



CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING - REVISED AGENDA

**Commission Chambers, 625 Center Street, Oregon City
Wednesday, July 01, 2020 at 7:00 PM**

5:30 PM - EXECUTIVE SESSION OF THE CITY COMMISSION

Executive Session will be held in the Commission Chambers at City Hall beginning at 5:30 PM.

- i. Pursuant to ORS 192.660(2)(a): To consider the employment of a public officer, employee, staff member or individual agent.*
- ii. Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.org.*
- Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
- 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, PROCLAMATIONS, AND PRESENTATIONS**
- 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. ADOPTION OF THE AGENDA**

6. PUBLIC HEARINGS

7. GENERAL BUSINESS

[7a.](#) First Reading of Ordinance No. 20-1008, Amending Chapter 2.30 of the Oregon City Municipal Code (Citizen Involvement Committee)

[7b.](#) Willamette Falls Legacy Project and Willamette Falls Trust Grant Agreement

[7c.](#) Resolution No. 20-05, Modification of Planning Division Fee Schedule

[7d.](#) Resolution No. 20-22, To Allow Temporary Parklets in the Right-of-Way and Temporary Outdoor Dining and Retail in Private Parking Lots

[7e.](#) Second Reading of Ordinance No. 20-1006, Thimble Creek Concept Plan/Beavercreek Road Concept Plan- Code and Zoning Amendments (LEG 19-00003)

[7f.](#) City Commissioners Appointed to the OC 2040 Project Advisory Team

[7g.](#) Public Works Upper Yard Charter Park Discussion

8. 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.

[8a.](#) Minutes of the April 15, 2020 Regular Meeting

9. COMMUNICATIONS

City Manager's Report

Committee Reports

Mayoral Report

10. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor 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 Web site.

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channel 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. 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 **Agenda Date:** 07/01/2020
From: Community Development Director Laura Terway

SUBJECT:

First Reading of Ordinance No. 20-1008, Amending Chapter 2.30 of the Oregon City Municipal Code (Citizen Involvement Committee)

STAFF RECOMMENDATION:

The CIC recommends approval of the first reading of Ordinance No. 20-1008.

EXECUTIVE SUMMARY:

The Citizen Involvement Committee (CIC) requested changes to OCMC 2.30-Citizen Involvement Committee.

BACKGROUND:

The CIC is wishing to make changes to OCMC 2.30-Citizen Involvement Committee. The main changes are both members of each Neighborhood Association will be voting members; the CIC Chair will be responsible for putting together the agenda for all meetings, and restoration of the CIC by-laws. There are a few other minor changes being requested.

The City Commission discussed the proposed changes at the June 17, 2020 hearing and identified a small number of changes which are included in the updated proposal.

OPTIONS:

1. Approve Ordinance 20-1008
2. Approve Ordinance 20-1008 with Changes
3. Continue Ordinance 20-1008 to a future hearing
4. Do not approve Ordinance 20-1008

BUDGET IMPACT:

Amount: N/A

FY(s): N/A

Funding Source(s): N/A

ORDINANCE NO. 20-1008

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING CHAPTER 2.30 OF THE OREGON CITY MUNICIPAL CODE (CITIZEN INVOLVEMENT COMMITTEE)

WHEREAS, the State of Oregon has adopted Statewide Planning Goals including Goal 1: Citizen Involvement to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process (Exhibit 2); and

WHEREAS, the City encourages citizen involvement in all phases of the planning process; and

WHEREAS, the City created a policy establishing a Citizen Involvement Council (CIC) in December of 1977 to provide an active and systematic process for citizen and public agency involvement in the land-use decision making for Oregon City; and

WHEREAS, since establishment, the CIC has proven to be a successful means of communication between the City and citizens; and

WHEREAS, the City Commission wishes to update the organization of the CIC; and

WHEREAS, Title 2 of the Oregon City Municipal Code codifies numerous other groups; and

WHEREAS, Chapter 2.30 Citizen Involvement Committee shall be added to the Oregon City Municipal Code (Exhibit 1).

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends Chapter 2.30 Citizen Involvement Committee of the Oregon City Municipal Code (Exhibit 1).

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 3. Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

Read for the first time at a regular meeting of the City Commission held on the 1st day of July, and the City Commission finally enacted the foregoing Ordinance this 15th day of July 2020.

DAN HOLLADAY, Mayor

Attested to this 15th day of July 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Chapter 2.30 - CITIZEN INVOLVEMENT COMMITTEE

2.30.010 - Created.

The citizen involvement committee (CIC) is hereby created for the city of Oregon City. The CIC shall foster public participation and education regarding land use for the citizens of Oregon City on behalf of the city commission and perform other duties as identified within this chapter and the CIC bylaws.

2.30.020 - Duties.

The duties of the CIC include, but are not limited to, the following:

- A. Encourage public participation and knowledge of land use in Oregon City.
- B. Encourage public participation in other government activities as they impact neighborhood programs.
- C. Provide information to the city commission the Planning Commission, the Historic Review Board, other committees as appropriate, and the public.
- D. Assist with requests from the city commission.

2.30.030 - Membership.

- A. The CIC shall consist two members from each city recognized neighborhood association.
- B. Each neighborhood association shall select two members for nomination for appointment by the mayor. If a member selected by a neighborhood association is not appointed to the CIC it will be informed of the reason for the non-appointment.
- C. Members shall be appointed for two years. Terms of the office shall commence on the first day of the calendar year. If an appointed CIC member resigns, a replacement may be selected by the neighborhood association and appointed by the Mayor for the remainder of the term.
- D. The members shall reside within the neighborhood association boundaries which they represent.
- E. All members shall serve without compensation.
- F. If a member is unable to attend a meeting, it is the member's responsibility to inform the CIC chairperson prior to the meeting being missed.
- G. Upon failure of any member to attend three consecutive meetings, misconduct or nonperformance of duty, the CIC may recommend termination of that appointment to the city commission. A CIC member may be removed by the city commission, after hearing for the above reasons. The neighborhood association shall select a new member for appointment by the Mayor.

2.30.040 - Officers and staffing.

- A. Officers shall include chairperson, vice-chairperson and secretary.
 - 1. The officers shall be elected for two years starting in January of each even year. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term. Members may not serve more than two consecutive terms as a chair, vice-chair or combination thereof. An officer appointment expires if a member is no longer appointed to the CIC.
 - 2. Chairperson. The chairperson shall preside at all CIC meetings and serve as an ex-officio member on all committees. The chairperson shall be the official spokesperson for the CIC, representing the majority position of the CIC, unless otherwise delegated in writing with the majority consent of the CIC. The chairperson shall create the agenda for all general and special meetings of the CIC.

3. Vice-Chairperson. The vice-chairperson, in absence of the chairperson, shall have general supervisory and directional powers over the CIC. The vice-chairperson shall conduct all business delegated to the chairperson, in his or her absence.
 4. Secretary. The secretary calls the roll for attendance at all meetings, calls the roll for all votes, and submits the information to the city liaison.
- B. Staffing of the CIC may include a city commissioner liaison and a city liaison.
1. City Commissioner Liaison. One liaison from the city commission may be appointed to act as a resource to CIC and attend CIC meetings. The city commissioner liaison will be a non-voting member of the CIC.
 2. City Liaison or his/her designee. The planning division and the city manager's office or their designee shall be responsible for keeping an accurate and legally sufficient record of all proceedings and shall record the minutes and submit them to the CIC for approval. In addition, the city liaison shall post agendas, maintain attendance records, maintain a database of CIC members and track the CIC budget. The city liaison(s) will be a non-voting member of the CIC. Consistent with the City Charter, the city manager shall retain his/her discretion to suspend staffing when reasonable circumstances warrant. The city manager shall inform the City Commission and CIC of the suspension of the City liaison should it occur and the reason therefor.

2.30.050 - Organizational procedures.

- A. The CIC shall hold an official meeting every month. The CIC shall meet at such times and places as may be fixed by the committee. Special meetings may be called in accordance with the public open meetings law as provided by the CIC bylaws.
- B. A majority of the members constitutes a quorum for meetings. Provided a quorum is present, voting matters shall be approved by a simple majority of the members present. All members who are present are allotted one vote each on all motions.
- C. The CIC shall establish goals every two years that are consistent with the adopted goals and objectives of the city commission.
- D. The CIC chairperson or designee shall report to the city commission once a year to provide CIC accomplishments.
- E. All meetings shall comply with ORS 192.640 and all CIC business shall comply with all applicable federal, state, and local laws and regulations.

2.30.060 - Reserved.

2.30.070 - Conflict of interest.

A member of the CIC shall not participate in any committee proceeding or action in which any of the following has or will receive a direct or substantial financial interest: the member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he/she is then serving or has served within the previous two years, or any business with which he/she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting where the action is being taken. The committee shall operate in the general public interest serving the community as a whole.

2.30.080 - Expenditures.

The CIC shall have no authority to make any expenditures on behalf of the city or to obligate the city for payment of sums of money.

Chapter 2.30 - CITIZEN INVOLVEMENT COMMITTEE

2.30.010 - Created.

The citizen involvement committee (CIC) is hereby created for the city of Oregon City. The CIC shall foster public participation and education regarding land use for the citizens of Oregon City on behalf of the city commission and perform other duties as identified within this chapter and the CIC bylaws.

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The duties of the CIC include, but are not limited to, the following:

- A. Encourage public participation and knowledge of land use in Oregon City.
- B. Encourage public participation in other government activities as they impact neighborhood programs.
- C. Provide information to the city commission the Planning Commission, the Historic Review Board, other committees as appropriate, and the public.
- ~~D. Address grievances of the CIC and of neighborhood associations.~~
- ~~DE.~~ Assist with requests from the city commission.

2.30.030 - Membership.

- A. The CIC shall consist ~~of one primary member and one alternate~~ two members ~~s~~ from each city recognized neighborhood association.
- B. Each neighborhood association shall select ~~provide a primary and alternate~~ two members ~~s~~ for nomination for appointment by the mayor. ~~Each primary and alternate member appointed shall have first been nominated by the neighborhood association of which they represent. If a member selected by a neighborhood association is not appointed to the CIC it will be informed of the reason for the non-appointment.~~
- C. Members shall be appointed for two years. Terms of the office shall commence on the first day of the calendar year. If an appointed CIC member resigns, a replacement may be selected by the neighborhood association and appointed by the Mayor for the remainder of the term.
- D. The members shall reside, ~~work in, own property, or own a business~~ within the neighborhood association boundaries which they represent ~~or the land outside of the city limits but inside the urban growth boundary designated to be within the neighborhood association which they represent.~~
- E. All members shall serve without compensation.
- F. If a member is unable to attend a meeting, it is the member's responsibility to inform the ~~city liaison~~ CIC chairperson prior to the meeting being missed.
- G. Upon failure of any member to attend three consecutive meetings, misconduct or nonperformance of duty, the CIC may recommend termination of that appointment to the city commission. A CIC member may be removed by the city commission, after hearing, ~~for misconduct or nonperformance of duty for the above reasons.~~ The ~~alternate member may become the primary member for the remainder of the term and the~~ neighborhood association shall nominate select a new member for appointment by the Mayor.

2.30.040 - Officers and staffing.

- A. Officers shall include chairperson, vice-chairperson and secretary.
 - 1. The officers shall be ~~appointed~~ elected for two years starting in January of each even year. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term. Members may not serve more than two consecutive

terms as a chair, vice-chair or combination thereof. An officer appointment expires if a member is no longer appointed to the CIC.

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 4. Secretary. The secretary ~~prepares the minutes and attendance records (as needed) of all meetings and calls the roll for attendance at all meetings, calls the roll for all votes, and submits the information to the city liaison.~~
- B. Staffing of the CIC may include a city commissioner liaison and will include a city liaison.
1. City Commissioner Liaison. One liaison from the city commission may be appointed to act as a resource to CIC and attend CIC meetings. The city commissioner liaison will be a non-voting member of the CIC.
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2.30.050 - Organizational procedures.

- A. The CIC shall hold an official meeting every month. The CIC shall meet at such times and places as may be fixed by the committee. Special meetings may be called in accordance with the public open meetings law ~~by the city manager or the city manager's designee~~ as provided by the CIC bylaws.
- B. A majority of the members constitutes a quorum for meetings. Provided a quorum is present, voting matters shall be approved by a simple majority of the ~~voting~~ members present. All ~~primary~~ members who are present ~~and all alternate members who are acting as primary members in the absence of the primary members~~ are allotted one vote each on all motions.
- C. The CIC shall establish goals every two years that are consistent with the adopted goals and objectives of the city commission.
- D. The CIC chairperson or designee shall report to the city commission once a year to provide CIC accomplishments.
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A member of the CIC shall not participate in any committee proceeding or action in which any of the following has or will receive a direct or substantial financial interest: the member or his/her

spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he/she is then serving or has served within the previous two years, or any business with which he/she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting where the action is being taken. The committee shall operate in the general public interest serving the community as a whole.

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The CIC shall have no authority to make any expenditures on behalf of the city or to obligate the city for payment of sums of money.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 07/01/2020
From: Community Development Director Laura Terway

SUBJECT:

Willamette Falls Legacy Project and Willamette Falls Trust Grant Agreement

STAFF RECOMMENDATION:

Approval of the Willamette Falls Legacy Project and Willamette Falls Trust Grant Agreement

EXECUTIVE SUMMARY:

The agreement between the Willamette Falls Legacy Project and Willamette Falls Trust lapsed and a formalized agreement is needed to support the work the Trust has been performing at the request of the Partners. The agreement was identified as one of the next steps at the May 12th City Commission Work Session. The agreement is valid until June 30, 2022.

BACKGROUND:

In 2011, the 23-acre Blue Heron Paper Mill at the edge of the falls closed. Catalyzing the successful redevelopment of the site was beyond the capacity of any one organization, so Oregon City, Metro, Clackamas County, and the State of Oregon formed a partnership (the Partners) to honor and reimagine the Willamette Falls Legacy Project (WFLP) site. This intergovernmental agreement (IGA) gives decision making authority to the Partners on behalf of each agency. As part of this IGA, the Partners recognized the need and opportunity to have support from the non-profit sector in fundraising and other activities to achieve the lofty vision of a world class Riverwalk costing as much as \$150 million. To meet this need, the Partners formed a non-profit in 2015, now named Willamette Falls Trust (WFT), to meet needs of the project which the four government agencies were unable to.

In 2019, the agreement between the WFLP and WFT was scaled back significantly to provide clearer relationship between the non-profit and the government agencies during a time when a key bond measure was going before the public for a vote. Progress on the project did not stop during this time. The Partners recognized that there was an

opportunity for deeper engagement with the Native American Community, and that their input might have a significant impact on design aspects of the project. The Partners also recognized that a more thorough identification of programming possibilities was necessary to ensure that the construction did not result in a site that could not offer the kinds of programming expected by the community and representative of a world class experience. A scope of work was identified that was sufficiently engaging so as to appeal to the philanthropic community and meet some of the needs of the project. The WFT, in good faith, advanced the scope of work while this new agreement was being negotiated.

