter, signs shall be approved by the historic review board as required by Oregon City Municipal Code Section 17.40.060. The review shall not consider the content of the sign in any way.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.050 - Measuring sign dimensions.

- A. The following criteria shall be used for the purpose of determining the boundaries of a sign:
 - 1. The sign face includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign face.
 - 2. When signs are constructed in multiple separate pieces the sign face is calculated by measuring the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure,

character and light surface, but excluding essential sign structure, foundations or support on all pieces collectively.

- B. Sign width is measured as the horizontal distance between the outermost area of sign face for wall signs and includes the supporting structure for all other sign types.
- C. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign, including any supporting structure.
- D. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

Figure 15.28.050.A Two-Dimensional Signs

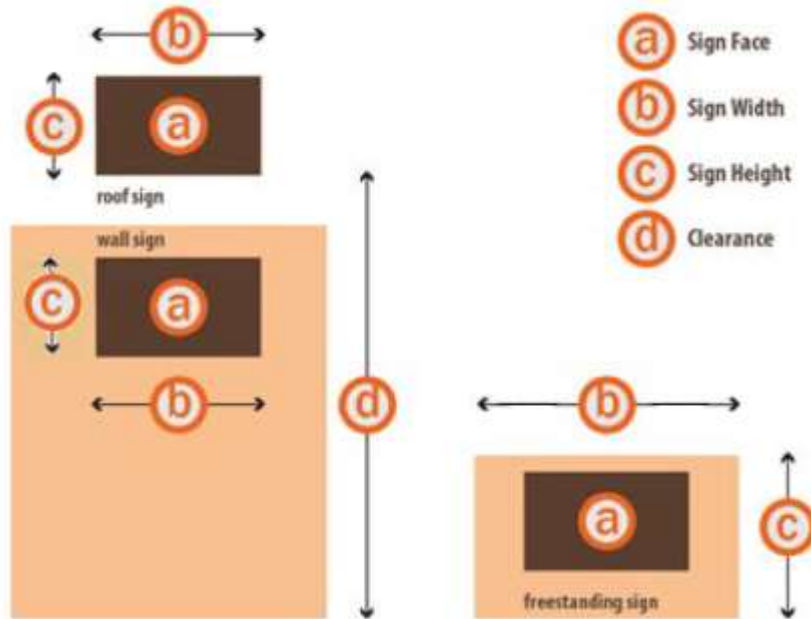
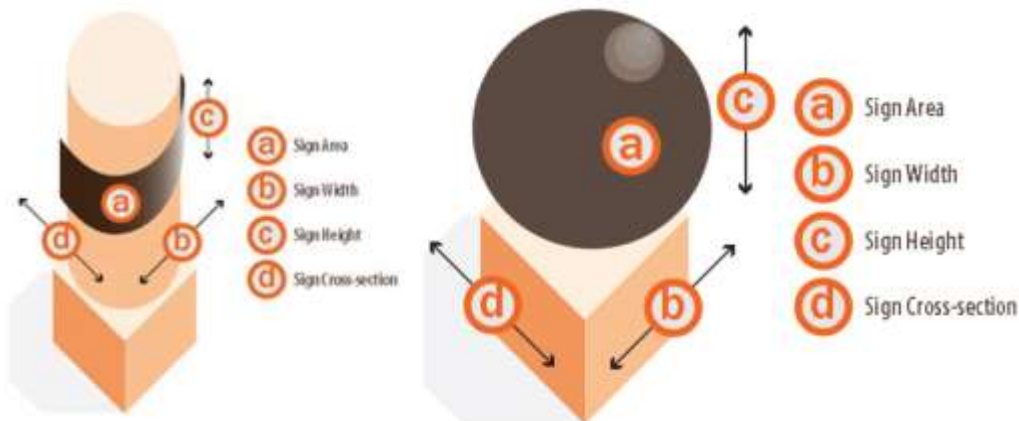


Figure 15.28.050.B Three-Dimensional, Round or Irregular Signs



(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.060 - Signs in residential zones (excluding multi-family).

These standards apply to the following zoning designations: "R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, and "R-3.5" Dwelling District, except for those subject to Section 15.28.070 or 15.28.100.

- A. General. All of the following standards apply to all signs in residential zones (excluding multi-family):
 - 1. A minimum of fifty percent of the sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
 - 2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
 - 3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 - 4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Sign. All of the following standards apply to wall signs in residential zones (excluding multi-family):
 - 1. A maximum of one wall sign is allowed for each property frontage. A wall sign is prohibited if there is a projecting sign along the same property frontage.
 - 2. The sign face shall not exceed twelve square feet.
 - 3. The sign width shall not exceed five linear feet.
- C. Freestanding Sign. Freestanding signs are prohibited.
- D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.
- E. Projecting Signs. All of the following standards apply to projecting signs in residential zones (excluding multi-family):
 - 1. A maximum of one projecting sign is allowed for each property frontage. A projecting sign is prohibited if there is a wall sign along the same property frontage.
 - 2. The display area shall not exceed twenty-four square feet and the sign face shall not exceed twelve square feet.
 - 3. The sign shall not have more than two faces.
 - 4. The projection from a building wall shall not exceed six feet and shall not project within two feet of the curb line.
 - 5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 - 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. Roof signs are prohibited.
- G. Ancillary Signs. All of the following standards apply to ancillary signs in residential zones (excluding multi-family):
 - 1. A maximum of two ancillary signs are allowed per property.
 - 2. The sign shall not have more than two faces.
 - 3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.
 - 4. Banners are prohibited in residential zones unless approved under Section 15.28.070.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.065 - Signs in multi-family residential zones.

These standards apply to the "R-2" Multi-Family Dwelling District zoning designation, except for those subject to Section 15.28.070 or 15.28.100.

- A. General. All of the following standards apply to all signs in multi-family residential zones:
 - 1. A minimum of fifty percent of the sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
 - 2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
 - 3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 - 4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Sign. All of the following standards apply to wall signs in multi-family residential zones:
 - 1. A maximum of one wall sign is allowed for each property frontage. A wall sign is prohibited if there is a projecting sign along the same property frontage.
 - 2. The sign face shall not exceed twenty square feet.
 - 3. The sign width shall not exceed five linear feet.
- C. Freestanding Sign. All of the following standards apply to freestanding signs in multi-family residential zones:
 - 1. A maximum of one freestanding sign for each property frontage is allowed.
 - 2. The display area shall not exceed forty square feet and the sign face shall not exceed twenty square feet.
 - 3. The sign width shall not exceed ten linear feet.
 - 4. The sign height shall not exceed five feet.
- D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.
- E. Projecting Signs. All of the following standards apply to projecting signs in multi-family residential zones:
 - 1. A maximum of one projecting sign is allowed for each property frontage. A projecting sign is prohibited if there is a wall sign along the same property frontage.
 - 2. The display area shall not exceed forty square feet and the sign face shall not exceed twenty square feet.
 - 3. The sign shall not have more than two faces.
 - 4. The projection from a building wall shall not exceed six feet and shall not project within two feet of the curb line.
 - 5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 - 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. Roof signs are prohibited.

- G. Ancillary Signs. All of the following standards apply to ancillary signs in multi-family residential zones:
1. A maximum of two ancillary signs are allowed per property.
 2. The sign shall not have more than two faces.
 3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.
 4. Banners are prohibited in multi-family residential zones unless approved under Section 15.28.070.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.070 - Signs for conditional uses in residential zones.

These standards apply to all conditional uses within a residential zoning district ("R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, "R-3.5" Dwelling District, and "R-2" Multi-Family Dwelling District) unless otherwise limited in the conditional use approval. Conditional uses are identified within each applicable zoning designation. Signs within the right-of-way shall comply with Section 15.28.100.

- A. General. All of the following standards apply to all signs for conditional uses in residential zones:
1. With the exception of banners, at least fifty percent of the wall sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
 2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
 3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Sign. All of the following standards apply to wall signs for conditional uses in residential zones:
1. A maximum of one wall sign per frontage is allowed.
 2. The sign face shall not exceed thirty-two square feet.
 3. The sign width shall not exceed ten linear feet.
- C. Freestanding Sign. All of the following standards apply to freestanding signs for conditional uses in residential zones:
1. A maximum of one freestanding sign per lot is allowed.
 2. The display area shall not exceed sixty-four square feet and the sign face shall not exceed thirty-two square feet.
 3. The sign width shall not exceed ten linear feet.
 4. The sign height shall not exceed fifteen feet.
- D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.
- E. Projecting Signs. All of the following standards apply to projecting signs for conditional uses in residential zones:

1. A maximum of one projecting sign is allowed if there is not a freestanding or wall sign on the same frontage.
 2. The display area shall not exceed sixty-four square feet and the sign face shall not exceed thirty-two square feet.
 3. The sign shall not have more than two faces.
 4. The projection from a building wall shall not exceed six lineal feet and shall not project within two feet of the curb line.
 5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. Roof signs are prohibited.
- G. Ancillary Signs. All of the following standards apply to ancillary signs for conditional uses in residential zones.
1. A maximum of two ancillary signs (including banners) are allowed per property.
 2. The sign shall not have more than two faces.
 3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.
 4. Additional standards for banners:
 - a. For a single property, banners may be in place for up to thirty days, up to twice per year.
 - b. Banners shall be securely placed against a building wall and may not project from the wall.
 - c. The sign length shall not exceed six lineal feet.
 - d. The sign height shall not exceed four lineal feet.
 - e. Banners are prohibited within a historic district and on any property designated as a historic landmark.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.080 - Signs in office, commercial, mixed use and industrial zones.

The following standards apply to signs in office, commercial, mixed use and industrial zones which are not identified in Section 15.28.060, 15.28.065, 15.28.070, or 15.28.100 unless otherwise provided by this code.

- A. General. All of the following standards apply to all signs in office, commercial, mixed use and industrial zones:
1. With the exception of projecting or wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
 2. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- B. Wall Signs. All of the following standards apply to wall signs in office, commercial, mixed use and industrial zones:
1. The number of wall signs is unlimited provided the total combined display area of wall signs, projecting signs and banners does not exceed twenty square feet for each ground floor

tenant space on which the sign is constructed. For ground floor tenant spaces exceeding twenty feet of wall length on which the sign is constructed and tenant spaces not on the ground floor, signage shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed.

2. Signs on structures such as awnings, canopies, false fronts and wall extensions that do not extend more than one foot from the structure are considered wall signs.
- C. Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:
1. A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.
 2. Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.
 3. Maximum display area:
 - a. Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.
 - b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.
 - c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.
 - d. In no case shall any sign have a display area in excess of three hundred square feet.
 4. The sign width shall not exceed twenty linear feet.
 5. Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.
- D. Incidental Freestanding Signs. All of the following standards apply to incidental signs in office, commercial, mixed use and industrial zones:
1. A maximum of one incidental freestanding sign is allowed for each street frontage.
 2. The display area shall not exceed sixteen square feet and the sign face shall not exceed eight square feet.
 3. The sign height shall not exceed fifteen feet.
- E. Projecting Signs. All of the following standards apply to projecting signs in office, commercial, mixed use and industrial zones:
1. A maximum of one projecting sign is allowed for each tenant space if there is not a freestanding or roof sign on the same frontage.
 2. The total combined display area of projecting signs and wall signs shall not exceed one square foot per each lineal foot of the wall length of the tenant space on which the sign is constructed. Each ground floor tenant space may have a minimum sign face of twenty square feet, regardless of the limitation above.
 3. The sign shall not have more than two faces.
 4. The projection from a building wall shall not exceed six lineal feet and shall not project within two feet of the curb line.

5. The projection above the wall on which the sign is constructed shall not exceed one foot.
 6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
- F. Roof Signs. All of the following standards apply to roof signs in office, commercial, mixed use and industrial zones:
1. A maximum of one roof sign is permitted for each frontage if there is no projecting sign or freestanding sign along the frontage.
 2. Maximum display area:
 - a. Where the street frontage is less than fifty feet, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.
 - b. Where the street frontage is fifty feet or greater but less than two hundred feet, the display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.
 - c. Where the street frontage is two hundred feet or greater, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.
 - d. In no case shall any sign have a display area in excess of three hundred square feet.
 3. The sign width shall not exceed twenty feet and the sign height may not exceed ten feet.
 4. Skirting is required to obscure exposed hardware used to attach the sign to the roof, as viewed from the adjacent street level perspective.
- G. Ancillary Signs. All of the following standards apply to ancillary signs in office, commercial, mixed use and industrial zones:
1. A maximum of two ancillary signs (including banners) are allowed per property.
 2. The sign shall not have more than two faces.
 3. The maximum display area is twelve square feet and the maximum sign face is six square feet.
 4. Additional standards for banners:
 - a. For a single property, banners may be in place for up to thirty days, up to twice per year.
 - b. Banners shall be securely placed against a building wall and may not project from the wall.
 - c. Banners shall comply with the wall sign size requirements and the sign length shall not exceed six linear feet.
 - d. The sign height shall not exceed four lineal feet.
 - e. Banners are prohibited within a historic district and on any property designated as a historic landmark.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.090 Public art murals.

- A. Public Art Mural Program Intent and Purpose. The intent and purpose of this section is to encourage the production of public art murals for acquisition by the City. Public art murals are a medium of expression which serves the public interest in unique ways, including, but not limited to: enhancing

the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime.

B. Criteria for Public Art Murals. All of the following criteria shall be met for public art murals:

1. Public art murals shall remain in place, without alteration, for a period of not less than five (5) years, except as may be specified by a designated governing body or by the Arts Commission in the conditions of approval. Within 30 days of the end of the approval period, the public art mural shall be removed unless a new approval is granted. Alterations to an approved and/or installed mural shall receive approval by a designated governing body or the Arts Commission.
2. No public art murals shall be allowed on single-family dwellings, duplexes, 3-4 plexes, designated historic structures that were originally constructed as a residential use, or multi-family dwellings. As used in this subsection, single-family dwellings, duplexes, 3-4 plexes, or multi-family dwellings do not include mixed-use buildings which contain a single-family dwelling, duplex, or multi-family dwellings.
3. Public art murals shall only be permitted within approved zoning districts.
 - a. Approved zoning districts include:
 - i. General Commercial
 - ii. Mixed Use Downtown
 - iii. Mixed Use Corridor 1
 - iv. Mixed Use Corridor 2
 - v. Willamette Falls Downtown District
 - vi. Institutional
 - b. Any use that is listed under permitted uses in the Institutional district in 17.39.020 but located in a non-Institutional Zone.
4. The public art mural shall be painted, or if ceramic, glass tiles, tesserae, or metal, applied directly onto the surface of a building with a paint, ceramic, glass tiles, tesserae, or metal that ensures longevity, durability, and structural and surface stability. No part of the public art mural shall exceed the height of the structure to which it is tiled, painted, or affixed.
5. No part of the public art mural shall be placed over the exterior surface of any opening of a building in a manner that prohibits use of the opening, including its windows, doors, and vents.
6. No public art mural may contain electrical components, three dimensional structural elements; employ electrical lights as part of the image, moving structural elements, flashing or sequential lighting, interior lighting elements, any automated method that causes movement, or any method that causes periodic changes in the appearance, image or message of the public art mural.
7. Public art murals shall be located in a manner that is accessible to the public.
8. The mural proposal is not mechanically reproduced, or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, images digitally printed on vinyl.
9. The mural proposal shall include methods to mitigate the impacts of weather and vandalism and a commitment to repair the mural surface as necessary for a minimum of five years.
10. No compensation will be given or received for the display of public art murals or for the right to place the mural on another's property.
11. The approval and acceptance of each public art mural shall be contingent upon the conveyance of a public art mural easement to the City from the owner of the building upon which the mural will be located, in a form approved by the City Attorney. The terms of the easement shall grant the right to create the public art mural on the wall of the building and provide that the person

granting the easement will maintain and restore the public art mural in its original condition for the period of the easement, and state that upon termination of the easement, the mural shall be removed, and the building restored to its prior condition.

C. Approval Process.

1. Public art murals shall be approved by the Oregon City Arts Commission at a public hearing based on the criteria in the Oregon City Municipal Code. Notice of the application and the hearing date shall be published online and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred (300) feet of the proposed mural location. Notice shall be issued at least twenty (20) days pre-hearing, and the staff report shall be available at least seven (7) days pre-hearing. At the evidentiary hearing held before the Arts Commission, all issues shall be raised and addressed. Failure to raise an issue at the hearing will preclude review on that issue.
2. In lieu of an active Arts Commission, the City Commission will review the proposal through the public hearing process described in subsection 15.28.090.C.1.

D. The decision is appealable to the City Commission on the record. Notice of the appeal shall be received in writing by the Economic Development Department within fourteen (14) calendar days from the date the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

1. All of the following shall be included as part of the notice of appeal:

- a. The City file number and date the decision to be appealed was rendered;
- b. The name, mailing address and daytime telephone number for each appellant;
- c. A statement of how each appellant has an interest in the matter and standing to appeal;
- d. A statement of the specific grounds for the appeal;
- e. The Appropriate Appeal Fee. Failure to include the appeal fee within the appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a City-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Oregon City Municipal Code Section 17.50.290.C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.

2. Standing to Appeal. Only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision. Grounds for appeal are limited to those issues raised in writing before the close of the public record. No new evidence shall be allowed.

3. Notice of the Appeal Hearing. The Economic Development Department shall issue notice of the appeal hearing to all parties who participated in writing before the close of the public record at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. Notice of the appeal hearing shall contain the following information:

- a. The file number and date of the decision being appealed;
- b. The time, date and location of the public hearing;
- c. The name of the applicant, owner and appellant (if different);

- d. The street address or other easily understood location of the subject property;
- e. A description of the permit requested and the applicant's mural proposal;
- f. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
- g. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
- h. A general explanation of the requirements for participation and the City's hearing procedures.

4. The City Commission decision on appeal is the City's final decision.

No person shall commence creation of any public art mural without first obtaining approval from the City, and executing an easement pursuant to section 15.28.090.(B).11. Murals that are created without approval through the aforementioned process that are not otherwise exempt pursuant to this chapter or are inconsistent with the conditions of approval from the City's decision shall not be deemed public art murals.

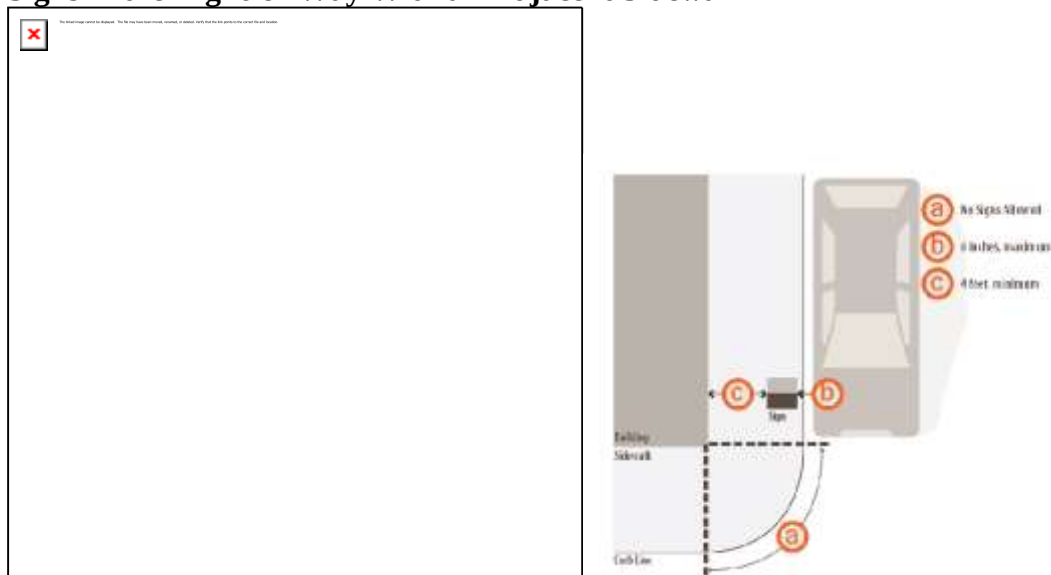
15.28.100 - Signs in the right-of-way.

All of these standards apply to all signage within the city of Oregon City right-of-way and signs located in compliance with Section 15.28.100.B.1.a, except exempt signs described in Section 15.28.030.