The new agreement being considered by the Commission today reflects that scope of work. The tasks the Partners have asked the Trust to perform on their behalf reflect a balance between the needs of the project, areas of meaningful engagement with the philanthropic community, and areas where the public agencies lack capacity. The proposed agreement acknowledges the following:

- **Community Engagement.** The Trust conducts site tours, donor prospecting, leadership recruitment, and other events.
- **Fundraising.** The Trust pursues funding for riverwalk projects. Over \$7 million has been raised to date towards the riverwalk.
- **Attendance at Events & Meetings.** The Trust has been attending events and regular project meetings.
- **Defining Expectations for World Class Programming.** WFT has been leading initial planning for active programming of the riverwalk for the Legacy Project. This planning will define the scope of “world class” active programming and articulate design requirements. This will also establish the baseline for determining programming feasibility and may include recommending organizational relationships to deliver “world class” active programming. The programming planning will include approaches and recommendations for curating narratives and options for scaling programming in conjunction with completion and opening of each phase of the riverwalk. The details of implementation are not being addressed at this time. Approval of the agreement does not authorize the WFT to implement programming once the riverwalk is open.
- **Design input.** WFT participates in the design of Phase 1 of the riverwalk to ensure the physical design does not preclude future programming and interpretation opportunities. In addition, WFT collaborates with indigenous people and affected tribes to understand how they may be included in future programming of the riverwalk.

The agreement was identified as one of the next steps at the May 12th City Commission Work Session where a briefing of the project was provided to the Commission. This grant agreement includes an updated date for dispersal of funds for

prior work from the version included in the June 17th City Commission agenda. The agreement term extends to June 30, 2022.

Frequently Asked Questions Related to the Above:

Q: When will the design of Phase 1 of the riverwalk be final? When will construction start for the riverwalk? When will the riverwalk be open?

A: It is unknown at this time.

Q: Who is responsible for maintenance of the riverwalk?

A: The project partners tentatively agreed that Oregon City has the greatest interest in maintaining the hardscaping and implement the programming of the riverwalk while Metro would be responsible for maintenance of the habitat area. Formalizing these relationships require greater understanding of phase 1, the final design, and the role of the new property owner.

Q: What is programming?

A: Programming can be organized into two general categories:

- **Historic/Cultural Interpretation.** Heritage activities, and historic and cultural interpretation consists of how the site's past will be told. The riverwalk will serve as a key referral to the many rich heritage resources in the Oregon City vicinity. WFLP is developing on-site interpretation in accordance with the project's Interpretive Framework.
- **Placemaking.** Placemaking programming consists of envisioning how the public uses the riverwalk. Examples of placemaking include activities, experiences, and events which will occur on the riverwalk, such as tribal ceremonies, historic lectures, tours, dance exhibitions, utilization of informal and formal play spaces, educational series, classes, festivals, concerts and food carts.

Q: How will the programming onsite be created?

A: The project partners continue coordination early and often with a variety of stakeholders to assure that all of the vision and expectations of stakeholders are aligned. The grant agreement authorizes the Willamette Falls Trust to begin the work of refining the community's vision into a high level determination of the caliber of acceptable programming onsite. The details of programming would be further refined later in the process and established incrementally as the riverwalk is constructed. The Commission recognized the need to acknowledge the unique characteristics of the site and coordinate programming with a variety of stakeholders such as tourism, economic development, and the property owner. Just as the site and the riverwalk are anticipated to be developed incrementally over time, so is the programming. The property owner may also have programming independent of the riverwalk.

Q: Who is responsible for implementing the programming of the riverwalk?

A: The partners agreed that Oregon City has the greatest interest in ensuring quality programming. The City Commission indicated at their February 5th Work Session that the programming of the riverwalk would likely be carried out by a third party with some representation/coordination/oversight from the City. At this point the mechanics of who will implement the programming has yet to be worked out. Future agreements will follow procurement rules and be brought before the City Commission at a public meeting so the public will have an opportunity to weigh in.

Q: Who will pay for programming the riverwalk?

A: As the riverwalk is developed incrementally, programming is expected to expand onsite. It is expected that programming will require public financial support to achieve the expectations set by the public.

Q: Will the riverwalk be a charter park?

A: Likely not, though that will be reviewed in greater detail

OPTIONS:

1. Approve grant agreement
2. Do not approve grant agreement

BUDGET IMPACT:

Amount: \$50,000 per Year

FY(s): 2019-20 and 2020-21

Funding Source(s): Budgeted from the Willamette Falls Legacy Project

WILLAMETTE FALLS LEGACY PROJECT

WILLAMETTE FALLS TRUST

2020-22 GRANT AGREEMENT

This Grant Agreement (“Agreement”) is entered into on the last day signed below (“Effective Date”), by and among Metro, an Oregon municipal corporation (“Metro”), The City of Oregon City, an Oregon municipal corporation (“Oregon City”), Clackamas County, an Oregon municipal corporation (“County”), and Willamette Falls Trust, an Oregon nonprofit public benefit corporation (“WFT”). Metro, Oregon City, County, and WFT may be referred to individually as a “Party” or collectively as the “Parties.” Metro, Oregon City, and County are collectively referred to in this Agreement as “Public Partners.”

RECITALS

A. WFT is a volunteer support group for the Willamette Falls Legacy Project, which project will, among other things, provide public access at the site of the former Blue Heron Paper Mill in Oregon City (“Property”) consisting of a linear connection from Highway 99E in downtown Oregon City to the PGE Property; linear connection to the Canemah neighborhood, including nonmotorized bridge or overpass; sufficient property to accommodate the landing of a nonmotorized bridge from the Oregon City promenade to the Property; sufficient width or adjacent property to provide public amenities and programming on the riverwalk, including restrooms, visitor center, maintenance and service access, an administrative office, docks and viewing platforms, and the like; the entire clarifier area adjacent to Willamette Falls and Portland General Electric Company (PGE) Property; views of Willamette Falls; habitat restoration; and cultural and historic interpretation of the Property (the “Legacy Project”).

B. The Public Partners have supported the creation and growth of WFT, and wish to provide additional grant funding to help WFT launch its first capital campaign to support the first phases of the Legacy Project, known as the “riverwalk.”

C. WFT has a unique relationship with private funders that enables WFT to be well positioned to articulate “world class” with regard to design and programming.

D. WFT has successfully raised more than \$7,000,000 for the Willamette Falls Legacy Project since its founding in 2015.

E. Metro Resolution Number 17-4824 and Oregon City Resolution Number 18-04 approved a master plan for the Willamette Falls Legacy Project riverwalk (“Master Plan”).

F. In December 2014, Metro secured an easement over the Property that provides a real estate interest necessary to design and construct the capital improvements identified within the Legacy Project.

AGREEMENT

In consideration of the foregoing, and the mutual covenants and conditions contained herein and for other good and valuable consideration, the Parties agree as follows:

1. **Term.** The term of this Agreement commences on the Effective Date and expires on June 30, 2021. The term of this Agreement may be extended for one (1) year periods by written agreement between all parties. The Agreement may be extended for no more than two (2) one (1) year periods.

2. **Capital Fundraising & Development.**

2.1. Capital Projects Generally. WFT will seek funding for capital projects identified within the Legacy Project and described in greater detail in the Master Plan. Funds raised will correspond with phasing developed by the Partners with input from WFT. Notwithstanding anything to the contrary, the Public Partners retain the authority, in their sole discretion, to determine the sequence of construction of the riverwalk.

2.2. Capital Funding Minimum. WFT agrees to provide at least \$5,912,939 in support of design of capital improvements for the Legacy Project when the project meets criteria, including design of elements supporting 'world class' programming and formal construction project approval by the Partners to develop 90% construction drawings for the first phase of construction, matching the \$19,299,203 provided by the Partners in the initial Legacy Project Partners Intergovernmental Agreement dated July 7, 2016.

2.3. Additional Funds. Funds raised in excess of \$5,912,939 will be allocated according the needs of the project and as agreed to in writing by the Parties.

2.4. Uses of Donated Funds. WFT will use any funds and donations secured by WFT to support the riverwalk design, programming, and the capital project(s) for which the funds were donated. No more than 20% of the funds and donations raised will be used for WFT's administrative operation costs or expenses.

3. **Organizational Governance.**

3.1. Implement WFT Business Plan. WFT will, for the duration of this Agreement, implement a business plan that has: (a) prioritized using WFT's financial resources to ensure organizational capacity and fundraising success; (b) developed mid- and long-term WFT operational funding plans (not connected to any capital campaign); (c) identified fund raising goals for capital campaign(s); (d) identified achievable level of community engagement by WFT, such as site tours, donor prospecting, leadership recruitment, and other events; (e) implementation of all tasks identified within this agreement such as property tours and programming. Business Plan to be approved by the WFT Board.

3.2. Maintain WFT Leadership Structure. WFT will maintain the number of people on its governing board to between 8 and not more than 21. With at least one member who is currently a Metro Councilor.

3.3. Policies and Procedures. WFT will keep comprehensive policies and procedures in accordance with non-profit best practices.

3.4. Corporate and Tax-Exempt Status. WFT will maintain its tax exempt status under Section 501(c)(3) of the Internal Revenue Code. WFT will maintain articles of incorporation establishing that the sole purpose of WFT is to support and benefit the Legacy Project and champion a world-class experience at Willamette Falls. WFT will promptly provide the Public Partners with written notice and an updated copy of its articles of incorporation and corporate bylaws if they are amended, restated, or otherwise changed.

3.5. Books and Records. WFT will maintain all of its records relating to this Agreement, such as accounting records and receipts for costs incurred, on a generally accepted accounting principles, on its own equipment. WFT will prepare and maintain a budget that will allow completion of the requirements of this Agreement. The Public Partners will have the opportunity to inspect and/or copy such records. In addition, the Public Partners will be provided an electronic copy of a financial report on a quarterly basis.

3.6. Annual Report. WFT will prepare an annual report of its activities and accomplishments and deliver the annual report to the Public Partners on or prior to the expiration of the term of this Agreement.

3.7. Board Meetings. WFT will provide the Public Partners reasonable advance notice of its board meetings.

4. **Approvals; Approval Standards.** The Legacy Project Manager may, on behalf of the Public Partners, approve or disapprove deliverables provided by WFT under this Agreement. As of the Effective Date, the Legacy Project Manager is Brian Moore, brian.moore@oregonmetro.gov. The Public Partners may change the party authorized to issue approvals on their behalf by written notice delivered to WFT signed by all of the Project Partners. Except where expressly stated elsewhere in this Agreement, approval by Public Partners' of any WFT deliverable will not be unreasonably withheld, conditioned, or delayed.

5. **Responsibilities of the Public Partners; Funding.**

5.1. The Public Partners will invite WFT to all riverwalk and Legacy Project public and VIP events, Core Team meetings, and Technical Advisory Committee meetings. WFT will invite the Public Partners to all WFT events.

5.2. The Public Partners will keep WFT apprised of developments in the permitting and construction of the riverwalk and include WFT in the process, including without

limitation, providing an update at every WFT board meeting. Oregon City, the County, and Metro will each send at least one staff representative to all WFT board meetings.

5.3. Promptly following execution of this Agreement, the Partners will provide funding in accordance with the schedule as follows. At the end of the first, second, third, and fourth quarters of each fiscal year for the term of this Agreement, WFT will send a statement to the Public Partners describing work and deliverables completed during such quarter, deliverables are to include an ongoing fundraising plan with quarterly updates, an indigenous community engagement plan, design recommendations that reflect indigenous community needs, and any additional deliverables determined during the course of this agreement and agreed to in writing by the parties. After receipt of each statement, Oregon City, Metro, and/or the County will provide grant payments to WFT in accordance with the procedures described in Exhibit A attached to this Agreement and the schedule of grant payments below. Statements will include the information set forth on Exhibit A to this Agreement, and will be submitted to the Public Partners in accordance with the procedures set forth on Exhibit A.

1st Quarter (July-Sept. 2020):	\$40,000 – to be paid by Metro
2nd Quarter (Oct.-Dec. 2020):	\$30,000 – to be paid by the County
3rd Quarter (Jan.-March 2021):	\$30,000 – to be paid 1/3 by Metro and 2/3 by Clackamas County
4th Quarter (April-June 2021):	\$50,000 – to be paid by Oregon City

5.3.1. Payments for prior services. WFT performed services for fiscal year 2020 pursuant to the agreement preceding this Agreement and in accordance with verbal commitments made in WFLP TAC meetings by the parties, the services include tribal outreach, program planning, and participation in the WFLP meetings during fiscal year 2020. These services were not invoiced prior to the expiration of the preceding agreement. The Partners will provide payments to WFT in accordance with the following schedule, which constitutes payment in full for fiscal year 2020:

<u>Date of Payment (on or before):</u>	<u>Amount:</u>	<u>To be paid by:</u>
June 15, 2020	\$50,000	Clackamas County
June 15, 2020	\$50,000	Metro
July 15, 2020	\$50,000	Oregon City

5.4. Oregon Constitutional Limitations. This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any Agreement provisions which would conflict with such law are deemed inoperative to that extent.

6. Communications.

6.1. **Project Communications.** WFT acknowledges and agrees that the Public Partners determine the Legacy Project's communications strategy. All written public communications by WFT regarding the riverwalk and the Legacy Project will be subject to the prior approval of the Public Partners. The Public Partners will provide WFT with the key project messages, and WFT will adhere to these messages in its communications. WFT will permit the Public Partners to review and approve any promotional materials prepared by WFT.

6.2. **WFT Communications.** The Public Partners will provide WFT with the opportunity to review publicity and printed materials produced by the Public Partners regarding WFT, and to review and approve communications regarding WFT by the Public Partners.

7. **Property Tours.** The easement agreement benefiting Metro, dated December 15, 2014, recorded December 17, 2014 in the Clackamas County Official Records as Doc. No. 2004-064826 ("Riverwalk Easement"), allows Metro and its assigns to conduct site tours and outreach efforts on the Property. Metro hereby grants to WFT a revocable license to conduct tours of the Property in accordance with this Section 7. Prior to conducting any tours, Metro and WFT will agree on tour guide qualifications, tour guide training requirements, tour route and content, tour materials (including handouts and participant liability waivers), pre-tour procedures and scheduling arrangements, and the like (collectively, "Tour Procedures"). When Metro and WFT have agreed to the Tour Procedures, Metro will provide WFT written notice setting forth the complete Tour Procedures, and WFT may thereafter commence providing tours in accordance with the Tour Procedures. Prior to commencing any tours, WFT will comply with the insurance requirements in Section 10, below.

8. **Programming.** The Public Partners authorize WFT to lead initial planning for active programming of the riverwalk for the Legacy Project. This planning will define the scope of "world class" active programming and articulate design requirements. This will also establish the baseline for determining programming feasibility and may include recommending organizational relationships to deliver "world class" active programming. The programming planning will include approaches and recommendations for curating narratives and options for scaling programming in conjunction with completion and opening of each phase of the riverwalk. WFT must include staff from Oregon City, Clackamas County and Metro to provide input on the feasibility of proposed planning. WFT must provide regular progress updates at Legacy Project Technical Advisory Committee and Core Team meetings. Final deliverables must be approved by the Legacy Project Manager. Funds used to develop the Programming Plan cannot be considered administrative costs as identified in section 2.4. WFT will participate in the design of Phase 1 of the riverwalk to ensure the physical design does not preclude future programming and interpretation opportunities and collaborate with indigenous people and affected tribes to understand how they may be included in future programming of the riverwalk.

9. **Termination.** This Agreement may be terminated by any Party subject to the requirements set forth in this section.

9.1. Termination for Cause. If any Party determines that a material breach of the terms of this Agreement has occurred, the aggrieved Party will promptly provide written notice of the breach to the other parties, reasonably documenting the breach and demanding that the breach be cured. The breaching Party will thereafter cure said breach within 10 days of receipt of said notice. If the breaching Party fails to so cure, or under circumstances where the breach cannot reasonably be cured within a 10-day period, fails to begin curing such violation within the 10-day period, or after 10 days has expired, fails to continue diligently to cure the breach until finally cured, the aggrieved Party may, at its sole discretion, immediately withdraw as a party to this Agreement. This Agreement only continues as long as there are two Parties to the Agreement. If a withdraw occurs and results in only one Party remaining, this Agreement is terminated. Termination will not extinguish or prejudice the terminating Party's right to seek damages and enforcement of the terms of this Agreement in a court of competent jurisdiction with respect to any breach that has not been cured.

9.2. If this Agreement is terminated, WFT is required to legally dissolve.

9.3. Dissolution. If WFT dissolves, after payment or provision for payment of all WFT liabilities, the assets of WFT will be distributed one-third (1/3) each to each Public Partner to be used by the Public Partners for the purpose of the Legacy Project.

10. **Insurance.** WFT will provide the Public Partners with a certificate of insurance complying with this Section within thirty (30) days after the Effective Date. Notice of any material change or policy cancellation must be provided to the Public Partners thirty (30) days prior to any change. All policies must name Metro, the County, and Oregon City, and their elected officials, officers, employees and agents, as additional insureds. WFT's coverage will be primary as respect to Metro, the County, and Oregon City. Prior to WFT providing any tours of the Property, as set forth in Section 7, above, Confederated Tribes of Grand Ronde and PGE (and any successor-in-interest to any portion of the Property) must be named as an additional insured on all WFT policies.

10.1. The most recently approved ISO (Insurance Services Offices) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits of not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, providing coverage against claims for bodily injury, death, personal injury, property damage, contractual liability, premises and products/completed operations.

10.2. Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence, combined single limit for bodily injury and property damage including coverage for owned, non-owned, and hired vehicles, including loading and unloading operations. If coverage is written with an aggregate limit, the aggregate limit may not be less than \$1,000,000.

10.3. Nonprofit Directors and Officers Insurance to protect the directors, officers and board members (past, present, and future) of WFT with limits of not less than \$1,000,000.

10.4. **Workers' Compensation.** All subject employers working under this Agreement must either maintain workers' compensation insurance as required by ORS 656.017, or qualify for an exemption under ORS 656.126. WFT will maintain employer's liability insurance with limits of \$500,000 each accident, \$500,000 disease each employee, and \$500,000 each policy limit.

10.5. **Cross Liability Clause.** A cross-liability clause or separation of insureds condition will be included in all general liability, professional liability, and errors and omissions policies required by this Agreement

11. Indemnification.

11.1. WFT agrees to defend, indemnify, and hold harmless Metro, Oregon City, and the County, their elected officials, officers, agents and employees, against all loss, damages, expenses, and liability, whether arising in tort, contract or by operation of any statute or common law, relating to or arising out of WFT's performance of, or failure to perform, its promises in this Agreement.

11.2. The County will defend, indemnify, and hold harmless WFT, Oregon City, and Metro, and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to the County's performance of, or failure to perform, its promises in this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

11.3. Metro will defend, indemnify, and hold harmless WFT, the County, and Oregon City and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to Metro's performance of, or failure to perform, its promises in this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

11.4. Oregon City will defend, indemnify, and hold harmless WFT, the County, and Metro, and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to Oregon City's performance of, or failure to perform, its promises in this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

11.5. The foregoing indemnification, defense, and hold harmless provisions are for the sole and exclusive benefit of the Parties, and their respective elected officials, officers, employees, and agents, and will survive termination or expiration of this Agreement. They are not intended, nor may they be construed, to confer any rights on or liabilities to any person or

persons other than the Parties and their respective elected officials, officers, employees, and agents.

12. **Miscellaneous Provisions.**

12.1. Counterparts. This Agreement may be executed in any number of counterparts, all of which together will constitute one and the same agreement. Facsimile copy or electronic signatures is valid as original signatures.

12.2. Assignment. This Agreement may not be assigned in whole or in part without the express written approval of all of the Parties.

12.3. Authorization. The Parties have obtained all approvals required by law, bylaws, operating agreements, and pertinent corporate documents in order to enter into this Agreement.

12.4. No Joint Venture or Partnership; Several Obligations. The Parties agree that, during the term hereof, each Party will act in its individual capacity and not as agents, employees, partners, joint ventures, or associates of one another, and that nothing in this Agreement, nor the Parties' acts or failures to act hereunder, may constitute or be construed by the parties, or by any third person, to create an employment, partnership, joint venture, association or joint employer relationship between them. The Parties agree that, as independent and separate entities, each will maintain a management structure independent of the other during the term hereof. The agreements of Metro, the County, and Oregon City under this Agreement are several (and not joint) in all respects.

12.5. Entire Agreement. This Agreement constitutes the entire agreement between the Parties on the matter addressed herein, and supersedes all prior or contemporaneous oral or written communications, agreements, or representations relating to its subject matter. No waiver, consent, modification, or change of terms of this Agreement will bind any Party unless in writing and signed by all Parties.

12.6. No Waiver. The failure of a Party to enforce any provision of this Agreement will not constitute a waiver by any Party of that or any other provision.

12.7. Notices. Notices are deemed received upon personal service or upon deposit in the United States Mail, certified mail, postage prepaid, return receipt requested addressed as follows:

To WFT: Willamette Falls Trust
 PO Box 2588
 Oregon City, OR 97045

To Metro: Metro

Office of Metro Attorney
600 NE Grand Avenue
Portland, Oregon 97232-2736

To Oregon City: City of Oregon City
Office of the City Manager
PO Box 3040
Oregon City, OR 97045

To County: Clackamas County
Business & Community Services
150 Beaver Creek Road
Oregon City, OR 97045

The foregoing addresses may be changed by written notice, given in the same manner. Notice given in any manner other than the manner set forth above will be effective when received by the Party for whom it is intended.

12.8. No Benefit to Third Parties. Metro, Oregon City, the County, and WFT are the only Parties to this Agreement and as such are the only Parties entitled to enforce its terms. Nothing in this Agreement gives or will be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.

12.9. Severability. If any one or more of the provisions of this Agreement is any reason held invalid, illegal, or unenforceable, in whole or in part, or in any other respect, then such provision or provisions will be deemed null and void and will not affect the validity of the remainder of the Agreement, which will remain operative and in full force and effect to the fullest extent permitted by law.

[Signatures follow on next page; remainder of page left blank.]

METRO

WILLAMETTE FALLS TRUST

By: _____
Marissa Madrigal, Chief Operating Officer

By: _____
Andrew Mason, Executive Director

OREGON CITY

CLACKAMAS COUNTY

By: _____
Anthony J. Konkol, III, City Manager

By: _____
Gary Schmidt, County Administrator

EXHIBIT A

Invoice Requirements

1. WFT will send its statements to Metro, Oregon City, and the County.
 - To Metro: the statement will be sent to brian.moore@oregonmetro.gov and metroaccountspayable@oregonmetro.gov, and the statement will include the Metro contract number and WFT's name in the email subject line.
 - To Oregon City: the statement will be sent to LTerway@orccity.org.
 - To County: the statement will be sent to LZentner@clackamas.us, and the statement will include WFT's name in the email subject line.
2. The statement will include:
 - The Metro contract number
 - WFT's name, remittance address, invoice date, invoice number, invoice amount, tax amount (if applicable), and an itemized statement of work performed and deliverables completed during the prior quarter.
3. With respect to the grant payments to be made by Metro, Oregon City, and/or the County, per the schedule below, Metro, Oregon City and the County (as applicable) will make the payment on a Net 30 day basis upon approval of the invoice. Unless otherwise agreed upon in writing, payments associated with any extension of this agreement will follow the following schedule:

1st Quarter (July-Sept.):	\$40,000 – to be paid by Metro
2nd Quarter (Oct.-Dec.):	\$30,000 – to be paid by the County
3rd Quarter (Jan.-March):	\$30,000 – to be paid 1/3 by Metro and 2/3 by the County
4th Quarter (April-June):	\$50,000 – to be paid by Oregon City

WILLAMETTE FALLS LEGACY PROJECT**REDISCOVER THE FALLS****2018-19 GRANT AGREEMENT**

This Grant Agreement (this "Agreement") is entered into effective as of July 1, 2018 (the "Effective Date"), by and among Metro, an Oregon municipal corporation ("Metro"), The City of Oregon City, an Oregon municipal corporation ("Oregon City"), Clackamas County, an Oregon municipal corporation (the "County"), and Rediscover the Falls, an Oregon nonprofit public benefit corporation ("RTF"). Metro, Oregon City, the County, and RTF may be referred to herein individually as a "Party," or collectively as the "Parties." Metro, Oregon City, and the County are collectively referred to in this Agreement as the "Public Partners."

RECITALS

A. RTF is a volunteer support group for the Willamette Falls Legacy Project, which project will, among other things, create public open space and a pedestrian parkway on the former site of the Blue Heron Paper Mill in Oregon City (the "Property") to provide the public unobstructed views of the Willamette River and Willamette Falls (the "Legacy Project").

B. The Public Partners have supported the creation and growth of RTF, and wish to provide additional grant funding to help RTF launch its first capital campaign to support the first phase of the Legacy Project, known as the "riverwalk."

AGREEMENT

In consideration of the foregoing, and the mutual covenants and conditions contained herein and for other good and valuable consideration, the Parties agree as follows:

1. **Term.** The term of this Agreement commences on the Effective Date and expires on June 30, 2019.

2. **Capital Fundraising & Development.**

2.1. **Capital Projects List.** RTF will create a list of capital projects connected with the riverwalk for which RTF will seek funding ("Capital Projects List"). The Capital Projects List will be based on the most current plans for the riverwalk. Notwithstanding anything to the contrary, the Public Partners retain the authority to determine the sequence of construction of the riverwalk, in the Public Partners' sole discretion.

2.2. **Campaign Case Statement.** RTF will develop a capital campaign case statement (the "Campaign Case Statement"), which will describe the scope and goals of a capital fundraising campaign for the riverwalk.

2.3. **Campaign Action Plan.** RTF will create a campaign action plan, which will identify and describe the activities to be undertaken as part of RTF's capital campaign (the "Campaign Action Plan"). The Campaign Action Plan will include the following elements: a

campaign pyramid, top 100 qualified prospects, a communications plan, feasibility analysis, foundation strategy, individualized solicitation strategies, metrics for measurable progress, milestones for reporting, and a donor packet (including project overview, budget, letters of support, media articles, etc.)

2.4. Collaboration; Implementation. RTF will develop the Capital Projects List, the Campaign Case Statement, and the Campaign Action Plan and its elements in collaboration with the Public Partners, and these deliverables will be subject to the prior review and approval of the Public Partners. Following completion and approval by the Public Partners of the Capital Projects List, Campaign Case Statement, and Campaign Action Plan, RTF will begin implementation of the Campaign Action Plan.

2.5. Use of Donated Funds. RTF will use any funds and donations secured by RTF to support the organizational capacity of RTF while maximizing support for the riverwalk and the capital project(s) for which the funds were donated. No more than 20% of the funds and donations raised will be used for RTF's administrative operation costs or expenses.

3. **Organizational Development.**

3.1. Develop Business Plan. RTF will develop a business plan, which plan will: (a) prioritize using RTF's financial resources to ensure organizational capacity and fundraising success; (b) develop mid- and long-term RTF operational funding plans (not connected to any capital campaign); (c) identify "friend-raising" roles and goals; and (d) identify achievable level of community engagement by RTF, such as site tours, donor prospecting, leadership recruitment, and other events.

3.2. Update RTF Leadership Structure. RTF will endeavor to increase the number of people on its governing board by at least 3 and not more than 12.

3.3. Policies and Procedures. RTF will develop comprehensive financial, investment, and giving policies and procedures in accordance with non-profit best practices.

4. **Organizational Maintenance.**

4.1. Corporate and Tax-Exempt Status. RTF will maintain its tax exempt status under Section 501(c)(3) of the Internal Revenue Code. RTF will maintain articles of incorporation establishing that the sole purpose of RTF is to support and benefit the Legacy Project. RTF will promptly provide the Public Partners with written notice and an updated copy of its articles of incorporation and corporate bylaws if they are amended, restated or otherwise changed.

4.2. Books and Records. RTF will maintain all of its records relating to this Agreement, such as accounting records and receipts for costs incurred, on a generally accepted accounting principles, on its own equipment. RTF will prepare and maintain a budget that will allow completion of the requirements of this Agreement. The Public Partners will have the opportunity to inspect and/or copy such records. In addition, the public partners will be provided an electronic copy of a financial report on a quarterly basis.

4.3. Annual Report. RTF will prepare an annual report of its activities and accomplishments and deliver the annual report to the Public Partners on or prior to the expiration of the term of this Agreement.

4.4. Board Meetings. RTF will provide the Public Partners reasonable advance notice of its board meetings.

5. **Approvals; Approval Standards.** The Legacy Project Manager may, on behalf of the Public Partners, approve or disapprove deliverables provided by RTF under this Agreement. As of the Effective Date, the Legacy Project Manager is Brian Moore, brian.moore@oregonmetro.gov. The Public Partners may change the party authorized to issue approvals on their behalf by written notice delivered to RTF signed by all of the Project Partners. Except where expressly stated elsewhere in this Agreement, approval by Public Partners' of any RTF deliverable will not be unreasonably withheld, conditioned or delayed.

6. **Responsibilities of the Public Partners; Funding.**

6.1. The Public Partners will invite RTF to all riverwalk and Legacy Project public and VIP events. RTF will invite the Public Partners to all RTF events.