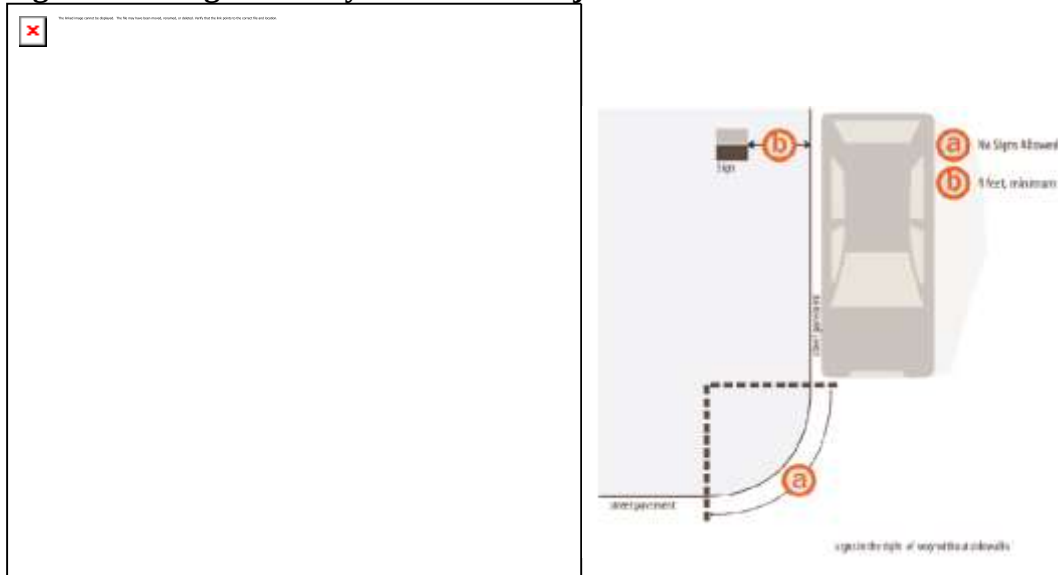
- A. Signs on the Ground Within the Right-of-Way. Signs on the ground within the right-of-way shall be permitted in the right-of-way in accordance with all of the following standards:
 - 1. Number of Signs Permitted:
 - a. A maximum of one sign within the right-of-way per property frontage not within the Mixed Use Downtown District, Willamette Falls Downtown Design District or Mixed Use Corridor 1 District zoning designations.
 - b. Within the Mixed Use Downtown District, Willamette Falls Downtown Design District, or the Mixed Use Corridor 1 District, the number of signs on the ground within the right-of-way is limited to the number of operating and accessible public entrances per building or buildings on the site, up to a maximum of three signs per frontage. All properties are allowed one sign on the ground within the right-of-way per property frontage regardless of the number of building entrances. Multiple doors at one entrance are allowed one sign. Multiple individuals or entities which share the same public entrance are allowed one sign.
 - c. Approved traffic control signs or devices do not count towards the number of signs permitted within the right-of-way.
 - 2. Material, Design and Size Standards:
 - a. The sign frame shall be wood, plastic or metal.
 - b. The sign shall be an A-frame sandwich design.
 - c. The sign may not be illuminated.
 - d. The sign width shall not exceed twenty-eight inches.
 - e. The sign depth shall not exceed two feet.
 - f. The sign height shall not exceed three feet.
 - g. The display area shall not exceed 12 square feet and the sign face shall not exceed six square feet.
 - 3. Placement Standards:

- a. Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas). The sign may not obstruct pedestrian or ADA access from the sidewalk to transit stop areas, designated ADA accessible parking spaces, ADA accessible ramps or building exits, including fire escapes. Signs may not impede or hinder the vision of drivers or bicyclists. The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices.
- b. For signs placed within the right-of-way with an adjacent sidewalk: The sign shall be placed within six inches of the face of the curb. Four feet of clearance width shall be retained on the sidewalk.

Figure 15.28.100.A.3.b:
Signs in the Right-of-Way With an Adjacent Sidewalk



- c. For signs placed in the right-of-way without an adjacent sidewalk: The sign shall be located outside of any street pavement and may not be located closer than four feet from the travel lane, turning lane, shoulder, parking lane or bicycle lane.

Figure 15.28.100.A.3.c:**Signs in the Right-of-Way Without an Adjacent Sidewalk**

- d. Signs placed in the right-of-way shall remain portable and shall not be attached or anchored in any manner to trees or public property, including, but not limited to, utility or light poles, parking meters, traffic control signs, the ground, or pavement.
4. Hours of Sign Placement:
 - a. For signs not within residential zoning designations: Signs may be within the right-of-way between the hours of nine a.m. and ten p.m.
 - b. Signs within residential zoning designations may be displayed on Thursday, Friday, Saturday, and Sunday between twelve p.m. and eight p.m. daily; and from six a.m. to one p.m. on Tuesday.
5. Approval of the adjacent property owner is required.
- B. Cross Street Banners. Temporary banners which extend over a roadway shall be permitted in the right-of-way upon issuance of a permit in accordance with the requirements contained in the most recently adopted Policy for Cross Street Banners and Banners on Street Light Poles. Banners shall be installed, re-secured, and removed by the city.
- C. Banners on Street Light Poles. Temporary banners on street light poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the requirements contained in the most recently adopted Policy for Cross Street Banners and Banners on Street Light Poles. Banners shall be installed, re-secured, and removed by the city.
- D. Signs which Project over the Right-of-Way from Private Property. With the exception of projecting signs, no sign on private property may project into the right-of-way. Signs projecting into the right-of-way shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.
- E. Who May Place the Sign. Permits for signs within the right-of-way are approved on a first-come, first-served basis.
- F. Right-of-Way Sign Permit Process.
 1. Signs on the Ground. For all properties not zoned residential, an annual A-frame sign within the right-of-way permit is required except on Thursday, Friday, Saturday, or Sunday between twelve p.m. and eight p.m. daily; or from six a.m. to one p.m. on Tuesday. Placement of signs

subject to this exception shall meet all other applicable requirements in this chapter. An approval sticker shall be placed on each sign within the right-of-way to easily distinguish the approved signs.

2. Cross Street Banner. A cross street banner within the right-of-way permit is required each time a cross street banner is installed.
 3. Banners on Light Posts. A street light banner permit is required each time a banner on a light post is installed.
 4. Signs which Project over the Right-of-Way from Private Property. Approval from the city engineer is required each time a sign is installed.
 5. The city commission shall establish permit fees for signs located within the right-of-way.
 6. The applicant shall comply with and obtain any permits issued by any other applicable agency.
- G. Liability. The sign owner shall assume all liability associated with a sign within the right-of-way regardless of whether a permit is required.
- H. Removal of Signs within the Right-of-Way.
1. Existing signs that do not comply with these standards or that have not obtained a valid permit may be removed.
 2. The city engineer may require signs to be modified, moved or removed if streets are widened or other improvements are made in the right-of-way that result in conditions where the sign placement will not comply with the above standards. The modification, moving or removing will be at the owner's expense.
 3. The city reserves the right to change or remove the approved cross street banners or banners on light posts at any time after the installation based on operational and/or safety conditions.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.110 - Prohibited signs.

It is unlawful for any of the following signs to be constructed or maintained except as otherwise provided in this chapter:

- A. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed views of traffic control signs or devices or approaching or merging traffic or does not comply with Chapter 10.32 or 8.08 of the Oregon City Municipal Code.
- B. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts which move or rotate or change more than three times per day, except as otherwise allowed within this code.
- C. A sign with lighting that is not effectively shielded to prevent beams or rays of light from being directed at any portion of the right-of-way or public vehicular accessway or sign that does not comply with the lighting requirements in OCMC 17.62.065.
- D. A sign located upon a tree, or painted or drawn upon a natural feature.
- E. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape.
- F. Any sign with a display area larger than twelve square feet or six square feet per sign face on an undeveloped lot or parcel of property.
- G. Attention flags.

- H. A-frame signs with a display area larger than twelve square feet or six square feet per sign face or taller than three feet.
- I. Air blown signs.
- J. Billboards.
- K. Signs on fences or fencing.
- L. Banners unless otherwise allowed by this chapter.
- M. Abandoned signs.
- N. Signs that emit any sound, vibration, or smell.
- O. Flags larger than one square foot for each lineal foot in height of the flag pole or structure to which the flag is affixed.
- P. Flags exceeding sixty square feet.
- Q. Signs that may be confused with public traffic signs or highway identification.
- R. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.120 - Nonconforming signs.

All of the following standards apply to all nonconforming signs:

- A. Signs that were lawfully constructed and otherwise lawfully existing but no longer comply with this code are allowed to remain until removed. Nothing in this section shall be deemed to prevent the maintenance of any sign, or changes of sign copy on a sign.
- B. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
- C. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this chapter.
- D. A nonconforming sign (including the sign structure, foundation and supports) that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter. Whenever repairs and restoration of a damaged nonconforming sign are not started within ninety days of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
- E. Abandoned signs shall not be deemed nonconforming signs. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign maintained in violation of this provision shall be considered abandoned and will be removed as provided in this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided in this chapter. Any nonconforming sign that is determined to be an abandoned sign shall be removed as provided in this chapter.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.130 - Variances.

All of the following standards apply to variances to this chapter:

- A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:
 - 1. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
 - 2. That the request is the minimum variance that would alleviate the hardship;
 - 3. Granting the variance will equal or exceed the purpose of the regulation to be modified;
 - 4. Any impacts resulting from the adjustment are mitigated;
 - 5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
 - 6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.
- B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.
- C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.140 - Maintenance.

All signs, together with all supporting structures, shall be well maintained and kept in a good state of repair. Without limiting the foregoing, all sign owners shall comply with all of the following maintenance:

- A. Shall keep signs and supporting structures free from rust, dirt, debris, and chipped, cracked or peeling paint.
- B. Shall remove hanging, dangling, and cracked portions from all signs and supporting structures.
- C. Shall repair frayed parts on all signs and supporting structures.
- D. Shall replace defective lighting on all signs and supporting structures.
- E. Shall remove graffiti and unauthorized stickers from all signs and supporting structures.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.150 - Violation—Penalty.

In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)

15.28.160 - Conflict and severability.

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, term or word is declared invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply. Any permit or approval issued in conflict with this chapter shall be void.

(Ord. No. 14-1003, § 1(Exh. 1), 5-20-2015)



OREGON CITY

Economic Development

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 722-3880

LEG-21-00002

APPLICATION FOR LEGISLATIVE CODE AMENDMENTS

May 12, 2021

APPLICANT: City of Oregon City, c/o Economic Development Department
625 Center St., PO Box 3040, Oregon City, OR 97045
James Graham, CED, Economic Development Manager
Matthew Weintraub, Tourism Program Specialist

REQUEST: Amendments to Chapter 15.28.020 of the Oregon City Municipal Code –
Definitions
Creation of Chapter 15.28.090 of the Oregon City Municipal Code – *Public art murals*

APPLICATION DATE: May 12, 2021

BACKGROUND

File No. LEG-21-00002 amends Chapter 15.28 of the Oregon City Municipal Code, which contains the procedures and conditions for signage. The amendment establishes a Public Art Mural Program and provides criteria upon which Staff, the Arts Commission and City Commission evaluate proposed art installations.

Public art murals are currently not allowed in Oregon City. Art and signage that is affixed to a building are currently regulated by Chapter 15.28 of the Oregon City Municipal Code. However, many municipalities in Oregon permit and regulate public art murals. A subsequent goal of the proposed code amendment is to provide clarity for City staff and officials on the interpretation and implementation of the City's role in the permitting process

The City Commission directed staff to identify amendments to the Oregon City Municipal Code that would allow for the installation of and clarity around public art murals to support the existing City-adopted Tourism Strategic Plan and in support of adopted Commission Goals.

PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Oregon City Historic Review Board, the Oregon City Planning Commission and the Oregon City Citizen Involvement Committee prior to adoption by the City Commission following public hearings.