6.2. The Public Partners will keep RTF apprised of developments in the permitting and construction of the riverwalk and include RTF in the process, including without limitation, providing an update at every RTF board meeting. Oregon City, the County and Metro will each send at least one staff representative to all RTF board meetings.

6.3. Promptly following execution of this Agreement, Oregon City will provide RTF with a \$50,000 grant payment. At the end of the first quarter, second quarter and third quarter of the term of this Agreement, RTF will send a statement to the Public Partners describing work and deliverables completed during such quarter. After receipt of each statement, Metro and/or the County will provide grant payments to RTF in accordance with the procedures described in Exhibit A attached to this Agreement and the schedule of grant payments below. Statements will include the information set forth on Exhibit A to this Agreement, and will be submitted to the Public Partners in accordance with the procedures set forth on Exhibit A.

Execution of Agreement:	\$50,000 - to be paid by Oregon City
1st Quarter (July-Sept.):	\$40,000 - to be paid by Metro
2nd Quarter (Oct.-Dec.):	\$30,000 - to be paid by the County
3rd Quarter (Jan.-March):	\$30,000 - to be paid 1/3 by Metro and 2/3 by the County

6.4 **Oregon Constitutional Limitations.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein, which would conflict with such law, are deemed inoperative to that extent.

7. **Communications.**

7.1. Project Communications. RTF acknowledges and agrees that the Public Partners determine the Legacy Project's communications strategy. All written public

communications by RTF regarding the riverwalk and the Legacy Project will be subject to the prior approval of the Public Partners. The Public Partners will provide RTF with the key project messages, and RTF will adhere to these messages in its communications. RTF will permit the Public Partners to review and approve any promotional materials prepared by RTF. Metro grants permission to RTF to use the name “Rediscover the Falls.”

7.2. **RTF Communications.** The Public Partners will provide RTF with the opportunity to review publicity and printed materials produced by the Public Partners regarding RTF, and to review and approve communications regarding RTF by the Public Partners.

8. **Property Tours.** The Easement Agreement between Metro and Falls Legacy, LLC, dated December 15, 2014, recorded December 17, 2014 in the Clackamas County Official Records as Doc. No. 2004-064826 (the “Riverwalk Easement”), allows Metro and its assigns to conduct site tours and outreach efforts on the Property. Metro hereby grants to RTF a revocable license to conduct tours of the Property in accordance with this Section 8. Prior to conducting any tours, Metro and RTF will agree, each in their sole discretion, on tour guide qualifications, tour guide training requirements, tour route and content, tour materials (including handouts and participant liability waivers), pre-tour procedures and scheduling arrangements and the like (collectively, the “Tour Procedures”). When Metro and RTF have agreed to the Tour Procedures, Metro will provide RTF written notice setting forth the complete Tour Procedures, and RTF may thereafter commence providing tours in accordance with the Tour Procedures. Prior to commencing any tours, RTF will comply with the insurance requirements in Section 10, below.

9. **Termination.** This Agreement may be terminated by any Party for cause, subject to the requirements set forth in this section.

9.1. **Termination for Cause.** If any Party determines that a material breach of the terms of this Agreement has occurred, the aggrieved Party will promptly provide written notice of the breach to the other parties, reasonably documenting the breach and demanding that the breach be cured. The breaching Party will thereafter cure said breach within 10 days of receipt of said notice. If the breaching Party fails to so cure, or under circumstances where the breach cannot reasonably be cured within a 10-day period, fails to begin curing such violation within the 10-day period, or after 10 days has expired, fails to continue diligently to cure the breach until finally cured, the aggrieved Party may, at its sole discretion, immediately withdraw as a party to this Agreement, or if there are only two parties to the Agreement, terminate this Agreement. The exercise of this termination right will not extinguish or prejudice the terminating Party’s right to seek damages and enforcement of the terms of this Agreement in a court of competent jurisdiction with respect to any breach that has not been cured.

9.2. **Dissolution.** If RTF must dissolve, after payment or provision for payment of all RTF liabilities, the assets of RTF will be distributed one-third (1/3) each to each Public Partner to be used by the Public Partners for the purpose of the Legacy Project.

10. **Insurance.** RTF will provide the Public Partners with a certificate of insurance complying with this Section within thirty (30) days after the Effective Date. Notice of any material change or policy cancellation must be provided to the Public Partners thirty (30) days prior to any change. All policies must name Metro, the County and Oregon City, and their elected officials,

officers, employees and agents, as additional insureds. RTF's coverage will be primary as respect to Metro, the County and Oregon City. Prior to RTF providing any tours of the Property, as set forth in Section 8, above, Falls Legacy, LLC (and any successor-in-interest to any portion of the Property) must be named as an additional insured on all RTF policies, as well.

10.1. The most recently approved ISO (Insurance Services Offices) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits of not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, providing coverage against claims for bodily injury, death, personal injury, property damage, contractual liability, premises and products/completed operations.

10.2. Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence, combined single limit for bodily injury and property damage including coverage for owned, non-owned, and hired vehicles, including loading and unloading operations. If coverage is written with an aggregate limit, the aggregate limit may not be less than \$1,000,000.

10.3. Nonprofit Directors and Officers Insurance to protect the directors, officers and board members (past, present, and future) of RTF with limits of not less than \$1,000,000.

10.4. Workers' Compensation. All subject employers working under this Agreement must either maintain workers' compensation insurance as required by ORS 656.017, or qualify for an exemption under ORS 656.126. RTF will maintain employer's liability insurance with limits of \$500,000 each accident, \$500,000 disease each employee, and \$500,000 each policy limit.

10.5. Cross Liability Clause. A cross-liability clause or separation of insureds condition will be included in all general liability, professional liability, and errors and omissions policies required by this Agreement

11. Indemnification.

11.1. RTF agrees to defend, indemnify and hold harmless Metro, Oregon City, and the County, their elected officials, officers, agents and employees, against all loss, damages, expenses, and liability, whether arising in tort, contract or by operation of any statute or common law, relating to or arising out of RTF's performance of, or failure to perform, its promises in this Agreement.

11.2. The County will defend, indemnify and hold harmless RTF, Oregon City, and Metro, and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to the County's performance of, or failure to perform, its promises in this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

11.3. Metro will defend, indemnify and hold harmless RTF, the County and Oregon City and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to Metro's performance of, or failure to perform, its promises

in this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

11.4. Oregon City will defend, indemnify and hold harmless RTF, the County, and Metro, and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to Oregon City's performance of, or failure to perform, its promises in this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

11.5. The foregoing indemnification, defense, and hold harmless provisions are for the sole and exclusive benefit of the Parties, and their respective elected officials, officers, employees, and agents, and will survive termination or expiration of this Agreement. They are not intended, nor may they be construed, to confer any rights on or liabilities to any person or persons other than the Parties and their respective elected officials, officers, employees and agents.

12. **Miscellaneous Provisions.**

12.1. Counterparts. This Agreement may be executed in any number of counterparts, all of which together will constitute one and the same agreement. Facsimile copy or electronic signatures shall be valid as original signatures.

12.2. Assignment. This Agreement may not be assigned in whole or in part without the express written approval of all of the Parties.

12.3. Authorization. The Parties have obtained all approvals required by law, bylaws, operating agreements, and pertinent corporate documents in order to enter into this Agreement.

12.4. No Joint Venture; Several Obligations. The Parties agree that, during the term hereof, each Party will act in its individual capacity and not as agents, employees, partners, joint ventures or associates of one another, and that nothing in this Agreement, nor the Parties' acts or failures to act hereunder, may constitute or be construed by the parties, or by any third person, to create an employment, partnership, joint venture, association or joint employer relationship between them. The Parties agree that, as independent and separate entities, each will maintain a management structure independent of the other during the term hereof. The agreements of Metro, the County, and Oregon City under this Agreement are several (and not joint) in all respects.

12.5. Entire Agreement. This Agreement constitutes the entire agreement between the Parties on the matter addressed herein, and supersedes all prior or contemporaneous oral or written communications, agreements or representations relating to its subject matter. No waiver, consent, modification or change of terms of this Agreement will bind any Party unless in writing and signed by all Parties.

12.6. No Waiver. The failure of a Party to enforce any provision of this Agreement will not constitute a waiver by any Party of that or any other provision.

12.7. Notices. Notices will be deemed received upon personal service or upon deposit in the United States Mail, certified mail, postage prepaid, return receipt requested addressed as follows:

To RTF: Rediscover the Falls
PO Box 2588
Oregon City, OR 97045

To Metro: Metro
Office of Metro Attorney
600 NE Grand Avenue
Portland, Oregon 97232-2736

To Oregon City: City of Oregon City
Office of the City Manager
PO Box 3040
Oregon City, OR 97045

To County: Clackamas County
Business & Community Services
150 Beavercreek Road
Oregon City, OR 97045

The foregoing addresses may be changed by written notice, given in the same manner. Notice given in any manner other than the manner set forth above will be effective when received by the Party for whom it is intended.

12.8. No Benefit to Third Parties. Metro, Oregon City, the County and RTF are the only Parties to this Agreement and as such are the only Parties entitled to enforce its terms. Nothing in this Agreement gives or will be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.

12.9. Severability. If any one or more of the provisions of this Agreement will for any reason be held to be invalid, illegal or unenforceable, in whole or in part, or in any other respect, then such provision or provisions will be deemed null and void and will not affect the validity of the remainder of the Agreement, which will remain operative and in full force and effect to the fullest extent permitted by law.

[Signatures follow on next page; remainder of page left blank.]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

METRO

By: Martha J. Bennett
Martha J. Bennett, Chief Operating Officer

REDISCOVER THE FALLS

By: Andrew Mason
Andrew Mason, Executive Director

OREGON CITY

By: Anthony J. Konkol III
Anthony J. Konkol, III, City Manager

CLACKAMAS COUNTY

By: _____
Don Krupp, County Administrator

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

METRO

REDISCOVER THE FALLS

By: _____
Martha J. Bennett, Chief Operating Officer

By: _____
Andrew Mason, Executive Director

OREGON CITY

CLACKAMAS COUNTY

By: _____
Anthony J. Konkol, III, City Manager

By:  _____
Don Krupp, County Administrator

G.1
11-1-18

EXHIBIT A

Invoice Requirements

1. RTF will send its statements to Metro, Oregon City, and the County.
 - To Metro: the statement will be sent to brian.moore@oregonmetro.gov and metroaccountspayable@oregonmetro.gov, and the statement will include the Metro contract number and RTF's name in the email subject line.
 - To Oregon City: the statement will be sent to LTerway@orc.city.org.
 - To County: the statement will be sent to LZentner@clackamas.us, and the statement will include RTF's name in the email subject line.
2. The statement will include:
 - The Metro contract number
 - RTF's name, remittance address, invoice date, invoice number, invoice amount, tax amount (if applicable), and an itemized statement of work performed and deliverables completed during the prior quarter.
3. With respect to the grant payments to be made by Metro, or Metro and the County, per the schedule below, Metro and the County (as applicable) will make the payment on a Net 30 day basis upon approval of the invoice.

Execution of Agreement:	\$50,000 – to be paid by Oregon City
1st Quarter (July-Sept.):	\$40,000 – to be paid by Metro
2nd Quarter (Oct.-Dec.):	\$30,000 – to be paid by the County
3rd Quarter (Jan.-March):	\$30,000 – to be paid 1/3 by Metro and 2/3 by the County

Summary of Willamette Falls Legacy Project Programming Discussions

The summary below identifies specific discussions about programming involving the Willamette Falls Trust. The timeline below does not include the opportunities in which the public provided input on the riverwalk, including the programming component.

Fall 2018

- WFLP assigns Trust the role of detailing “world class” vision for programing in partnership with Oregon City.

January 2019

- Trust releases public Programming Request for Interest in close consultation with Oregon City staff to solicit “world class” programming plan consultants. Excerpt text from Programming Request for Interest Document included:

With a completed master plan and conceptual design, the Willamette Falls Riverwalk design phase is near completion. The project has entered the implementation phase, construction documentation is progressing toward construction beginning in spring 2020. Concurrent to developing construction documents, an interpretive plan is being developed to provide world-class interpretation at the site. The third and final component of the Riverwalk experience is the programming plan. The programming plan will be developed in coordination with the Riverwalk’s design and the interpretative plan. Each of these three components (design-interpretation-programming) both overlap and have discreet functions; the plans must be developed in coordination with one another, with aligned execution plans.

The purpose of this RFI is to identify a world-class consulting team to develop a programming plan, coordinate with design and interpretive plan consultants to integrate programming into the overall Riverwalk plan and identify organizations to implement the programming.

Success of the Riverwalk includes programming experiences which advance the vision of the Riverwalk’s conceptual design and are consistent with the core values of Healthy Habitat, Economic Redevelopment, Public Access, and Cultural and Historic Interpretation . Programming should be dynamic, immersive, seasonal, multicultural, multisensory, and multi-generational, with elements that roll out over the 20-year development of the site.

The programming plan will be used by the Trust, WFLP, and the property owner. The plan should inform the Riverwalk design and interpretation and help in decision making regarding allocation of resources for operation of the iconic site. The plan should provide guidance to help shape the activities that will occur onsite, so they may be articulated to project supporters and potential philanthropic donors. The plan should name shared expectations around operation of the site, particularly with the property owner and the public.

March 2019

- Trust selects Biederman Redevelopment Ventures and MASS Design Group to assist with programming. Oregon City staff participate on selection panel to provide input and consultation in the decision.

April 11, 2019

- Campaign Launch Event, Tumwater Winery. Announced plans to raise money for programming and capital of Riverwalk. All Oregon City Commissioners invited.

April 29, 2019

- Program Plan Launch event at MOOT (see attached agenda). All Oregon City Commissioners invited. Received community leadership input and direction on programming plan development.

June 19, 2019

- Presentation to Oregon City Commission regarding Programming Plan Development
Presenters: Ashley Langworthy, Biederman Redevelopment Ventures
Andrew Mason, Willamette Falls Trust
Alex Gilbertson, Willamette Falls Legacy Project
Phil Lewis, Oregon City

February 5, 2020

- Presentation Update to the Oregon City Commission
In coordination with Oregon City staff, Willamette Falls Trust shared a report from Biederman Redevelopment Ventures at the Oregon City Commission Work Session on Wednesday, February 5th. The report included a recommendation that Willamette Falls Trust serves as the “Riverwalk Management Entity”.

There is general agreement amongst the Willamette Falls Legacy Project (“WFLP”) partners that Oregon City is responsible for ownership and overseeing Riverwalk operations. In early 2018, WFLP assigned the task of developing a programming plan for the Riverwalk to the City of Oregon City and the Trust. The flexibility inherent in the Trust’s nonprofit structure led Oregon City to charge the Trust with leading the development of the Riverwalk programming plan. In response to a Request for Interest proposal released nationwide in February 2019, the Trust interviewed and retained Biederman Redevelopment Ventures (“BRV”) and the MASS Design Group (“MASS”) to support the development of the programming plan.

After a 9-month engagement with Trust and City staff, and community groups, BRV recommended a strong partnership between the City of Oregon City and a nonprofit as the ideal management structure for the Riverwalk. This structure is consistent with best practices at Portland’s Pioneer Courthouse Square in Portland, and many sites visited by the Trust’s Board of Directors during a best practices trip in the summer of 2019, including San Francisco’s Presidio, Salesforce Park, and Yerba Buena Gardens, as well as the developing Seattle Waterfront. The City Commission indicated that the programming of the riverwalk would likely be carried out by a third party with some representation/coordination/oversight from the City. Future agreements will follow procurement rules and be brought before the City Commission at a public meeting so the public will have an opportunity to weigh in.



City of Oregon City

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

Item 7b.

Meeting Agenda City Commission

Wednesday, February 5, 2020

6:00 PM

Commission Chambers

Work Session

1. Convene Work Session

2. Roll Call

3. Discussion Items

- 3a. [20-049](#) Management of the Willamette Falls Legacy Project Riverwalk Programming

Sponsors: City Manager Tony Konkol

Attachments: [Riverwalk Programming Management Entity Proposal](#)
[Staff Report](#)

- 3b. [20-046](#) Oregon City Operations Complex Development Project Update

Sponsors: Public Works Director John Lewis

Attachments: [Presentation Slides](#)
[Staff Report](#)

4. Adjournment

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.

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

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City of Oregon City

625 Center Street
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Item 7b.

Staff Report

File Number: 20-049

Agenda Date: 2/5/2020

Status: Agenda Ready

To: City Commission

Agenda #: 3a.

From: City Manager Tony Konkol

File Type: Presentation

SUBJECT:

Management of the Willamette Falls Legacy Project Riverwalk Programming

RECOMMENDED ACTION (Motion):

No action is required at this time, though staff is seeking general guidance on if the City Commission is interested in the Willamette Falls Trust managing programming for the Willamette Falls Legacy Project Riverwalk. If not, staff is looking for guidance as to which management strategy the City Commission would prefer.

BACKGROUND:

Executive Summary:

Oregon City is tasked with actively programming the Willamette Falls Legacy Project riverwalk. Programming can be anything which activates the space such as displays or events on the history of the site, dance lessons, speakers, markets, or concerts. Staff is seeking guidance for who is best suited to program the riverwalk in a way that honors the four core values of the project as well as the expectations of the community. Though there are many ways to manage the facility staff recommends the City work with the non-profit Willamette Falls Trust to implement programming of the Willamette Falls Legacy Project riverwalk.

The riverwalk is anticipated to be maintained by multiple government agencies. While Metro will be responsible for management of the habitat areas, the City of Oregon City will responsible for management of hardscape, including the programming of the site. The programming can be anything which activates the space such as displays or events on the history of the site, dance lessons, speakers, markets, or concerts. Active management and coordinated programming of the Willamette Falls Legacy Project riverwalk is critical to assure implementation of the project's core values (historic and cultural interpretation, economic redevelopment, public access, safety, and healthy habitat). In addition, proper programming of events and activities support the vibrancy of our downtown and citywide tourism throughout the year by creating a four season destination. Lastly, the riverwalk is a long, lineal space which will be constructed incrementally over a long period of time and active programming will bridge gaps of development and significantly increase safety so the riverwalk is an interesting and dynamic place for all to enjoy.

Options:

As the design of Phase 1 of the riverwalk is being finalized, it is necessary to identify how the

programming is managed. Potential options include:

- Oregon City manages the programming internally.
- Oregon City finds another entity to manage the programming.
- Oregon City works with another entity to manage the programming.

The benefits of Oregon City not managing the programming of the riverwalk include:

- Reduced financial burden for the City;
- Reduced staffing burden for the City;
- Non-Government entities may be able to complete the work for a lower cost;
- Greater expertise and/or experience with world-class programming;
- Broader opportunities to raise money or qualify for grants;
- The sole purpose of the entity could be focused on the success of the riverwalk, as opposed to a variety of interests; and
- More innovative and nimbler than the City.

The drawbacks of Oregon City not managing the programming of the riverwalk include:

- Reduced control;
- Difficulty in reobtaining control;
- May not be as motivated to have a successful project;
- May not implement as good as the City over a long period of time.

Staff believes it is in the City's best interest to work with another entity to manage the programming of the riverwalk. With clear expectations, metrics for success, and communication, another entity could implement the City's vision and expectations more successfully than traditional parks programming. This model has been successfully implemented in a variety of world-class destinations. Due to the commitment and dedication of the Willamette Falls Trust, staff believes that they could be a viable partner to implement the programming to honor the iconic vision of the public. A memorandum is attached with further analysis.

Riverwalk Management Recommendation

Programming Development Background

There is general agreement amongst the Willamette Falls Legacy Project (“WFLP”) partners that Oregon City is responsible for ownership and overseeing Riverwalk operations. In early 2018, WFLP assigned the task of developing a programming plan for the Riverwalk to the City of Oregon City and the Trust. The flexibility inherent in the Trust’s nonprofit structure led Oregon City to charge the Trust with leading the development of the Riverwalk programming plan. In response to a Request for Interest proposal released nationwide in February 2019, the Trust interviewed and retained Biederman Redevelopment Ventures (“BRV”) and the MASS Design Group (“MASS”) to support the development of the programming plan.

After a 9-month engagement with Trust and City staff, and community groups, BRV is recommending a strong partnership between the City of Oregon City and a nonprofit as the ideal management structure for the Riverwalk. This structure is consistent with best practices at Portland’s Pioneer Courthouse Square, Seattle’s Occidental Square, and many sites visited by the Trust’s Board of Directors during a best practices trip in the summer of 2019, including San Francisco’s Yerba Buena Gardens and the developing Seattle Waterfront. Though not a public-private-partnership, the Presidio and Salesforce Park (visited during best practices trip) also employ innovative management approaches utilizing government oversight and private sector techniques for programming and revenue generation.

The City has created clear goals for programming that align with its big picture vision. The Trust shares these goals. Implementing them on behalf of the City and community further advances the City’s vision.

Statement of Purpose

Create a management structure for the Riverwalk that:

- Advances the project’s four core values;
- Builds on the significant public input that was approved in the concept plans adopted by the Metro Council, the Oregon City Commission, and the Willamette Falls Legacy Project;
- Optimizes the potential for success by maximizing flexibility, assuring local control, and minimizing overhead.

The following proposal would charge the private, nonprofit Willamette Falls Trust (“the Trust”) as the managing entity of the Riverwalk.

The Benefit of Nonprofit Park Management

Partnerships with nonprofit park management entities make sense for local governments because they usually are devoted to the success of the facility, save the City money, provide specific public sites with dedicated managers who pay attention only to that site (as opposed to being spread across many parks), have specialized expertise in programming, and allow the use of private-sector techniques and expertise.

By relieving the City of its operating obligations, a public-private park partnership will benefit the City financially. The City can either save money or reallocate resources to parks in other areas. In addition, there are other indirect effects on the City's finances:

- The City will benefit from increased real estate values and an increased value of ground leases. Separately managed parks have an established track record of creating real estate value in abutting property.
- More intense and year-round programming means more visitors, which in turn means increased spending in and around the parks.
- Permanent jobs will be created by the new management entity as well as any new businesses that sprout up in, around, or because of the revitalized park. This economic development may have a small effect on City revenues through the property taxes.

Non-financial benefits include opportunities for local businesses to market themselves through programming and events. Park management entities often create highly-active urban parks that rely on local businesses, nonprofits, and institutions to provide these activities and events. In the process, the park and these programming and event partners grow each other's audiences, exposing both the park and the business or nonprofit to new people and new opportunities.

The increased funds resulting from a public-private park partnership will also lead to a higher-quality and higher-profile venue for civic events. And, of course, a public-private park partnership usually creates an abundance of new, free programming for the public. Active programming and park activity serve as a strong foundation for public safety and security.

Riverwalk Managing Entity

Typically, private park management entities are nonprofit corporations. Government agencies and the public are more comfortable with an organization that reinvests any revenues it generates back into the park it is managing on behalf of a city and its residents.

The nonprofit model involves a long-term lease or management agreement between the City and a nonprofit organization that is established to take complete control of the operations of the park. This model involves no government money and gives the most rights and responsibilities to the Managing Entity ("ME"). The lease transfers all the operating and maintenance responsibilities from a public agency to the nonprofit park management organization, stipulating close coordination with City staff, including public safety, public works, and the parks department. The ME will work closely with the City to specify expectations and success metrics in the lease. The lease also gives the ME the right to freely enter into contracts with vendors and concessionaires, as well as retain any revenue generated within the bounds of the park (along with a requirement that any revenue generated must also be spent on the park). Under the terms of a lease it should be determined how all future capital expenses will be funded.

Rent would be a nominal figure such as one dollar per year, recognizing that the ME is saving the City money by releasing it from its operating obligations. This type of management agreement usually does not include provisions for "maintenance of effort" (see below), but public agencies do continue to provide select services in many cases (such as providing electricity and other utilities to the park, free-of-charge), analogous to what a commercial landlord might provide a desirable tenant.

Contributions from surrounding property owners, who have a vested financial interest in a park's success (because the value of their real estate will increase), are a critical source of funding for many

of the most prominent urban parks in the United States. In addition, philanthropic contributions from individuals and foundations are often used to close the gap between revenues and expenses common to the early years of operation for a new or revitalized public space, and sometimes become an important ongoing source of funding for a park. Philanthropic contributions are only tax deductible for individuals if they are given to a nonprofit corporation that has been classified as a 501(c)(3) organization by the Internal Revenue Service. In addition, many foundations will only donate to 501(c)(3) organizations. Beyond that, obtaining 501(c)(3) status is often a requirement for many public and private grants for specific capital projects or programs. Any park management entity that plans to use any of these revenue streams should be formed as a 501(c)(3) nonprofit corporation.

Creating a Riverwalk Management Entity

This proposal recommends authorizing Willamette Falls Trust as the Managing Entity (“ME”) charged with managing operations of the Riverwalk, including programming and maintenance. This will maintain the flexibility inherent in the private sector afforded by the Trust’s nonprofit status. Local control and oversight would be assured by an 8-14 member community board, appointed by the City Commission and the Trust. The ME Board might consist, for example, of 5-8 community members, at least 1 City Commissioner, and key City staff – Police Chief, Parks Director, Community Development Director. The ME board would report quarterly, or as directed, to the City Commission, or its designee.

A nonprofit Managing Entity is the structure used by the two most heavily programmed parks cited in the 2016 EcoNW *Riverwalk Operations and Maintenance Case Studies* report commissioned by Oregon City. These two parks are the New York’s Highline and San Francisco’s Yerba Buena Gardens. Heavy programming presents the strongest benefit to safety and economic development and best meets the world class standard set forth by WFLP for the Riverwalk. This nonprofit structure is also being used at multiple other sites visited by the Trust and Seattle’s newly-created *Friends of the Waterfront*. This is also the structure of several parks BRV helped develop including Bryant Park in New York, Klyde Warren Park in Dallas, and Levy Park in Houston, all heavily programmed.

Responsibilities of the ME

The ME would be responsible for all Riverwalk sanitation, security, and landscaping which is not otherwise under Metro’s responsibility, programming/events, and maintenance, and will be responsible for generating the revenue to support the Riverwalk operations. Metro would retain control and maintenance responsibility for all areas specifically designated for “habitat restoration”. The lines of responsibility for specific areas will be detailed in a formal, long-term management agreement, to be drafted.

This relationship would be directed by a long-term management agreement between the City and the ME. The agreement would grant the ME control of all net revenue generated in the spaces.

The management agreement would specify the performance standards of management, operations, security, and sanitation so that the ME meets and/or exceeds the expectations as set out by the City and meets and/or exceeds the expectations of WFLP. The management agreement will include clear procedures for revocation, if expectations are not met.

Projected Programming Budget

Total cost for a world-class programming experience is projected to be approximately \$400,000-600,000 annually, including programs and staff. This projection does not include sanitation, security, landscape, and maintenance. The budget for those items will be estimated closer to project opening.



City of Oregon City

625 Center Street
Oregon City, OR 97045
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Item 7b.

Meeting Agenda City Commission

Tuesday, May 12, 2020

6:00 PM

Commission Chambers

Work Session - REVISED

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.city.org.
- Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045.

1. Convene Work Session and Roll Call

2. Future Agenda Items

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

2a. [20-248](#) List of Future Work Session Agenda Items

Sponsors: City Manager Tony Konkol

Attachments: [List](#)

[Ranking of Future Work Session Items](#)

3. Discussion Items

3a. [20-250](#) State of Oregon Reopening Plan and City Facilities Reopening Update

Sponsors: City Manager Tony Konkol

Attachments: [Staff Report](#)

[Executive Order 20-12](#)

[Prerequisites for Phased Reopening of Oregon](#)

[General Public Guidelines](#)

[Employer Guidelines](#)

[Outdoor Recreation Guidelines](#)

[Reopening Oregon Details on Restarting Public Life and Business](#)

[Exhibit - Craig Danielson](#)

3b. [20-244](#) Willamette Falls Legacy Project Update

Sponsors: City Manager Tony Konkol

Attachments: [Staff Report](#)

[Brief History of the Willamette Falls Legacy Project and Next Steps](#)

[Willamette Falls Legacy Project Website](#)

[Willamette Falls Trust Website](#)

3c. [20-194](#) Water Service and 2012 Master Plan Amendment Update

Sponsors: Public Works Director John Lewis

Attachments: [Staff Report](#)

[2019 CIP vs Joint Engineering Solution Map \(Attachment 1\)](#)

[2019 CIP vs Joint Engineering Solution Cost Comparison \(Attachment 2\)](#)

[CRW Backbone Projects Map \(Attachment 3\)](#)

[2019 CIP Technical Memo](#)

[Joint Engineering Study June 2018](#)

3d. [20-245](#) Communications Strategic Plan

Sponsors: City Manager Tony Konkol

Attachments: [Staff Report](#)

[Communication Strategic Plan](#)

4. City Manager's Report

5. Commission Committee Reports

- a. Beavercreek Employment Area Blue Ribbon Committee - Commissioner Frank O'Donnell**
- b. Brownfield Grant Committee - Mayor Dan Holladay**
- c. Citizen Involvement Committee Liaison - Commissioner Rachel Lyles Smith**
- d. Clackamas County Coordinating Committee (C4) - Mayor Dan Holladay and Commissioner Rachel Lyles Smith**
- e. Clackamas Heritage Partners - Commissioner Rocky Smith, Jr.**
- f. Downtown Oregon City Association Board - Commissioner Denyse McGriff**
- g. Metro Policy Advisory Committee (MPAC) - Commissioner Rachel Lyles Smith**
- h. Oregon Governor's Willamette Falls Locks Commission - Mayor Dan Holladay**
- i. South Fork Water Board (SFWB) - Mayor Dan Holladay, Commissioners Frank O'Donnell and Rocky Smith, Jr.**

- j. **Willamette Falls and Landings Heritage Area - Commissioner Denyse McGriff**
- k. **Willamette Falls Legacy Project Liaisons - Mayor Dan Holladay and Commissioner Frank O'Donnell**
- 6. **Adjournment**

Citizen Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

**Complete a Comment Card prior to the meeting and submit it to the City Recorder.*

**When the Mayor calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*

**Each speaker is given 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.*

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.