The following direction was provided to guide staff in further amending the code:

- The code amendments should impinge on Oregon's First Amendment protections;
- Any code change should be accompanied by a user-friendly "how-to guide";
- A desire that the code clearly differentiate between murals and signs;

- Any codes amendments or processes should ensure continued preservation of historic buildings within Oregon City;
- The permitting process should be clear and attainable;
- Inclusion of a required maintenance agreement between parties;
- That the Oregon City Historic Review Board recommends a review waiver to allow staff to review mural permits applications on historically designated structures;
- To exclude the Oregon City Planning Commission from any role within the process;

SUMMARY OF CODE AMENDMENTS

For a Detailed Summary of the Amendments please refer to the attachment “Code Amendments Public Comments Matrix 5.12.21.”

II. APPLICABLE REGULATIONS AND APPROVAL CRITERIA

The applicable approval criteria for a legislative action are the guidance provided in the Oregon City Comprehensive Plan, the applicable goals and policies of the Oregon City Comprehensive Plan, and any applicable statewide planning goals.

The remainder of this staff report provides findings to demonstrate that the proposed annexation code amendments are consistent with applicable approval criteria.

Section 2 – *Land Use* of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

Regular Review and Update

Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. Plan implementation process;

The City Commission initiated the code amendment process starting with a work session held on September 8, 2020. The City Commission received a progress report of the process on March 9, 2021. The feedback provided at this work session helped form the draft code amendments.

Staff presented the amendments to the Citizen Involvement Committee on May 3rd, 2021.

The first evidentiary public hearing for the proposed amendments will be held with the Planning Commission and will follow the notice procedures for a legislative action per OCMC 17.50. The City Commission public hearing will be scheduled once the Planning Commission has completed their review and provided a recommendation on the proposed amendments.

The Department of Land Conservation and Development was notified as required by ORS 197.610 – 197.625. The Staff Report will be made available at least seven days prior to the public hearing and the application will be processed according to the Legislative Hearing Process as required under Oregon City Municipal Code 17.50.170. Implementation of the Plan is discussed further in Criterion 2.

2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*
3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*
4. *Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.*

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Response: The proposal qualifies as initiated as a legislative request by the Economic Development Department at the direction of the City Commission.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large

portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. **Hearing Required.** The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

C. City Commission Review.

1. **City Commission Action.** Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. **Notice of Final Decision.** Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Response: This legislative action will follow the procedures found in OCMC 17.50.170 including meetings with the Citizen Involvement Committee, Historic Review Board Natural Resource Committee, Planning Commission, and City Commission where applicable.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;

Applicant Response: This legislative action will be consistent with the applicable goals and policies of the comprehensive plan as detailed in the responses below. Therefore, the proposed amendments are consistent with Criterion (A).

Conformity of the proposal with the city's comprehensive plan;

Goal 1: Citizen Involvement

Goal 1.1 – Citizen Involvement Program

Policy 1.1.1 Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.4 – Community Involvement

Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.

Response: This proposal makes no changes to the City’s citizen involvement program or public notification procedures. Citizens will continue to receive notification about public art mural applications through the procedures in OCMC 17.50.170 for a legislative action. Residents and taxpayers within 300 feet of the proposed installation site will continue to receive public notice of the public art mural.

Comprehensive Plan Section 2 Land Use

Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Policy 2.4.1 *Develop local neighborhood plans to strengthen and protect residential neighborhoods and historic areas from infill development; such as development along linear commercial corridors.*

Policy 2.4.2 *Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

Policy 2.4.3 *Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.*

Policy 2.4.4 *Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.*

Policy 2.4.5

Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Response: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. The proposed public art mural code amendments may assist in achieving more livable neighborhoods (Goal 2.4).

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5.3 Historic Resources

Policy 5.3.8 *Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.*

Response: This proposal makes no changes to the existing inventories of open space, scenic and historic areas, and natural resources or the adopted maps, code and policies pertaining thereto.

Goal 9: Economic Development

Goal 9.6: Tourism - Promote Oregon City as a destination for tourism.

Policy 9.6.1 *Protect historic, recreational, and natural resources as the basis for tourism, such as the historic downtown.*

Policy 9.6.4 *Encourage and support citywide events that would attract visitors and tie to the historic attractions of the city. Preserve tourism-related transportation services like the Oregon City Elevator and Trolley.*

Response: This proposal enhances goal 9, by catalyzing community, enhancing vibrancy and livability of neighborhoods, contributing to placemaking, and attracting visitation

Statewide Planning Goals

Response: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. Since the City's Comprehensive Plan and its ancillary documents are already acknowledged by the Oregon Department of Land Use and Conservation (DLCD), no further analysis for consistency with Statewide Planning Goals is required.

Date/Name	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Laura Terway, James Graham, Matthew Weintraub September 2020 Staff Meeting	Free speech protections	<i>"Oregon's First Amendment protections are stronger than the US Constitution's and other jurisdictions have ran into trouble when attempting to regulate this. We should review our code to ensure we are not going to run afoul of the Oregon Constitution"</i> [conversation summary]	Article 1, Section 8 of the Oregon Constitution states, "No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. —" So that the proposed code amendments do not conflict with the State constitution, staff recommend that any provisions in the code which may impinge on an individual or property owner's free speech rights, be removed or alerted.	Staff have removed the following sections for the 2015 DRAFT code, B7, B9, B11.
Laura Terway, James Graham, Matthew Weintraub, Kelly Reid September 2020 Staff Meeting Public Comment from stakeholders meeting December 2020	MZD Locations	<i>Questions were raised by multiple staff members and by members of the public as to which zoning districts would murals be allowed to be painted within.</i>	In order to alleviate concerns or confusion arising from murals in largely residential districts staff recommend that murals be restricted to several commercial-centric zoning districts. This would further have the effect of accentuating the impact on the local visitor economy that murals may have. This was later expanded to include institutionally zones properties as well.	Staff have added Section B3 to the 2021 DRAFT code to expressly stipulate which zoning districts murals would be allowed within.
Laura Terway, James Graham, Matthew Weintraub September 2020	Murals affixed over openings of buildings	<i>Do we need to clarify the intent of the regulation "No part of the public art mural shall be placed over the exterior surface of</i>	Staff acknowledge that there may be some ambiguity as to why this section exists. Depending on the property, applying art over an opening may be	Staff have added intent to the code (Section B5). It now reads "No part of the public art mural shall be placed over

Staff Meeting		<i>any opening of a building, including its windows, doors, and vents.”?</i>	proposed by an applicant. Staff believe that this should be clarified.	the exterior surface of any opening of a building in a manner that prohibits use of the opening, including its windows, doors, and vents.”
Public Comment from stakeholders meeting December 2020	Vandalism resistance	<i>Multiple members of the public were concerned that the code requiring “methods to resist vandalism”</i>	Staff agreed that this was a subjective requirement and hard to regulate. Acts of vandalism may occur regardless of efforts to prevent them and it should not be a requirement of mural permit applicants to address this. Staff do believe that mural permit applicants <i>try</i> to ensure that art resists acts of vandalism, but that the City cannot compel this.	Staff have updated Section B9 to remove subject language. In permit application questions/programmatic guidelines staff have included language suggesting that permittees apply a coating to the finished artwork which makes removal of graffiti easier.
Public Comment from stakeholders meeting December 2020	Issuance of permits	<i>Members of the public expressed interest in what mechanism the City would use to issue permits for public art murals.</i>	Staff developed a system where the Oregon City Arts Commission and Staff would review permit applications and approve or deny the applications. In lieu of the Arts Commission, Staff would review applications. Applications for public art murals in historic districts, or on historically designated buildings would need to be reviewed and approved by the Historic Review Board.	Staff have updated Section C1 to reflect this.

From: [Kelly Reid](#)
To: [Kelly Reid](#)
Subject: FW: Mural Email
Date: Monday, June 21, 2021 11:43:46 AM

From: Liz Hannum <liz@downtownoregoncity.org>
Sent: Tuesday, June 8, 2021 3:04 PM
To: Kattie Riggs <kriggs@orcitey.org>
Subject: Fwd: Mural Email

Hey Kattie,

This is from a property owner in downtown in support of murals. Could you please add it to the packet for the commission when discussing murals? I didn't see it on any agendas coming up, but have been told by EcDev to expect it soon. Do you have a date scheduled yet?

Thanks,
 Liz

----- Forwarded message -----

From: **Danielle Walsh** <danielledeewalsh@gmail.com>
 Date: Tue, Jun 8, 2021 at 12:14 PM
 Subject: Mural Email
 To: Downtown Oregon City Association <liz@downtownoregoncity.org>

To Whom it May Concern:

White Rabbit Books and Black Ink Coffee are invested in allowing murals in Oregon City. Not only do murals showcase local talent and increase economic vitality, they also create more inviting and walkable areas for residents and tourists alike.

After purchasing 503 Main Street, we found that the exterior wall was actually an interior wall that would be unsafe for customers and staff in the case of an earthquake; additionally, the mural on the building was in part painted on plywood, which was cracked and peeling off. We were very surprised that after reinforcing the wall for safety (creating a second, exterior wall) that we would not be allowed to replace the mural.

Artwork connects people and drives conversations. It invites people to get out of their cars and out from behind electronics. To not have a codified process to legally have murals in our city is to stifle public art and freedom of expression, to hurt our identity as a community and as a tourism destination.

Thank you,
 Danielle and Rolland Walsh

--

Danielle and Rolland Walsh, Owners
White Rabbit Books & Gifts, Black Ink Coffee
503 Main Street
Oregon City, OR 97045