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City of Oregon City

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Item 7b.

Staff Report

File Number: 20-244

Agenda Date: 5/12/2020

Status: Agenda Ready

To: City Commission

Agenda #: 3b.

From: City Manager Tony Konkol

File Type: Presentation

SUBJECT:

Willamette Falls Legacy Project Update

RECOMMENDED ACTION (Motion):

No action is required at this time.

EXECUTIVE SUMMARY:

The Willamette Falls Legacy Project Partners (Oregon City, Metro, Clackamas County, and the State of Oregon) are working together and with the Confederated Tribes of Grand Ronde who own the former Blue Heron Paper Mill to implement the vision of thousands around the region. The attached memorandum identifies a brief history of the project as well as key next steps.

BACKGROUND:

One of Oregon's most spectacular natural treasures is on the brink of a new chapter. For more than 150 years, the awe-inspiring beauty of Willamette Falls has been closed to the public, until now. In 2011, the 23 acre Blue Heron Paper Mill at the edge of the falls closed, creating an opportunity for Oregon City, Metro, Clackamas County, and the State of Oregon to form a partnership (the Partners) to honor and reimagine the Willamette Falls Legacy Project (WFLP) site.

Direction from the community was formed into a framework plan consisting of mixed-use development with a walkway weaving together world class historic and cultural interpretation of the site with restoration of healthy habitats and public access to views of the falls. The project has conducted numerous studies and community engagement to support the development of the vision and identified options for Phase 1. The Partners (Oregon City, Metro, Clackamas County, and the State of Oregon) are working in collaboration with the property owner (Confederated Tribes of Grand Ronde) to assure that the Riverwalk is an iconic project which serves the region. This additional coordination has led to a variety of delays, but with the expectation of a cohesive project which implements the vision of the community and which we are all proud.

OPTIONS:

No action is required at this time.



April 19, 2010

Brief History of the Willamette Falls Legacy Project (WFLP) and Next Steps

One of Oregon's most spectacular natural, historical, and cultural treasures is on the brink of a new chapter. The general public has been unable to feel the spray of Willamette Falls for more than 150 years, until now.

In 2011, the 23 acre Blue Heron Paper Mill at the edge of the falls closed, creating an opportunity for Oregon City, Metro, Clackamas County, and the State of Oregon to form a partnership (the Partners) to honor and reimagine the Willamette Falls Legacy Project (WFLP) site. The project partners reached out to thousands throughout the region with individual/group discussions, events with more than 700 attendees, tours, attendance at public events, online surveys, and the establishment of a tribal advisory board.

Excerpts of Public Engagement



Direction from the community was formed into a framework plan consisting of mixed-use development with a walkway weaving together world class historic and cultural interpretation of the site with restoration of healthy habitats and public access to views of the falls. A high-level framework plan was crafted which implemented the vision of the community. A new zoning designation was applied to the site while the former property owner donated an easement to Metro to guide the design and construction of the riverwalk on behalf of the partners, allowing the vision to become a reality. Four core values which implemented the community's vision were established for the project. Design and programming decisions for the site are viewed through the lens of advancing each of the values. The values are evenly esteemed and thus often seen written in different order.

WFLP Core Values



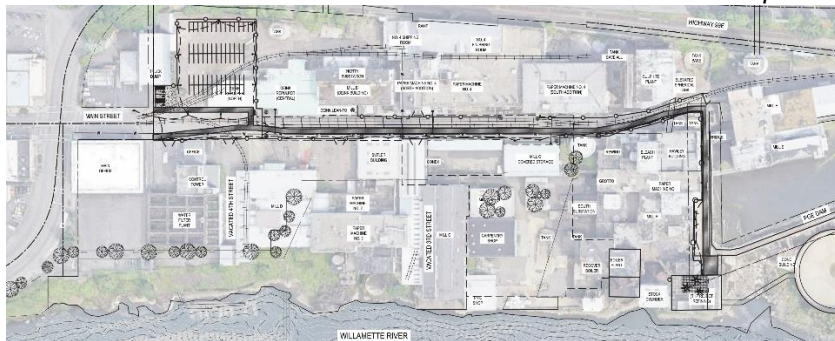
With the high-level framework plan in place, the partners went back out to the public to seek clarity on the details of the riverwalk. The community refined the vision by identifying expectations such as quality and types of programming, more detailed street design, habitat areas, and acceptable materials. A refined Concept Plan was subsequently created followed by design guidelines to implement the refined community vision.

Riverwalk Concept

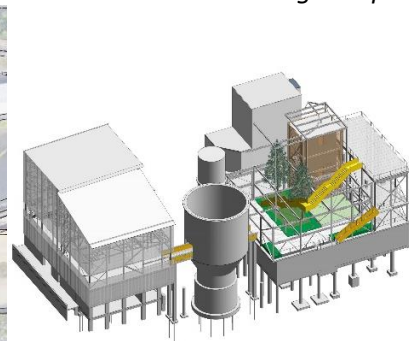


Though the overall development of the riverwalk is expected to span more than twenty years, the partners also identified the first phase of implementation. Phase 1 of the riverwalk initially included a temporary parking lot followed by interim access down Main Street to the public yard with a prominent view of the falls at the Mill H building complex. As additional analysis were conducted and plans advanced, the design of Phase 1 was altered to exclude the public yard due to cost and stabilization concerns.

Initial Phase 1 Riverwalk Concept



Mill H Building Complex



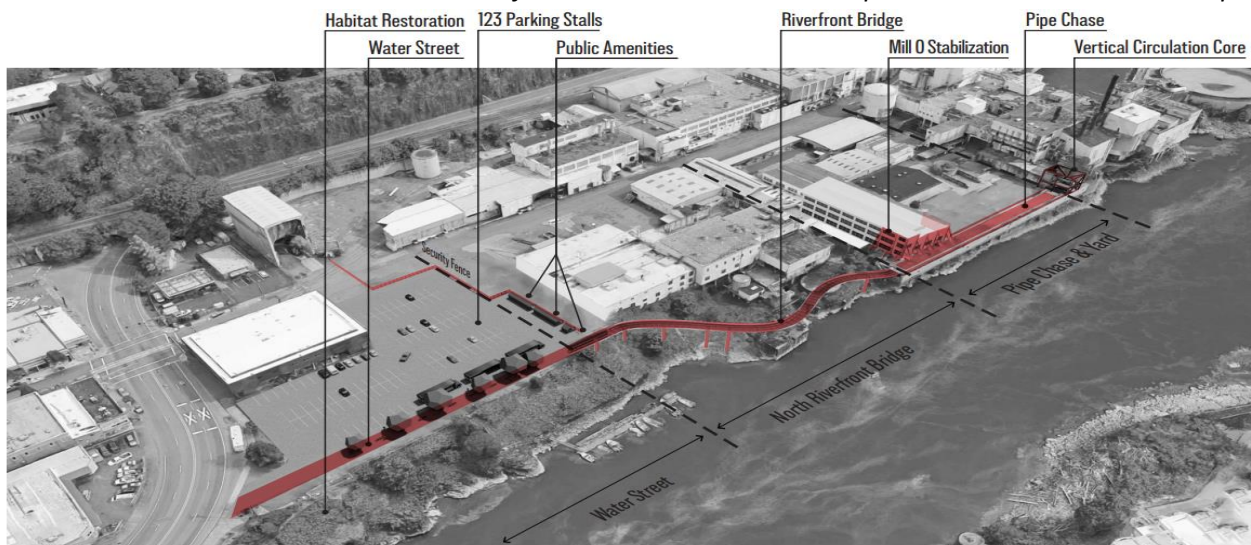
A variety of technical studies was necessary to inform the refined designs. Selective reconnaissance of the soil and hazardous materials across the site was conducted, flood and species migration were analyzed, selective structural analysis was performed, a conceptual utility plan was created, a sitewide stormwater strategy was identified, roadway projects were added to regional funding opportunities, a

draft book reviewing the people and events connected to the site was compiled, and the project worked to extend and deepen relationships with Federally recognized tribes with interest in the Falls.

A permit was submitted to the Army Corps of Engineers in spring of 2018 for the full riverwalk as well as more detailed designs for Phase 1. It was anticipated permitting through the agency would last 1-1.5 years as the plans were reviewed and refined. Additional analysis occurred through this process which resulted in a refined construction cost estimate of about \$33 million for Phase 1 of the riverwalk. As the cost exceeded the project budget, the Mill H component of Phase 1 was divided into smaller segments which could be developed over time, resulting in a \$20 million initial construction project.

The property had been for sale since it was purchased out of bankruptcy in 2012. In early 2019, Oregon City offered to purchase the property, on behalf of the partners, but the offer was rejected. In August of 2019, the Confederated Tribes of Grand Ronde (CTGR) successfully purchased the site. Soon after, they expressed concern for the safety of the public walking down Main Street to the Mill H complex in Phase 1 while the adjacent properties along Main Street may be under construction. The project was placed on hold in late 2019 to allow the Tribes an opportunity to propose a different interim approach to the Mill H complex. They provided conceptual plans of an alternate approach along the river which included a few major improvements which were not in the approved Concept Plan for the riverwalk. First, a new bridge was identified to provide direct access from future Water Street to the northerly edge of the Public Yard area. Second, a relocated and expanded parking lot along the Water Street at the existing administration building and demolition of the water treatment plant, and third, a new elevator in the yard to provide access from the yard to the Mill H building.

Alternate Riverfront Route to the Mill H Complex: Phase 1 Riverwalk Concept



A cost estimate for the alternate riverside approach Phase 1 design including soft costs, permitting, and contingencies totaled approximately \$65 million. Though the design of the riverside approach to the Mill H complex was more appealing than the original Phase 1, the Partners only have approximately \$15 million remaining to fund Phase 1, whatever the design. The budget does not include the Nature for All bond recently passed by voters of the region which earmarked an additional \$20 million to fund the completion of the full vision of the riverwalk because no funds are currently identified to fill the gap for Phase 1.

The project Partners and the Confederated Tribes of Grand Ronde have identified the following next steps for the project:

- **Agreement between the Partners and Willamette Falls Trust (WFT).** The WFLP formed a non-profit (which has been renamed Willamette Falls Trust) to support project. Currently they are fundraising, helping to define the expectations for world class programming, and working with indigenous communities and tribes to inform design and programming of the riverwalk on behalf of the Partners. The agreement between the WFLP and WFT has lapsed and needs to be renewed. Note that similar to the establishment of the riverwalk design started with a high-level plan which was followed by a more refined plan and even more detailed construction drawings, WFT is identifying the initial high-level concepts for programming and is not working on the details of implementation.
- **Establishment of a Development Agreement.** Oregon City and CTGR would put together a development agreement to identify public exactions related to development by the CTGR.
- **Assurance from the State of Oregon on Funding.** The state of Oregon Provided \$12.5 million in lottery backed bonds towards the construction of Phase 1. Additional work is needed to confirm the funding remains if the design of Phase 1 changes and construction is delayed.
- **Develop an Agreement between Metro and CTGR.** The agreement would formalize the relationship, financial commitments, and relation expectations between the property owner and Metro (who holds the rights to the riverwalk easement).
- **Agree to a Phase 1 of the Riverwalk.** Since CTGR's design proposal for Phase 1 is not financially feasible, the Partners must decide to pursue the original phase 1 for \$20-\$33 million or to put the project on hold until funds can be identified to pursue Grand Ronde's design proposal.
- **Creation of a Master Plan.** The CTGR are planning to assist the project by identifying a more detailed Master Plan for the private property in the WFLP project.

The Partners (Oregon City, Metro, Clackamas County, and the State of Oregon) are working in collaboration with the property owner (Confederated Tribes of Grand Ronde) to assure that the riverwalk is an iconic project which serves the region. This additional coordination has led to a variety of delays, but with the expectation of a cohesive project which implements the vision of the community and which we are all proud.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 07/01/2020
From: Community Development Director Laura Terway

SUBJECT:

Resolution No. 20-05, Modification of Planning Division Fee Schedule

STAFF RECOMMENDATION:

Approval of Resolution No. 20-05 to modify the Planning Division fee schedule.

EXECUTIVE SUMMARY:

The Planning Division has proposed amendments to the associated Fee Schedule to include a new fee for nonresidential development in the Thimble Creek Concept Plan.

BACKGROUND:

The Planning Division has proposed amendments to the associated Fee Schedule to include a new fee for the Thimble Creek Concept Plan. As part of the Beavercreek Road/Thimble Creek Concept Plan hearings process, staff heard from the Planning Commission and the Parks and Recreation Advisory Committee (PRAC) that even though no parks space is identified within the Concept Plan employment zoning districts, nonresidential development should also contribute to the acquisition and interim development of parks spaces above and beyond the required Parks SDCs.

Both groups supported staff's recommendation that this fee be set for \$1,000 dollars per each new 5,000 square feet of non-residential development within the Concept Plan boundary. A new 50,000 square foot Industrial building would be required to pay \$10,000. The fee shall be used exclusively for acquisition and interim development of parks and open spaces within the Beavercreek Road (Thimble Creek) Concept Plan.

Residential development within the Concept Plan will be required to proportionally dedicate land if located within the designated park areas through the Site Plan and Design Review or Subdivision process, and if not located within a identified parks location, the residential development is required to provide payment based on the valuation of the land that would have been dedicated. As a majority of park and open space is located within the residential zoning areas, a simple and straight forward fee for non-residential park acquisition and interim improvement was considered to provide the most transparency for the development community.

This proposal was part of the March 10, 2020 City Commission Work Session presentation on parks acquisition code, is included in the staff report and record of the LEG 19-03 and is not proposed to be effective until August 3, 2020 which is concurrent with the effective date of the Concept Plan amendments. The proposed Resolution includes a provision to adjust fees on an annual basis to account for inflation.

The City Commission continued this item from the June 17, 2020 Consent Agenda. Two emails from James Nicita have been added to the file as well as a response memo from Bill Kabeiseman, City Attorney. Mr. Nicita questioned the ability of the City to pass Planning fees through a resolution and questioned the ability to increase fees yearly based on the Consumer Price Index (CPI). Mr. Kabeiseman's memo provides background on these issues and provide direction that he believes the city has the authority to approve the proposed fee through a resolution.