--

Liz Hannum
Executive Director

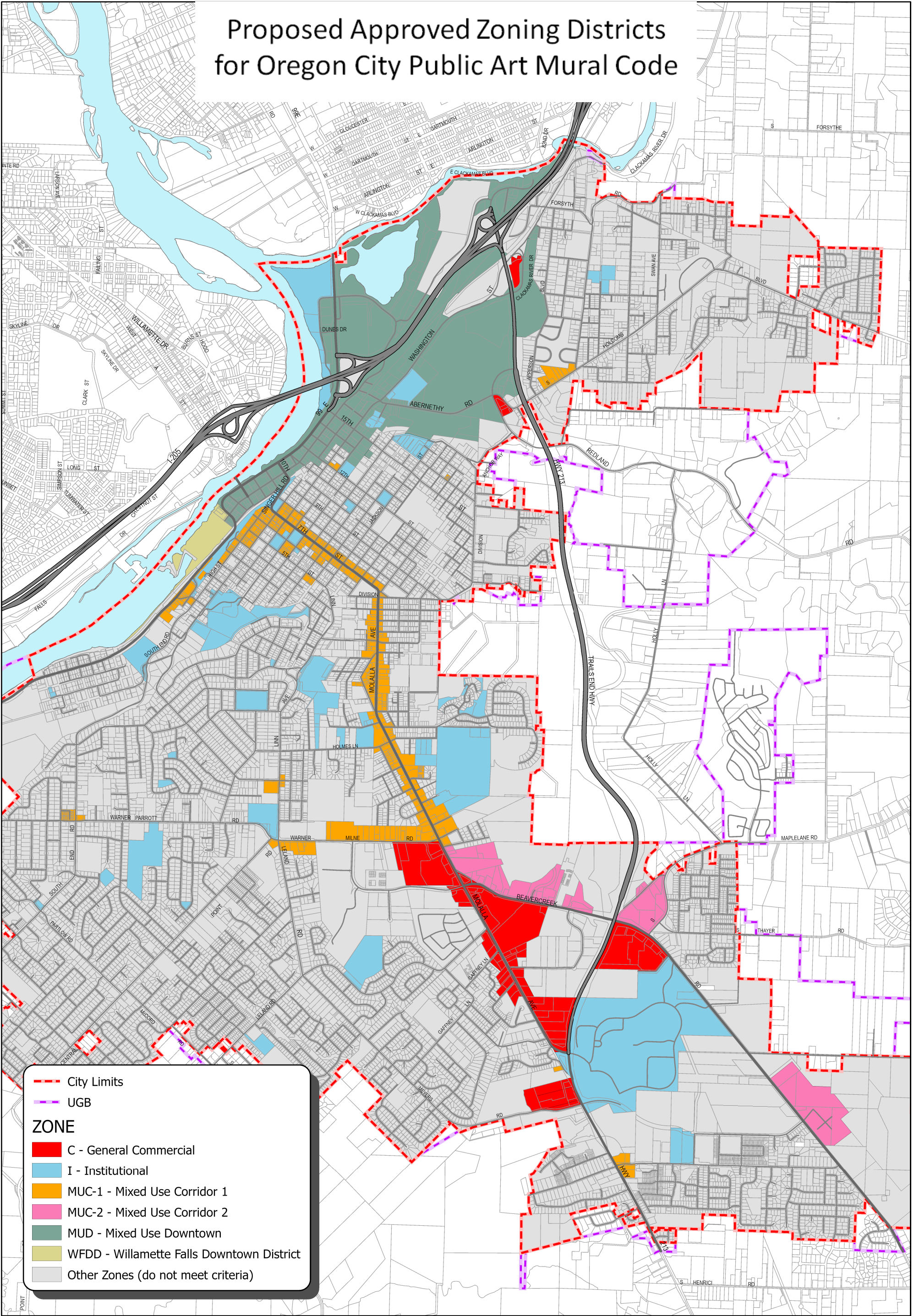
Downtown Oregon City Association
[814 Main Street](#)
[Oregon City, OR 97045](#)

liz@downtownoregoncity.org
Office (503) 802-1640
Direct (503) 802-1638

fb.com/downtownoc
downtownoregoncity.org

Subscribe to our email list for:
[Property and Business Owners and Volunteers](#)
[Downtown Events and Promotions](#)

Proposed Approved Zoning Districts for Oregon City Public Art Mural Code



City Limits

UGB

ZONE

C - General Commercial

I - Institutional

MUC-1 - Mixed Use Corridor 1

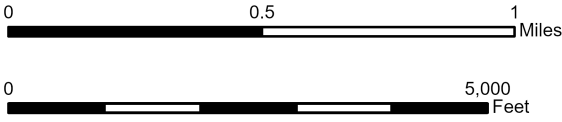
MUC-2 - Mixed Use Corridor 2

MUD - Mixed Use Downtown

WFDD - Willamette Falls Downtown District

Other Zones (do not meet criteria)

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.oregocity.org



Plot date: May 19, 2021
Plot name: Murals - Zoning - 11x17P - 20210519.pdf
Map name: Mural Maps.aprx

Please recycle with colored office grade paper.

Oregon City Public Art Mural Program
Application

Name of Applicant or Sponsoring Organization
Name of Contact Person
Email
Website
Applicant's Mailing Address
City/State/Zip
Phone

Artist Information

Lead Artist's Name
Email
Website
Artists Mailing Address
City/State/Zip
Phone
Names of other participating artists

Property Information
Proposed Mural Location (building or business name)
Street Address/Intersection
Property Owner's Name
Property Owner's E-mail
Property Owner's Phone
Business Owner's Name

Project Start Date

Project Completion Date

Please Complete the Following:

1. Briefly describe the proposed mural and its relation to the building, the surrounding neighborhoods and the community served by the business or agency where the mural will be painted.
2. Describe the wall and site where the mural will be located, including the size of the mural in relation to the actual wall size, street intersection, direction the mural will face, physical condition of the wall (cracks, leaks, concrete, wood, etc.) and visibility to the public.
3. Provide a color image of the proposed mural, with dimensions and placement on the building.

4. Describe the sponsoring organization (if applicable) including a brief narrative, date established, community served and contact information.
5. Specify type of paint or other materials to be used and include technical information about the material's durability, longevity and toxicity.
6. If the mural will be attached to the wall, describe the materials and include a drawing of the attachment plan.
7. Briefly describe the lead artist's experience working as a muralist and describe collaboration with community groups (if applicable).
8. List additional artists working on the project. For each artist, provide a resume or bio, and up to 6 images of the artist's work with an image list that includes the location, budget, year completed and a description of the artist's role (e.g. lead, collaborator, assistant.) For each artist, include a waiver of the Visual Artist Rights Act (attached.)
9. Outline your safety plan for painting or installing the mural. Will you be blocking a public right of way such as a sidewalk or street? If you will use scaffolding, lifts or ladders, include a plan for maintaining access to sidewalks, streets and businesses and insuring the safety of the public and the artists.
10. Attach letters of support from community, property owner and/or surrounding businesses (optional, but highly recommended.)
11. Mural Project Budget-Please attach a budget showing:
 - Income—including grants, donations and in-kind contributions. Which are confirmed?
 - Expenses-materials, fees to artists, equipment rental, etc.

Signatures

Applicant Certification

I, as the public art mural applicant, certify that the information and materials provided herein are correct and true to the best of my knowledge, and I have read, understand and will abide by the City of Oregon City Public Art Murals guidelines.

Signature

Name (print)

Date

Email

Phone

Property Owner Certification:

I certify that I am the owner of the project property. I further certify that I have read, understand, and will abide by the City of Oregon City Public Art Mural Guidelines, and I give permission for the placement of the mural as presented in the application.

Signature

Name (print)

Date

Email

Phone

Confirmation of Maintenance Responsibility:

I agree to maintain the mural as required by the City of Oregon City Public Art Mural Program. I understand that the City requires an anti-graffiti coating be applied to the completed mural to help abate graffiti and vandalism. In doing the maintenance, I will comply with any relevant provisions of City of Oregon City Municipal Code Sections XX (Business Licenses), XX (Public Safety), XX (Vehicles and Parking), and XX (Murals). [INSERT CODE LINK]

Signature

Name (print)

Date

Email

Phone

Relationship to the project (artist, property owner, business owner, property manager.)

Submit materials to:

Public Art Mural Program

City of Oregon City, City Hall 625 Center St. Oregon City, OR 97045

Contact: Matthew Weintraub, Tourism Program Specialist

mweintraub@orccity.org

Overview

Public art is a powerful tool for creating a sense of place and meeting the City of Oregon City's goals. Memorable public places strengthen our community. Such places attract us to various areas of the community, enliven our neighborhoods, enhance our experiences in parks, inform us about the history and peoples of our place, and celebrate our ethnic and cultural diversity.

As recognized by Oregon City's Tourism Strategic Plan, murals can be an integral part of any public art program. Murals increase community identity, beautify the city, serve as a tourist attraction and can provide an avenue for involving youth and others in artistic expression. Murals can also provide a reduction in the incidence of graffiti and other crime. To better serve these purposes, the City of Oregon City has created the Oregon City Public Art Mural Program.

The City of Oregon City's Mural Program is administered by the Economic Development Department. Applications for new outdoor public art murals are reviewed by staff, with final approval issued by a designated governing body or the Oregon City Arts Commission, an advisory council that promotes arts and culture throughout the city.

Murals approved through this program are exempt from the City sign code.

Eligibility

Any individual or organization wishing to create an outdoor mural in the City of Oregon City must submit their application for review by the Economic Development Department, regardless of the funding source. Applicants may be:

- An individual artist or group of artists
- A business or building owner
- A not-for-profit organization, such as a neighborhood association, educational or community organization. Federal tax-exempt status 501(c)(3) is not required.

Mural Requirements

Every applicant must demonstrate that they will:

- Create a mural that is visually accessible to the public.
- Use materials that ensure mural longevity and durability.
- If they are not the owner of the building, have the legal permission of the property owner in writing to create the proposed mural.
- Paint on a surface and structure that is stable and specifically prepared for the application of paint.
- Meet standards of Oregon City Historic Overlay, if applicable.

- Have a written plan for painting the mural that ensures the safety of painters and the public, and that does not impede public access. In the event that the safety plan submitted is not being adhered to, and the City has identified a safety risk to either the artist and/or the public, the City has the right to stop work until such time that safety issues or concerns are addressed by the artist.
- Use an approved graffiti/UV coating on the finished mural that provides resistance to vandalism and weather.
- Comply with any relevant provisions of City of Oregon City Municipal Code Sections XX (Business Licenses), XX (Public Safety), XX (Vehicles and Parking) and XX (Murals) [INSERT CODE LINK]

Approval Criteria

Murals in the City of Oregon City will be approved based on the following criteria:

- a fully completed application has been submitted to the Economic Development Department;
- mural is located within an approved Municipal Zoning District;
- mural is located in a place that is viewable by the public, and applicant must certify in writing that the property owner received no compensation for the display;
- medium is approved within the existing Oregon City Code [EMBED CODE LINK];
- original work of the artist, with no violation of copyrights;
- use of high-quality materials that will last a minimum of five years, and are resistant to weather and ultraviolet deterioration; and
- shows community support, with letters from the building owner, and building tenants and/or neighbors.

Mural Process

- Applicant meets with Economic Development Department staff for an initial review of the proposed location, imagery, artist's qualifications, funding sources and building owner's approval.
- Applicant submits a fully completed Mural Program Application.
- Economic Development Department staff will communicate with the applicant on code noncompliance issues or other issues that may impact either approval or denial of the proposal.
- Economic Development Department staff will confirm in writing that there are no outstanding issues with regard to the City's Mural Art Code.

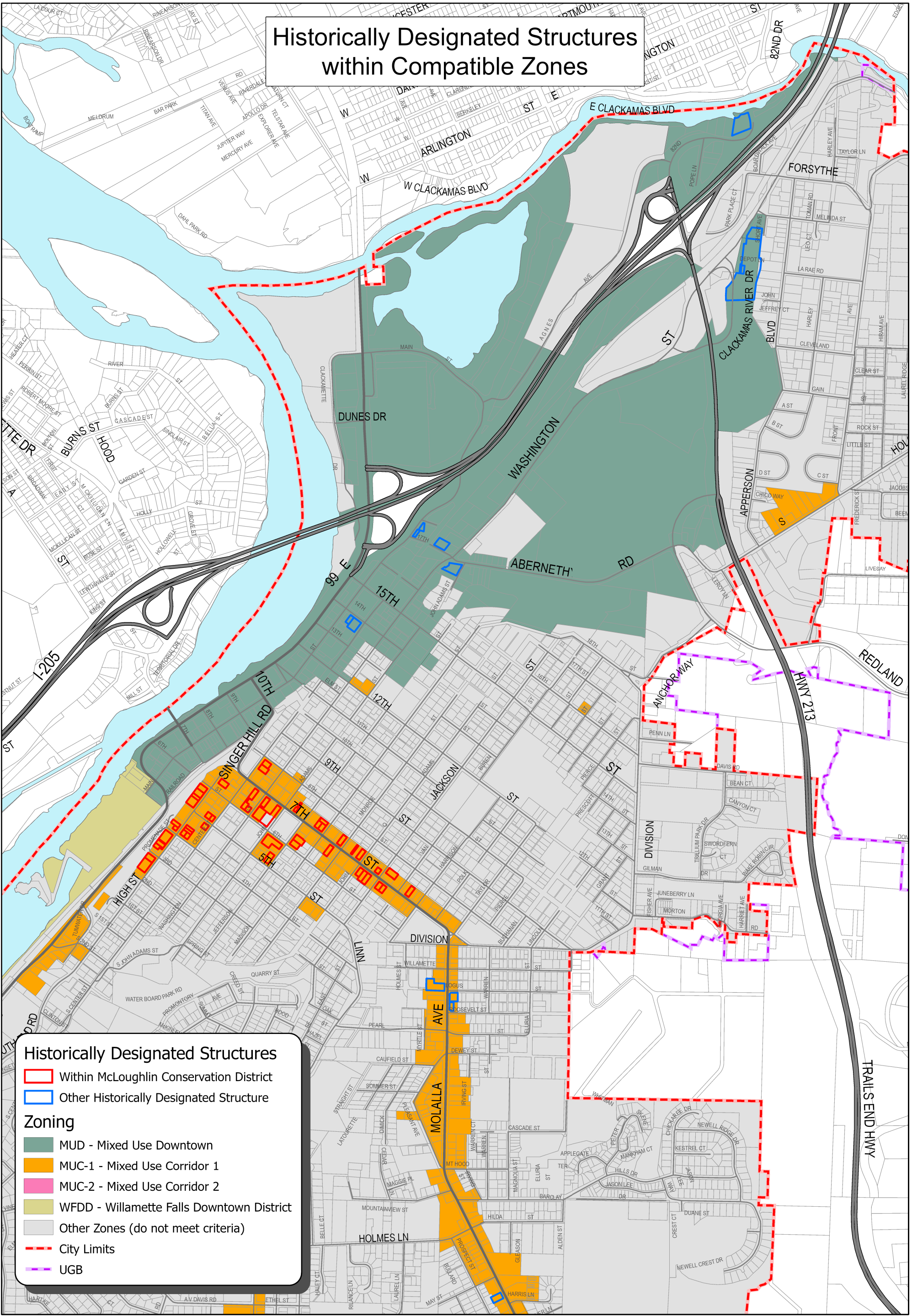
- Applications altered after initial review without staff approval and prior to public hearing will not be advance to public hearing.
- Staff and the applicant will present the proposal to the governing designated body or the Oregon City Arts Commission at a regularly scheduled meeting. If the proposal is approved, staff sends the applicant an official “Letter of Approval” and a Notice to Proceed.
- Revisions or Appeal. In the case that a mural is not approved, Economic Development Department staff will communicate to the applicant in writing the reasons for the decision of the designated governing body or Arts Commission. The applicant may address the concerns of the designated governing body or Arts Commission by submitting a revised proposal or appeal the decision to the City Commission.
- Applicant provides a copy of a signed Art Easement agreement in which the building owner commits to keep the mural unchanged and in good condition for a minimum of 5 years.
- Artist begins painting mural.
- Artist applies anti-graffiti coating to mural.
- Applicant installs the mural (if it is not painted directly on the wall.)
- Applicant contacts the Economic Development Department staff when mural is completed in accordance with the approved project timeline or on a mutually agreed upon modification of the timeline.
- Applicant provides digital images of completed mural for the City’s public records.
- The City of Oregon City does not take responsibility for maintenance and preservation of murals in the city, unless placed on City-owned property.
- A mural placed on a private structure becomes the responsibility of the building/property owner.
- The property owner or the party so designated, is responsible for periodically monitoring the condition of the mural and facilitating its care and maintenance, assuming any costs associated with its maintenance, repair and/or removal. Murals not maintained properly may be subject to Code Compliance penalties and removal.
- If a mural needs to be repaired, the staff of the Oregon City Economic Development Department will contact the artist to make the repairs.
- Alterations or removal of the mural must be approved by the staff of the Economic Development Department.
- Alterations to or removal of, the mural within the first five years of the date of completion are permitted under the following circumstances:
 - The building on which mural is located is sold; or
 - The building or property is substantially remodeled or altered in way that precludes continuance of mural.

- Prior to the conclusion of the 5-year Easement Agreement, Applicant and the Economic Development Department staff will review the condition of the mural and file an extended Easement Agreement or make plans to remove the mural.

For Questions, contact:

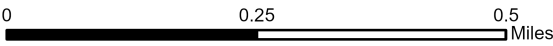
Matthew Weintraub, *Tourism Development*, Economic Development Department
mweintraub@orcitey.org

Historically Designated Structures within Compatible Zones



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.

Please recycle with colored office grade paper.



City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.oregcity.org



Plot date: Dec 29, 2020
Plot name: Murals - Historically Designated Structures - 11x17P - 20201229.pdf
Map name: Mural Maps.aprx



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 8/4/2021
From: Community Development Director Laura Terway

SUBJECT:

Resolution No. 21-44, Adopting an Historic Review Board Policy for Public Art Murals

STAFF RECOMMENDATION:

Approval of Resolution No. 21-44.

EXECUTIVE SUMMARY:

The proposed Historic Review Board (HRB) Policy for Public Art Murals will establish when murals can be reviewed and approved by staff, versus when they must be reviewed by the HRB. This resolution accompanies the second reading of the Ordinance to Adopt the Public Art Mural program.

HRB Policies are authorized by OCMC 17.40.060. The Policies are adopted or amended by the City Commission, following a public hearing and recommendation by the HRB. The Historic Review Board unanimously approved and recommended the proposed policy changes on March 2nd, 2021.

BACKGROUND:

The proposed Historic Review Board (HRB) Policy for Public Art Murals will establish when murals can be reviewed and approved by staff, versus when they must be reviewed by the HRB. This resolution accompanies the second reading of the Ordinance to Adopt the Public Art Mural program.

HRB Policies are authorized by OCMC 17.40.060. The Policies are adopted or amended by the City Commission, following a public hearing and recommendation by the HRB. The Historic Review Board unanimously approved and recommended the proposed policy changes on March 2nd, 2021.

HRB Policies apply to designated historic structures in Oregon City, including:

- All properties in the Canemah National Register Historic District, as the District boundaries existed on Feb. 1, 2017.
- All designated structures in the McLoughlin Conservation District
- All structures individually designated on the National Register before February 1, 2017 and local landmarks located outside of historic districts

Projects that meet the Historic Review Board (HRB) policies do not have to request approval from HRB and rather may obtain administrative staff approval. Where an alteration does not meet the policies, a Type III review by the HRB will be necessary. City staff are available to help property owners determine if their projects satisfy the HRB policies.

OPTIONS:

1. Approve the resolution and HRB Policy as proposed
2. Approved a modified HRB Policy
3. Direct staff to return with an updated Policy

RESOLUTION NO. 21-44

A RESOLUTION ADOPTING AN HISTORIC REVIEW BOARD POLICY FOR PUBLIC ART MURALS

WHEREAS, the Oregon City Comprehensive Plan identifies our community values and vision for the future, including the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City; and

WHEREAS, the Historic Review Board Policies support the City's Preservation Program by allowing for staff review for certain types of compatible exterior alterations; and

WHEREAS, the City Commission is adopting a Public Art Mural program, which will allow murals to be proposed on non-residential structures in several zones throughout the City, including within some portions of the City's historic overlay; and

WHEREAS, updates to the Historic Review Board Policies are proposed to establish policies for Public Art Murals in the historic overlay; and

WHEREAS, the Historic Review Board used the Secretary of Interior's guidance to ensure that the policy will result in compatible alterations to historic properties; and

WHEREAS, the proposed policy will maintain Historic Review Board review for any murals proposed on the primary façade of a historic structure; and

WHEREAS, the Historic Review Board unanimously approved the proposed Policy changes on March 2, 2021.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Commission, by this resolution, adopts the Historic Review Board Policy #13, attached to this resolution as Exhibit A, to apply to all locally designated historic resources within the City.

Section 2. The effective date for the Historic Review Board Policy shall be the date this resolution is adopted and signed.

Approved and adopted at a regular meeting of the City Commission held on the 4th day of August 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 4th day of August 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A - Historic Review Board Policy #13: Public Art Murals

Proposed HRB Policy #13 – Public Art Murals

Public Art Murals within a historic district on a non-designated structure do not require historic review.

Public Art Murals on designated historic structures and landmarks shall be approved by staff if they meet the following:

- The mural does not cover or obscure architectural features of the building, such as cornices, trim, windows, or other decorative features.
- The mural is located on a secondary building façade.
- Installation and removal of the public art mural will not adversely affect the historic structure.

Murals on the primary façade of a designated structure or landmark, along with murals that are not eligible for staff review as described in this policy, shall require review by the HRB.



Historic Review Board Policies

Approved by City Commission on August 7, 2019

CONTENTS

Each HRB Policy is described in this document. The 12 current HRB Policies include:

- HRB Policy #1 - Construction and Repair of Foundations
- HRB Policy #2 - Storm Windows and Doors
- HRB Policy #3 - Repair or Replacement of Siding
- HRB Policy #4 - Gutters and Downspouts
- HRB Policy #5 - Roofs
- HRB Policy #6 - Fences and Walls
- HRB Policy #7 - Construction of Accessory Structures
- HRB Policy #8 - Exterior Alterations to Buildings in National Historic Districts, or Structures in Conservation Districts or Landmark Structures
- HRB Policy #9 - Screen Doors
- HRB Policy #10 - Window Repair and Replacement
- HRB Policy #11 - Porches and Decks
- HRB Policy #12 - Solar Technology

INTRODUCTION

Each and every historic building plays a significant part of the ongoing preservation of Oregon City's local heritage. Historic buildings reflect the lives and aspiration of past generations and their preservation defines the community in many ways. Most of all, thoughtful stewardship of our buildings and surrounding environment can ensure that our sense of identity is passed along to future generations.