OPTIONS:

1. Approve Resolution 20-05
2. Modify Resolution 20-05
3. Deny Resolution 20-05

BUDGET IMPACT:

Amount: \$

FY(s):

Funding Source(s):

RESOLUTION NO. 20-05

A RESOLUTION MODIFYING THE PLANNING FEES SCHEDULE AND AMENDING RESOLUTION NO. 16-23

WHEREAS, Oregon City Municipal Code Section 17.50.290 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 No. 16-23 establishing a schedule of application fees for Planning which included all planning fees previously adopted by resolutions, and established a consistent method to adjust these fees on an annual basis to account for inflation; and

WHEREAS, as part of the Beavercreek Road/Thimble Creek Concept Plan hearings process, staff heard from the Planning Commission and the Parks and Recreation Advisory Committee (PRAC) that even though no parks space is identified within the Concept Plan employment zoning districts, nonresidential development should also contribute to the acquisition and interim development of parks spaces above and beyond the required Parks SDCs; and

WHEREAS, the City of Oregon City desires to modify the Planning Fees schedule as identified in, Exhibit A to account for this desire to see all development participate in parks acquisition and interim development within the Thimble Creek Concept Plan area, and that this fee be set for 1,000 dollars per each new 5,000 square feet of non-residential development within the Concept Plan boundary and continues to include an annual adjustment to adjust these fees to account for inflation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City hereby adopts Exhibit A, Planning Division Fees schedule, to become effective August 1, 2020.

Section 2. The Planning Division Fees Schedule, Exhibit A, shall continue to be adjusted annually to account for inflation on January 1st. The adjustment to account for inflation shall be based on changes in the Consumer Price Index (CPI-W) - Pacific Division.

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 1st day of July 2020.

DAN HOLLADAY, Mayor

Attested to this 1st day of July 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A: Revised Fee Schedule
Resolution No. 20-05
Effective Date: July 1, 2020
Page 1 of 1



City of Oregon City

Community Development

Planning Division Fee Schedule

8/1/2020

Item 7c.

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
Adjustments/Alternatives/Modifications authorized in 17.20, 17.21, 17.22, 17.41, 17.52, & 17.62 (Type II) (per request)	\$1,490 or, if processed with another Type II or III application: \$349
Appeal - Administrative (includes SDC appeal)	\$250
Appeal - Historic Review Board	\$250
Appeal - PC Decision	\$1,541
Annexation Application	\$4,813
Annexation Election	actual City portion of election \$3,468 deposit due for fees.
Annexation: Final Department of Revenue Legal Description of Boundary Change	\$1,130
Annexation Metro Mapping (per acre)	< 1 = \$150 1 - 5 = \$250 5.1 - 40 = \$300 > 40 = \$400
Amendment to Comprehensive Plan	\$4,888
Ballot Measure 56 Notice	≤ 200 Notices = \$514 Each Additional 1,000 Notices = \$514
Code Interpretation / Similar Use	\$1,162
Compatibility Review: Eligible Modifications for Communication Facilities (Type I)	\$349
Compatibility Review (Type II)	\$917
Conditional Use	\$4,203
Development Inspection for Conformance with Approval	First Inspection = \$0 Each Inspection Thereafter = \$87
DMV Dealer's License Review	\$103
Expedited Land Division	\$4,584 plus \$459 per lot
Floodplain (Flood Mngmt Overlay Dist) Review (Type II)	\$1,085
Geologic Hazards Review	\$963
Geotechnical Review - High Water Table	\$660
Historic Review - Demolition	< 1,000 sf = \$306 > 1,000 sf = \$763
Historic Review - New Construction	\$50 plus 2.5% of construction cost Max = \$1,000
Historic Review - Remodel	\$50
Incomplete Type II-IV and Legislative Submittal (Excluding Geologic Hazards)	First Incomplete Submittal: \$0 Each Incomplete Submittal Thereafter: \$308
Land Use Compatibility Statement (LUCS) Review	\$77
Lot Line Adjustment	\$1,284
Mailing Labels	\$17
Master Plan / Concept Plan	\$7,639
Master Plan / Concept Plan Amendment	Type I = \$763 Type II = \$2,292 Type III = \$3,819
Minor Partition	\$4,385

Natural Resource Review		Item 7c.
- Type I Exemption Review	\$87	
- Type I for Single/Two Family Lot	\$233	
- Type I for Non-Single/Two Family Lot	\$467	
- Type II Exemption Review	\$1,085	
- Type II or III for Single/Two Family Lot	\$1,085	
- Type II or III for Non-Single/Two Family Lot	\$2,172	
- Consultant Fee	Actual City Cost	
Non-Conforming: Proportional Upgrade Review	\$175	
Non-Conforming Use, Structures, Lot, Site, or Expansion Verification (Type II)	\$917	
Non-Conforming Use: Verification of Use or Lot (Type I)	\$154	
Parking Adjustment (Type III)	\$1,052	
Phased Subdivision or Site Plan and Design Review Occupancy Plan	\$873	
Planning Review of Building Permit - Multi-Family, Commercial, 3-4 Plex, Internal Conversion, Cottage Cluster, Industrial, Institutional, Retail, Office, Duplex, Non-Residential, etc.: New Structure, Addition, Demolition, Accessory Structure, Porch, Modification, Fence, Retaining Wall, Development, Excludes Mechanical	.1% Bldg. Permit Value Minimum = \$84 Maximum = \$3,836	
Planning Review of Building Permit - Residential Single-Family and ADUs: New, Addition, Demolition, Accessory Structure, Porch, Modification, Fence, Retaining Wall, Development, etc.	\$84	
Pre-Application Conference		
Minor: Emergency Annexation, Minor Site Plan and Design Review, Minor Partition, Minor Variance, Geologic Hazard, Natural Resource Overlay, Flood Management, Willamette River Greenway, 2+ Pre-Application on the Same Project, Non-Transitory Food Carts, or Similar as Determined by the Community Development Director	Minor = \$610 Major = \$1,184	
Major: All other applications (excluding Type I)		
Public Improvement Modification	\$393	
Remand	Half the Original Application Cost	
Renotice Application	\$642	
Research/Staff Time Per Hour	\$87	
Residential: Duplex, Corner Duplex, Internal Conversion, and 3-4 Plex: New/Addition within a Residential District	\$524	
Residential: Detached and Attached Single-Family and ADUs	No Fee	
Sign Permit	\$194 plus 5% of Sign Construction Cost	
Sign Permit: A-Frame within the Right-of-Way	\$56	
Sign Permit: Temporary Banner	\$56	
Sign Variance	\$1,406	
Site Plan & Design Review - Minor Type I Over the Counter for Building Façade, Landscaping, Temporary Structures, Site Alterations (Fences, Lighting, Pedestrian Circulation, etc.), Parking Lot Repaving, & Mechanical Equipment	up to 2 review items = \$83 3 or more review items = \$166	

Site Plan & Design Review - Minor Type I Extended Review for Building Additions, Removal/Relocation of Parking, Change in Parking Lot Circulation or Layout, Transitory Mobile Food Carts, & Manufactured Home in a Manufactured Home Park	\$277 per review	Item 7c.
Site Plan & Design Review - Minor Type I for Single Family Attached and Detached, Duplex, Corner Duplex, Internal Conversion, & 3-4 Plex: New/Addition not within a Residential District	\$524	
Site Plan & Design Review - Minor Type II	\$917	
Site Plan & Design Review / Detailed Master Plan / Manufactured Home Park Review - less than \$500,000 - \$500,000 to \$3,000,000 - over \$3,000,000	\$2,292 plus 0.007 X project cost \$3,819 plus 0.005 X project cost \$12,989 plus 0.003 X project cost maximum fee = \$60,927	
Subdivision	\$4,584 plus \$381 per lot	
Thimble Creek Non-Residential Park Fee	\$1,000 for each new 5,000 square feet of new non-residential	
Traffic Impact Analysis Base Fee Base fee covers initial review. Each time supplemental information is submitted for review in association with a particular land use application, a supplemental review fee will be assessed at 50 percent of the base fee. Large Study Area / Along Key Corridor Applies to study areas including more than three intersections/accesses and/or development located near or along congested corridors. Conditional Use / Zone Change / Master Plan Applies to developments involving a conditional use or zone change, or master plan. Meetings (per hour) Transportation Analysis Letter	Residential (units) 0-50 = \$1,210 > 50 = \$1,513 Non-Residential (square feet) < 50,000 = \$3,025 50,000 - 100,000 = \$3,781 > 100,000 = \$4,537 \$756 \$2,268 \$150 \$520	
Tree Replacement/Mitigation Fee (per tree)	\$342	
Urban Growth Boundary (UGB) Expansion Request	\$8,733	
Variance (Administrative)	\$1,490	
Variance (Hearing)	\$2,767	
Willamette Greenway (Type II)	\$1,085	
Willamette Greenway (Type III)	\$1,695	
Withdrawn Application	Prior to Complete - Reimburse 75% of Fee Prior to Notice - Reimburse 50% of Fee After Noticed - No Refund	
Zone Change / Text Amendment	\$3,101	
Zoning Confirmation Letter	\$134	



City of Oregon City

Community Development

Planning Division Fee Schedule

8/1/2020

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MEMORANDUM

TO: Oregon City Commission
FROM: William Kabeiseman
Oregon City Attorney
DATE: June 17, 2020
RE: Agenda Item #8g – Modification of Planning Fee Schedule

Agenda Item #8g on the Commission's agenda for June 17, 2020, is Resolution 20-05, which would modify the Planning Fee Schedule to include a new fee for nonresidential development in the Thimble Creek Concept Plan area. The Commission received communication from a citizen expressing concern with that item for several reasons. This memorandum will address each of those concerns in order.

The first issue raised by the citizen involves the method of adopting the modification. The citizen specifically points to another situation when he raised an issue concerning the method of adoption and suggests that the amendment of a fee schedule requires a separate individual hearing. Without getting into the specifics of the previous matter, this modification of the fee schedule is not comparable. This agenda item is not a substantive change to the City's Comprehensive Plan or land use regulations, but the modification of the fee schedule to add an additional fee. The citizen points to, and the City Attorney is unaware of, any legal requirement to hold a hearing on the modification of the fee schedule.

It is worth noting that the Land Use Board of Appeals (LUBA) has agreed with the City generally that the City has appropriately adopted fees by resolution in the past:

“[N]othing in ORS 227.180(1)(c) prohibits the city's method of adopting its appeal fee. As explained, the city adopted OCMC 17.50.290 by ordinance and the city set its fee schedule by resolution. That procedure is not prohibited by ORS 227.180, which authorizes the city to “prescribe, by ordinance or regulation, fees to defray the costs incurred in acting upon an appeal.” *Nicita v. City of Oregon City*, 78 Or LUBA 463 (2018)

Although that quotation addresses a separate issue, the general theme from LUBA's opinion on the setting of fees is that local governments have broad discretion in adopting land use fees.

The citizen submitted a follow-up e-mail identifying additional issues with this agenda item. First, the citizen expressed concern generally with the use of the Consumer Price Index (CPI) and also asked additional questions regarding the use of the CPI for an entirely different fees involving appeals from the Planning Commission and HRB. Regarding the use of the CPI, the e-mail does not identify any legal issue with the use of the CPI and LUBA, in the earlier referenced opinion, has held that that “ORS 227.180 affords local governments broad discretion in calculating and assessing local appeal fees to defray the costs incurred in acting upon an appeal.” There is no reason to believe that the use of CPI, which reflects the general increase of costs in the region, would not fit within that broad discretion.

June 11, 2020

Finally, as regards the appeal fees, those changes are beyond the scope of the resolution, which creates one additional fee in the Thimble Creek Concept Plan area. To the extent the Commission has concerns about those appeal fees, the proper course is not to address those concerns in this resolution, but to consider those appeal fees in a future agenda item.

Kattie Riggs

From: James Nicita <james.nicita@gmail.com>
Sent: Tuesday, June 16, 2020 10:25 PM
To: Rachel Lyles Smith; Rocky Smith, Jr.; Frank O'Donnell; Denyse McGriff
Cc: Tony Konkol; Laura Terway; Kattie Riggs; Bill Kabeiseman; Carrie Richter
Subject: Consent Agenda Item #8g, proposed Res. 20-05 Modification of Planning Fee Schedule

Commissioners,

I write in full recognition of the challenges the Commission and staff are experiencing both with the coronavirus pandemic and the widespread reactions to the comportment and behavior of the mayor. Needless to say, I can both sympathize and empathize with what you are being asked to do as public servants under stress, without any compensation or salary.

I do feel compelled however to submit these comments notwithstanding the heavy June 17, 2020 meeting agenda because the issue is something I have raised before, but apparently city processes have not changed.

Specifically, you may recall last July I appeared before the Commission during citizen comment to express concern that a land use resolution adopting new storm water & grading design standards had been placed on that meeting's agenda under the "consent agenda." I offered the opinion that land use matters require Goal 1 public process, and at a minimum a noticed and regular public hearing.

That proposed resolution was removed from that evening's agenda completely, and in time the matter returned as a proposed ordinance, with its own public hearing.

While I recognize the pressure of the times, I again regret to see a land use resolution, this time establishing a new planning fee and raising other planning fees, placed on the consent agenda. Even land use fees are land use matters, and require a separate, individual hearing, not just as a matter of law but as a matter of good public policy and fairness to those who will be required to pay the fees.

I respectfully request that this item be removed from the consent agenda and continued to a future meeting during which it will be properly noticed for its own public hearing.

I will refrain from making my substantive comments until that time, should the Commission act to continue the matter. Hopefully things will have settled down by then.

James Nicita
Oregon City

Kattie Riggs

From: James Nicita <james.nicita@gmail.com>
Sent: Wednesday, June 17, 2020 1:17 PM
To: Rachel Lyles Smith; Rocky Smith, Jr.; Frank O'Donnell; Denyse McGriff
Cc: Tony Konkol; Laura Terway; Kattie Riggs; Bill Kabeiseman; Carrie Richter
Subject: Re: Consent Agenda Item #8g, proposed Res. 20-05 Modification of Planning Fee Schedule

Commissioners,

Should proposed Resolution 20-05 actually be discussed this evening, I am submitting these comments for consideration.

My concern has to do with the use of the consumer price index (CPI) to raise fees. Furthermore, I have a concern with the CPI being applied automatically on January 1 of each year, automatically, without a public hearing and without City Commission review and approval. How can the public and the Commission verify the accuracy of the fee increase?

To take the fee for an appeal from the Planning Commission to the City Commission as an example, last year the Commission set this fee at \$1,500. It appears that it was automatically raised to \$1,541 on January 1st, 2020, based on the CPI.

First: when the Commission set this fee at \$1,500 last year, did it make this fee subject to the automatic January 1 increase based on the CPI?

The Commission also set the appeal fee from the HRB to the City Commission at \$250 last year. However, the HRB fee appears not to have been increased from \$250 on January 1 based on the CPI. It is still \$250.

Why is that? Why the increase in the PC appeal fee based on the CPI, but not the HRB appeal fee?