These policies are authorized by Section 17.40.060 of the Oregon City Municipal Code and apply to designated historic structures in Oregon City, including:

- All properties in the Canemah National Register Historic District, as the District boundaries existed on Feb. 1, 2017.
- All designated structures in the McLoughlin Conservation District
- All structures individually designated on the National Register before February 1, 2017 and local landmarks located outside of historic districts

Projects that meet the Historic Review Board (HRB) policies do not have to request approval from HRB and rather may obtain administrative staff approval. Where an alteration does not meet the policies, a Type III review by the HRB will be necessary. City staff are available to help property owners determine if their projects satisfy the HRB policies. Property owners are strongly encouraged to seek advice from City staff before proceeding with changes to historic properties. Changes that do not meet the policies are subject to code enforcement action. The policies do not apply to regular maintenance or repair of existing structures.

Owners of properties that do not fall under the Historic Review Process are encouraged to follow the Policies set forth by the HRB by making exterior alterations that maintain the structure's integrity and are compatible with the neighborhood.

POLICIES

HRB Policy #1 (First Adopted 1986; Revised 2019) - Construction and Repair of Foundations

The finished floor elevation of the structure shall not be raised or lowered in relation to the ground level as a result of foundation construction or repair. Any new foundation shall be covered with skirting that matches the original skirting on the structure.

HRB Policy #2 (First Adopted 1986; Revised 2019) - Storm Windows and Doors

Storm window frames and members shall be made of wood, baked enamel, or anodized aluminum. If wooden or enameled, the frames and members shall be painted to match the color of the existing window trim. Mill finish aluminum storm windows are not permitted. Interior storm windows are encouraged.

HRB Policy #3 (First Adopted 1986; Revised 2019) - Repair or Replacement of Siding

On designated structures and contributing structures in the Canemah National Register District, new siding shall match original siding both in material and style. **If fiber cement is desired as a replacement for wood siding, HRB shall review the proposal.** HRB's decision factors will include how well the substitute material matches the original siding in profile and design.

Fiber cement siding is permitted without HRB review under the following circumstances:

- a. On new and existing detached accessory buildings
- b. On non-contributing structures in the Canemah National Register District
- c. As a replacement of vinyl siding on a designated structure
- d. Only smooth fiber cement boards are permitted
- e. Shakes or shingles shall have a straight edge

HRB Policy #4 (First Adopted 1986)- Gutters and Downspouts

Replacement of wooden gutters and downspouts are permitted. Galvanized or enameled aluminum gutters and downspouts shall be painted to match the house. All support straps shall be painted to match the house. New downspouts shall be located to avoid visual interference with architectural features of the street façade. Plastic gutters and downspouts are not permitted. If the downspout empties onto the ground, splashblocks shall be placed at the outflow to disperse the water away from the foundation.

HRB Policy #5 (First Adopted 1986; Revised 2019) - Roofs

Structures shall be re-roofed with either wood shingles, 3-tab composition shingles, or "architectural style" composition shingles. If the roof slope is less than 4/12, rolled composition roofing may be used. Red, dark green, black, dark brown or green and white composition material is encouraged. Slate, tile or tar and gravel roofs may be re-roofed with like materials. The following roof materials are not permitted without Board approval: metal, fiberglass, plastic, corrugated roofing, or shake shingles. Any alteration to the overhang, soffit, or rake board requires Board approval.

HRB Policy #6 (First Adopted 9/88; Revised 6/91; Revised 2019) - Fences and Walls

The following policy is hereby adopted by the Oregon City HRB regarding the construction or alteration of fences and walls within Historic Districts, on designated sites in Conservation Districts, or on individual sites designated as landmarks.

The HRB advises property owners that fences and walls are an extension of the architecture of the house. According to the Secretary of the Interior's Standards for Rehabilitation, additions such as

fences “should be compatible with the size, scale, material and character of the property, neighborhood or environment.” Fences in the front yard are typically more open and decorative, while fences in the side and rear yards are more utilitarian.

Front yard fences or walls and corner side yard fences or walls shall be no more than 42 inches in height and shall not create a traffic sight obstruction (as defined in Chapter 10.32 of the Oregon City Municipal Code). Along rear yards and interior side yards (beyond the front building line), fences or walls may be up to six (6) feet in height. Fences or walls on vacant properties may utilize materials that are in the “ACCEPTABLE” category in front and corner side yards; HRB review is required if rear yard fence types are desired.

Staff may approve fences or walls that are listed in the “ACCEPTABLE” category through an administrative review. Fences or walls that are not listed, or that are specifically listed under the “NOT ACCEPTABLE” category shall be submitted for review and decision by the HRB. Fences or walls that are made of “not allowed” materials may be utilized if fully obscured. Pressure-treated wood may only be used for fence posts and not for any other portions of the fence, and shall be non-incised.

ACCEPTABLE FENCE AND WALL TYPES IN FRONT AND CORNER SIDE YARDS	
DESCRIPTION	EXAMPLE
Wood Picket: Wood fence with vertical pickets spaced at least one inch apart to six inches apart. Pickets may be pointed or straight, and boards may be flat or square. Includes traditional white painted (preferred); unpainted or different color paint is also acceptable. May be scalloped or straight on top, or topped with a railing.	
Iron Picket: Includes wrought iron picket fences with simple or ornate designs	
Ornamental Cast Iron: cast iron fences and gates with ornamentation or detailed designs	
Brick: Includes bricks of any color or size. Allowed in combination with other masonry types	
Basalt Stone: Basalt Stone was quarried locally in Oregon City's past. Basalt stone may be mortared or stacked. Basalt Veneer is typically mortared. This does not include manufactured stone veneer products. May be topped with bricks.	

Combinations of Iron and Masonry: Brick, stone, or cast-in-place concrete with iron fencing atop or integrated into the wall	
Woven Wire: Decorative woven wire with loop top design and with wood posts and rails	
Cast-in-place concrete: Poured concrete wall with smooth or textured finishing	
Steel or aluminum rail: Permitted only on non-residential properties (e.g. commercial buildings, schools, religious institutions)	
Solid wood board (un-spaced picket): Vertical wood boards without spaces between boards. May be scalloped or straight on top, or topped with a railing.	

NOT ACCEPTABLE FENCE AND WALL TYPES IN FRONT AND CORNER SIDE YARDS	
DESCRIPTION	EXAMPLE
Chain-link: Consists of steel wire woven to form a diamond-shaped mesh. Includes uncoated, powder coated, and with or without slats. Also includes chain-link hedge slats.	 
Post and Rail / Split Rail: Also known as a log fence, zigzag fence, worm fence or snake fence, made out of timber logs, usually split lengthwise into rails. Uses two to four rails and is divided into sections with wood posts.	 
Concrete Block: Includes pre-cast panels, CMU, hollow or solid blocks. Both split faced and smooth.	 
Chicken Wire: Unframed fence of thin, flexible metal wire with varied pattern including hexagonal or rectangular shapes. Known as chicken wire, hog wire, or welded wire. May include repeating wood or metal posts.	
Solid wood board or Stockade: Wood fence with vertical or horizontal boards and no spacing. Includes good neighbor fence and stockade fence. May be topped with square lattice or other wood design. May have a scalloped or straight top. Not allowed when obstructing view of historic structure.	 

Vinyl/ Plywood / Hardboard or Asbestos Panel: Plastic, vinyl, fiber cement or asbestos panels. Includes solid fences/walls or those designed to look like wood picket fences.



ACCEPTABLE FENCE AND WALL TYPES IN ALLEYS, REAR AND INTERIOR SIDE YARDS

DESCRIPTION	EXAMPLE
All that are acceptable in front yards	
Concrete Block: Includes pre-cast panels, CMU, hollow or solid blocks. Both split faced and smooth.	
Horizontal Board: Wood fence with at least five horizontal boards. Boards may be spaced or have no spacing. May be topped with square lattice or other wood design.	
Solid wood board or Stockade: Wood fence with vertical or horizontal boards and no spacing. Includes good neighbor fence and stockade fence. May be topped with square lattice or other wood design. May have a scalloped or straight top.	
Wood lattice: Square vertical/horizontal pattern of wood panels with spacing.	

Gabion wall: Consists of rocks or stones enclosed in a metal wire basket	
Goat fence: Welded wire fence with frame of wood around each panel. Known as wire trellis fence, goat fence or livestock fencing.	
Non-basalt stone: May include sandstone, limestone, lavarock, or other rock that would not have been quarried within the Pacific Northwest and used in the historic era.	
Recycled Concrete: Irregularly sized concrete pieces or chunks stacked like stones.	
NOT ACCEPTABLE FENCE AND WALL TYPES IN INTERIOR AND SIDE YARDS	
All that are not acceptable in front yard, unless explicitly listed as acceptable in interior side yards, alleyways, and rear yards.	

HRB Policy #7 (First Adopted 8/96; Revised 2019) – Construction of Accessory Structures

Accessory structures which are 200 square feet or smaller may be reviewed and decision made by staff. The criteria to be used by staff in making the decision shall be as follows:

The building/structure materials shall match the primary resource structure;

The roofing materials shall match the material on the historic/primary resource structure; if the roofing material on the historic/primary structure does not match the original roofing material, HRB Policy #5 shall apply;

The accessory structure shall be painted to match the historic/primary resource;

The structure shall be placed a minimum of three (3) feet from any interior lot line as per Section 17.54 - Accessory Structure Standards.

Any structure that does not meet this standard shall be referred or submitted to the HRB for review and decision.

HRB Policy #8 - Exterior Alterations to Buildings in National Historic Districts, or Structures in Conservation Districts or Landmark Structures

Additions shall be reviewed by the HRB. Other alterations are subject to administrative review. Alterations are permitted if they duplicate existing building materials and styles. Wood siding is encouraged if the siding is replaced. Aluminum and vinyl siding and vinyl and aluminum mill finish windows are not permitted, unless the building was originally constructed of such materials and they are greater than 50% of the materials on the building. Wood sash doors are encouraged. Roof alterations shall conform to HRB Policy #5.

HRB Policy #9 - Screen Doors

Wood storm and screen doors are preferred. If aluminum or other metal storm/screen doors are used, they shall be prefinished or painted a color to match the door or trim. Unless replicating an historic storm/screen door, screen doors shall not obscure the primary door design, and shall not include decorative details or simulated muntins (grids).

Policies 1-9 were reviewed and revised by the HRB at worksessions on October 12, November 9, 2000, and December 14, 2000, and were formally adopted on December 14, 2000 at the HRB's duly noticed public meeting, and revised again in 2019.

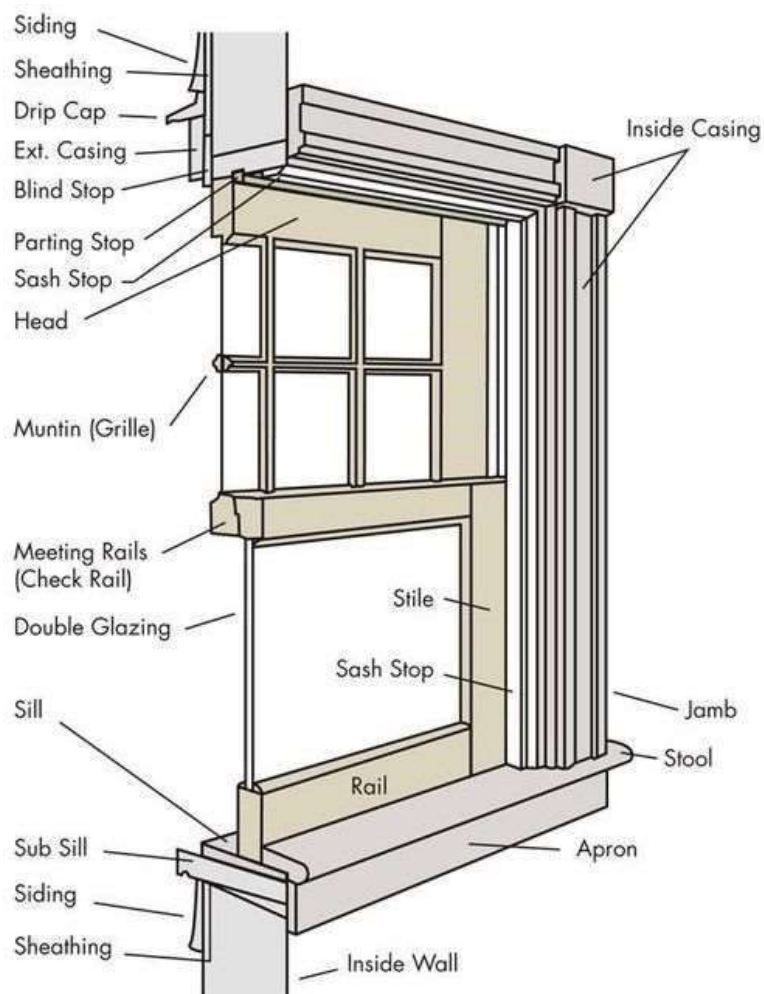
HRB Policy #10 (Adopted 10/2001; Revised 2019) - Window Repair and Replacement

Original wood windows are important architectural features in any historic building. They are the "eyes" of the structure and they convey a sense of handcraftsmanship and detail that cannot be achieved with substitute materials. The HRB maintains that original windows should be retained and repaired whenever possible. If repair is not feasible, replacement of windows is acceptable in accordance with the following:

- a. For structures listed individually on the National Register before February 1, 2017, and locally designated resources, replacement of windows shall be reviewed by the HRB.
- b. For locally designated historic landmarks, designated structures in the McLoughlin District, and contributing structures in the Canemah National Register District, wood, aluminum clad wood, and fiberglass clad wood windows are permitted as replacement windows if they match the original window design. A different window type may be used for egress purposes (for example, casement in place of a picture window) as long as the appearance, including muntins, is the same. It is the owner's responsibility to document the design of the original windows.
- c. If a structure was originally built with aluminum or vinyl windows, vinyl replacement windows are permitted. The owner shall provide evidence of the original window material.

- d. On new and existing accessory structures, and on new and existing non-contributing structures in Canemah National Register District, fiberglass and wood/plastic blended material windows are permitted.
- e. Interior window grids are not permitted.
- f. Replacement windows should match dimensions of original window stiles, rails, and sill depth.
- g. Any proposal that does not meet these policies may be reviewed by the Board. The applicant shall provide a determination of the window's architectural significance and condition to assist the HRB to determine the repair and replacement options for the property.

Owners of non-designated structures are also encouraged to follow this policy for window repair and replacement.



HRB Policy #11 (Adopted 2019) – Porches and Decks

Replacement or alteration of porches and decks older than 50 years shall meet HRB Policy #8. The construction of new front porches shall be reviewed by HRB. Alteration of existing front porches, or construction of new rear porches or decks are permitted without Board review in accordance with the following:

- a. Porch and deck railings shall use vertical balusters and top and bottom rails. Baluster attachment shall be between the rails, not attached on the side of the rail.
- b. Wood decks and porches shall be painted to match a color of the designated structure. Paint-stain is also acceptable if it matches a color of the designated structure.
- c. No pressure treated wood shall be visible.
- d. Composite material (e.g. Trex, TimberTech, Azek) is allowed only for new or existing decks or porches less than 50 years old that are attached to the rear of a structure, to the interior side of a structure, and for detached deck structures in the interior side or rear yard. Composite material color shall match a color of the designated structure.
- e. Aluminum rails on porches and decks are not permitted.
- f. Deck or porch materials made from 100% vinyl are not permitted.

HRB Policy #12 (Adopted 2019) – Solar Technology

Solar technology that meets the criteria in the list below may be utilized on historic properties through staff review. Any proposal that deviates from this policy shall be considered by HRB.

- a. Sloped roof location: Solar panels are permitted on secondary facades of historic buildings and on accessory structures.
- b. Design: Panels on sloped roofs shall project five inches or less from the roof surface and be installed flat; they shall not alter the slope of the roof.
- c. Color: Panels and mounting systems shall be the same color as established roof materials. Mechanical equipment associated with the photovoltaic system shall be as unobtrusive as possible.
- d. Flat roof structures: Solar panel installations on flat roofs shall be set back at least five feet from the roof edge to minimize visibility unless fully obscured from the street by a parapet.
- e. Shingles: Solar shingles are permitted on secondary facades if they match the roof color.
- f. Freestanding: Freestanding or detached on-site solar technologies are permitted in locations behind the front of the home in side and rear yards, unless the side or rear yard abuts an improved public right of way.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 8/4/2021
From: Economic Development Director James Graham

SUBJECT:

Resolution No. 21-45, Establishing a Schedule of Fees for the Oregon City Public Art Mural Program

STAFF RECOMMENDATION:

Approval of Resolution No. 21-45 to establish a schedule of fees for the Oregon City Public Art Mural Program.

EXECUTIVE SUMMARY:

The Economic Development Department has proposed a Fee Schedule for the administration of the Oregon City Public Art Mural Program. These fees include an appeal fee.

BACKGROUND:

The 2004 Comprehensive Plan calls for a review of the sign code (Policy 2.5.3). The City updated the sign code in 2015 through a robust process that resulted in numerous revisions and updates to the signage regulations. At that time, a Community Advisory Committee drafted mural program elements and associated code language, but the code was not part of the 2015 code update. The 2015 update did formally recognize all existing, legal murals in the City, but did not provide an avenue for additional murals.

The current city code does not provide for murals as a separate type of sign; instead, murals are considered wall signs and must comply with the size limitations for wall signs, which is one square foot for every linear foot of building façade length. For example, a building façade of 50 feet in width that is say 20 feet in height would be allowed a wall sign of up to 50 square feet, on a façade that has a total area of 1000 square feet. This provision limits large murals.

The intent and purpose of the proposed code language is to encourage the production of public art murals for acquisition by the City. Public art murals are a medium of expression which serves the public interest in unique ways, including, but not limited to:

enhancing the aesthetics of the City; providing avenues for original artistic expression in the City; providing public edification through access to original works of public art; encouraging community participation in the creation of original works of art; and reducing the incidence of graffiti and other crime.

This resolution accompanies the second reading of Ordinance No. 21-1001 and sets forth a fee schedule for Public Art Mural permits as well as an appeal fee for permit applications which may be denied.

OPTIONS:

1. Approve Resolution 21-45
2. Approve Resolution 21-45 with modifications
3. Deny Resolution 21-45 and provide staff with direction

RESOLUTION NO. 21- 45

A RESOLUTION ADOPTING A PUBLIC ART MURAL FEE SCHEDULE

WHEREAS, Oregon City Municipal Code Section 15.04.015 authorizes the City to adopt by resolution and revise from time to time, a schedule of fees for applications; and

WHEREAS, the City of Oregon City adopted Resolution 21-1011 establishing a Public Art Mural Program for the public benefit; and

WHEREAS, the City of Oregon City recognizes that public art murals can catalyze community, enhance livability, contribute to placemaking and attract visitation; and

WHEREAS, the new Fee Schedule is provided in Exhibit 1; and

WHEREAS, staff relies on revenue from these fees to fund inspections, plan review and administration of the Oregon Specialty Codes.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS

Section 1. The City hereby establishes a Public Art Mural Fee Schedule identified in Exhibit 1.

Section 2. The fees identified in Exhibit 1 shall be adjust annually on January 1, 2022 through January 1, 2027, based on the CP1-W for Portland Oregon. Adjusted fees will be rounded to the nearest dollar.

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

Approved and adopted at a regular meeting of the City Commission held on the 4th day of August 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 4th day of August 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit 1 - Public Art Mural Program Fee Schedule



City of Oregon City

Economic Development

Public Art Mural Program Fee Schedule

7/27/2021

All fees are subject to change by Resolution of the City Commission.

The applicant is responsible for paying the application fee in effect at the time the **formal application** is submitted.

APPLICATION TYPE	FILING FEE
Appeal - Art Commission Decision	\$1,541
Public Art Mural Permit	\$125

Public Art Murals

Permit Name: Original Public Art Mural Permit

Amount: \$125 (adjusted annually for inflation)

Background: Public art murals are proposed to be allowed on nonresidential property with approval by an Arts Commission.

When Utilized: Submission of a Public Art Mural application to the Economic Development Department Division.

Example: A property owner would like to paint a public mural on the side of their building.

Rationale for Cost of Fee: City staff suggests the fee for a public art mural application be \$125 to match other regional permit fees for public art. Applicants will also be using considerable other resources (personal, financial) to install a mural should the permit be granted. The process of applying for a public art mural requires approval of the Oregon City Arts Commission (or a designee such as the Planning Commission)

Where Permit Obtained: The permit would be obtained with the Economic Development Department through a public process involving the Oregon City Arts Commission.

Appeal Fee for Public Art Murals

Amount: \$1,567 plus Actual City Attorney Fees if the Appeal is Denied (adjusted annually for inflation)

Background: Public art murals are proposed to be allowed on nonresidential property with approval by an Arts Commission. An appeal process allows the decision of the Oregon City Arts Commission to be appealed to the City Commission.

When Utilized: Submission of an application to appeal the decision of the Oregon City Arts Commission (or designee).

Example: An applicant would like to appeal the decision of the Oregon City Arts Commission to the City Commission.

Rationale for Cost of Fee: City staff suggests the fee for an appeal of a public art mural application be \$1,567 plus actual City Attorney fees (if the appeal is denied) to match the cost of an appeal of a sign variance. The process of locally appealing a sign variance is the same as that of appealing a public mural decision (public notification, staff recommendation and a public hearing) and thus it reasons that the fee is the same. The fee would be adjusted annually for inflation on January 1st based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained with the Economic Development Department (or in conjunction with the Planning Division should the Planning Commission be involved with the permit approval process).