Second, on the other fees increased on January 1, 2020 based on the CPI, where is the math?

What was the specific CPI figure used on January 1, 2020? Why can't this be provided to the Commission? It is not hidden; CPI info is easy to find:

<https://www.bls.gov/regions/west/data/xg-tables/ro9xg01.htm>

I hope the Commission will require that the fee increases will be substantiated, including what CPI figure was used as a multiplier, and how the calculated fee increases were arrived at based on that multiplier.

Second, I would ask that henceforth that no fees be increased automatically based on the CPI, without an agenda item where the Commission and the public, in a public hearing, actually gets to see the math on how precisely the CPI is being used to increase fees.

James Nicita
 Oregon City

On Tue, Jun 16, 2020 at 10:25 PM James Nicita <james.nicita@gmail.com> wrote:

Commissioners,

I write in full recognition of the challenges the Commission and staff are experiencing both with the coronavirus pandemic and the widespread reactions to the comportment and behavior of the mayor. Needless to say, I can both sympathize and empathize with what you are being asked to do as public servants under stress, without any compensation or salary.

I do feel compelled however to submit these comments notwithstanding the heavy June 17, 2020 meeting agenda because the issue is something I have raised before, but apparently city processes have not changed.

Specifically, you may recall last July I appeared before the Commission during citizen comment to express concern that a land use resolution adopting new storm water & grading design standards had been placed on that meeting's agenda under the "consent agenda." I offered the opinion that land use matters require Goal 1 public process, and at a minimum a noticed and regular public hearing.

That proposed resolution was removed from that evening's agenda completely, and in time the matter returned as a proposed ordinance, with its own public hearing.

While I recognize the pressure of the times, I again regret to see a land use resolution, this time establishing a new planning fee and raising other planning fees, placed on the consent agenda. Even land use fees are land use matters, and require a separate, individual hearing, not just as a matter of law but as a matter of good public policy and fairness to those who will be required to pay the fees.

I respectfully request that this item be removed from the consent agenda and continued to a future meeting during which it will be properly noticed for its own public hearing.

I will refrain from making my substantive comments until that time, should the Commission act to continue the matter. Hopefully things will have settled down by then.

James Nicita
Oregon City



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 07/01/2020

SUBJECT:

Resolution No. 20-22, To Allow Temporary Parklets in the Right-of-Way and Temporary Outdoor Dining and Retail in Private Parking Lots

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt proposed Resolution Number 20-22 approving guidelines and establishing an eighteen month pilot program for the installation of temporary sidewalk extensions, called "Parklets", within the City's right-of-way and outdoor dining and retail services in private parking lots.

EXECUTIVE SUMMARY:

The City Commission directed staff to prepare a guide for the temporary use of parklets in the rights-of-way and outdoor dining/retail in private parking lots. Staff is now recommending the Commission adopt Resolution No. 20-22 to formally establish the Oregon City COVID-19 Recovery Assistance Program as a pilot program to occur for an eighteen (18) month period to begin July 2, 2020. Resolution No. 20-22 establishes the applicability, exceptions, and general requirements for the temporary use of this pilot program.

BACKGROUND:

On March 23, 2020, Governor Brown issued Executive Order 20-12, Stay Home, Save Lives, which closed non-essential businesses and severely limited others that were still able to remain open, including restaurants which prohibited on premises food consumption. Due to these social distancing measures, many have experienced loss of business, through reduction of sales and closures. On May 22, 2020, the Governor accepted Clackamas County's application to enter Phase 1 of Reopening Oregon, effective May 23, 2020.

On June 9, 2020, the City Commission considered developing a parklet and outdoor dining/retail services pilot program. Following this Work Session, the City Commission directed staff to further research and prepare a guide for the temporary use of parklets in the rights-of-way and outdoor dining/retail in private parking lots. Staff is now

recommending Commission adopt Resolution No. 20-22 to formally establish the Oregon City COVID-19 Recovery Assistance Program (Program) as a pilot program to occur for an eighteen (18) month period to begin July 2, 2020. This Resolution establishes the applicability, exceptions, and general requirements for the temporary use of this pilot program.

Application:

All business owners are required to submit an application for a Parklet or Outdoor Dining/Retail Services permit. They must follow all applicable guidelines and design standards. Only one parklet in the right-of-way or up to 50% of private parking spaces will be allowed per business. All business must receive approval from the property owner, adjacent business and/or Clackamas Fire District #1.

Location:

For parklets, eating and drinking establishments within the Mixed-Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street). For outdoor dining and retail services, business owners within City limits can use of up to half of a private parking lot for outdoor seating or retail use in an on-site parking lot adjacent to a business. All applicable land use planning standards set forth in OCMC Titles 15.28, 16 and 17 and engineering standards set forth in OCMC 12.04.120 and 12.04.130 shall be waived for the program term.

Fee:

During the pilot program, a fee of \$25 each year will be charged for participation in this program. Resolution No. 20-22 waives all engineering and planning fees that otherwise would apply to a request to expand a business into the right-of-way or onto an established private parking lot.

Term:

This pilot program will be in effect for an eighteen (18) month period beginning July 2, 2020 and ending January 2, 2022. The program will be evaluated by the City Commission prior to March 15, 2021. However, parklets and outdoor dining/retail areas constructed in compliance with the provisions of the Program may be assembled from July 2, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021 during this pilot program.

This program facilitates a positive partnership between the public, Downtown Oregon City Association, Oregon City Chamber of Commerce, and the City to repurpose space designed for on-street parking and private parking spaces by safely building space for customer use. It is in accordance with the 2019-2021 Goals and Priorities Goal 3, Enhance the Livability of the Community, which is especially important during this time of uncertainty and ever-changing working and living conditions.

OPTIONS:

1. Approve Resolution No. 20-22
2. Direct staff to make changes to the Resolution and/or standards and then continue to the July 15, 2020 City Commission meeting.
3. Deny Resolution No. 20-22.

BUDGET IMPACT:

Amount: \$

FY(s):

Funding Source(s):

RESOLUTION NO. 20-22

A RESOLUTION TO ALLOW TEMPORARY PARKLETS IN THE RIGHT-OF-WAY AND TEMPORARY OUTDOOR DINING AND RETAIL IN PRIVATE PARKING LOTS

WHEREAS, the State of Oregon has placed restrictions on the use of commercial spaces due to the pandemic known as COVID-19; and

WHEREAS, providing an opportunity for businesses to expand their operations outdoors, either in the public right-of-way or private parking lots, will generate greater pedestrian activity, help increase business patronage and overall interest in the area, and off-set some of the losses resulting from the spacing minimums required to reduce the spread of COVID-19; and

WHEREAS, temporary parklets are public spaces located in the public right-of-way that provide increased restaurant or bar seating capacity; and

WHEREAS, temporary outdoor dining and retail activities located in private parking lots will also provide additional seating or retail display space for local restaurants, bars, and retail businesses; and

WHEREAS, to be successful, parklets and outdoor dining and retail on private parking lots must adequately address infrastructure and parking impacts, be tied to a specific location, be safe for the public to use, be easily maintained by the permittee, be for a limited and certain term, and be capable of easy and fast installation and removal; and

WHEREAS, Oregon City Municipal Code ("OCMC") Section 12.04.120 identifies requirements for temporary obstructions in the right-of-way, OCMC Section 12.04.130 sets forth the requirements for sidewalk sales and OCMC Titles 15.28, 16 and 17 includes planning standards such as minimum and maximum off-street parking requirements; and

WHEREAS, the Engineering Fee schedule establishes a fee for temporary obstructions and the Planning Fee schedule would ordinarily apply where changes to off-street parking areas are proposed.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City hereby adopts Exhibit A, The Oregon City COVID-19 Recovery Assistance Program (the "Program"), which authorizes parklets and the use of private parking lots to accommodate outdoor dining and retail on a limited basis within the MUD zone extending along 7th Street between Singer Hill Road and Jackson Street.

Section 2. All engineering and planning fees that otherwise would apply to a request to expand a business into the right-of-way or onto an established private parking lot consistent with the Program terms shall be waived and instead, shall be subject to a fee of \$25 per business for each application type.

Section 3. All applicable engineering standards set forth in OCMC 12.04.120 and 12.04.130 for all temporary obstructions relating to restaurant, bar seating and retail sales within the public right-of-way that otherwise complies with the Program shall be waived for the period of July 2, 2020 to November 30, 2021.

Section 4. All applicable land use planning standards set forth in in OCMC Titles 15.28, 16 and 17 for development on private property necessary to accommodate temporary outdoor dining and retail in private parking lots that otherwise complies with the Program shall be waived for the period of July 2, 2020 to November 30, 2021.

Section 5. Authorizations granted pursuant to this resolution are temporary and may occur only from July 2, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021, although the City Commission may make changes to the Program during the Winter of 2020 - 2021 that may affect participating businesses.

Section 6. 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 1st day of July 2020.

DAN HOLLADAY, Mayor

Attested to this 1st day of July 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A: Oregon City COVID-19 Recovery Assistance Program

Oregon City COVID-19 Recovery Assistance Program

Due to the COVID-19 pandemic, the City of Oregon City supports alternative ways to help increase patronage of local businesses effected by physical distancing requirements. This program includes temporarily allowing the following with restrictions:

- **Parklet Pilot Program:** Restaurants in certain locations downtown and along 7th Street to temporarily use adjacent on-street parking for outdoor temporary use as an extension of dining; and
- **Outdoor Dining and Retail in Private Parking Lots Program:** Retail and Restaurants throughout the City to use up to half their parking lot for additional retail and/or dining.

Both programs are temporary from July 2, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. The City Commission will review the programs after November 30, 2020 but before March 15, 2021 to determine if any changes to the standards below are needed.

Parklet Pilot Program

Restaurants in the Mixed Use Downtown District and along 7th Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on-street parking areas to allow expanded outdoor dining.

These expanded seating areas called “parklets” will allow restaurants throughout the business community to temporarily increase seating capacity and safely serve more customers, while maintaining social distancing, by locating chairs and tables along sidewalks, in on-street parking areas.



ELIGIBILITY OF BUSINESSES

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street).

PARKLET LOCATIONS

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, protect accessible parking and no-parking areas such as loading zones.

1. Location

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet utilizing one stall is allowed per business, per frontage. Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby business to utilize the parklet.

2. Approval

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Parklet Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet must provide written consent supporting the request.

3. Posted Speed Limit

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

4. Parking Zones

Parklets are prohibited in accessible parking spaces and the accessible aisle adjacent to the accessible spaces and no parking zones. See Exhibit 1 for locations that are prohibited from parklet use in downtown; areas marked in red.

TERM OF USE

Parklets are to be temporary in construction. They may be assembled March 15 through November 30. Permits will be for this period only, pending review and approval. This means parklets must not be installed before March 15 and must be completely removed on or before November 30 of each year.

GENERAL GUIDELINES

- Public parklets must be located adjacent to the applicant's business; no more than one parklet per business will be permitted.
- If all accessibility and design requirements are met, installation of a parklet platform is not required, provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines regulated by the Oregon Health Authority.

MAINTENANCE OF THE PARKLET

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.

PARKLET DESIGN STANDARDS

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

1. BASE AND DECKING

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from

the curb. The cross slope from the curb to the street must not exceed 2%. This means that most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curblane stormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

2. PARKLET FOOTPRINT

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other that want to assemble a parklet, adjoining stalls are allowed without a buffer.

3. BUFFER

Parklet design must include a physical continuous physical barrier along the street able to withstand impact while maintaining clear visual sightlines to the street.

To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge.

Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

4. VERTICAL ELEMENTS

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

6. MATERIALS

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. Membrane/pop-up structures or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

7. SEATING

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet. To accommodate for social distancing measures currently in place, tables, including their seating, and circulation areas must be a minimum of 6 feet from one another.

8. LIGHTING

Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.



9. HEATING APPLIANCES

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.

APPLICATION

An application for a Parklet Permit is required and must be approved before installation of the parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

PARKLET PERMIT FEE

During the initial pilot program, a \$25 parklet fee will be required per year, but the sidewalk fee will be waived.

LIABILITY INSURANCE

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the parklet permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

SITE PLAN

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional, it can be done by hand or computer, and shows the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.

EXHIBIT 1



Main Street from 6th Street to Hwy 99E



Main Street from 6th Street to 8t Street



Main Street from 8th Street to 10th Street



Main Street from 10th Street to 11th Street

Outdoor Dining and Retail in Private Parking Lots Program

The following temporary program is designed to support local restaurants/bars and retail subject to COVID-19 minimum spacing requirements. The purpose of the program is to temporarily allow the use of up to half of a private parking lot for outdoor seating or retail use in an on-site parking lot adjacent to a business.



This program is temporary. Outdoor dining and retail areas constructed in compliance with these provisions may be assembled from July 2, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. The minimum parking requirements as well as other applicable land use standards are suspended and replaced with the requirements within this policy.

DESIGN STANDARDS

1. SIZE

Up to 50% of the parking spaces in a parking lot on the same property as a restaurant/bar or retail business may be converted to outdoor dining/retail space. Within shopping centers, where a lot serves more than one business, the 50% limit applies to the shopping center parking lot as a whole.

2. DESIGN

- a. To protect the outdoor dining area from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable.
- b. No existing landscaping may be removed.
- c. An unlimited number of temporary tents, umbrellas, or and other shade structures are allowed within the expanded outdoor area with documentation demonstrating they are secured to the ground or otherwise protected from movement. The structures may be any size.
- d. No use of the ADA stall(s) or adjacent striping is allowed.
- e. No change to the vehicular ingress/egress of the site is allowed.
- f. The following minimum clearance must be maintained within the parking lot: 8 feet above sidewalks/pedestrian accessways

No cords, structures, sails, coverings, or similar may cover or extend across a space for vehicle maneuvering or parking.

- g. Any single lighting source more than 40 watts shall be shielded. Excessive lighting may be deemed a nuisance.
- h. Up to two ancillary signs (up to 6 square feet each) are allowed in addition to the signage allowed in OCMC 15.28.
- i. If seating is provided, a minimum of one accessible (ADA) seat shall be provided per parklet.

3. MATERIALS

- a. The outdoor dining area shall be designed for easy removal.
- b. No installation of gravel, sand, or other surface materials is allowed.
- c. No chain link is allowed.

4. OTHER STANDARDS

- a. Approval from the property owner is required.
- b. Approval from the Building Department and Clackamas County Fire District #1 is required.
- c. Applications must be submitted to the Planning Division.
- d. A fee of \$25 each year will be charged for participation in this program.

5. PERMIT SUBMITTAL REQUIREMENTS

An application for the Outdoor Dining and Retail in Private Parking Lots Program is required and must be approved before installation. Once construction is complete, an inspection is required to verify compliance with the approved application

- ✓ Application Form
- ✓ Site Plan drawing or sketch including:
 - Footprint of the proposed outdoor dining/retail area
 - Building footprints and entrances
 - Existing parking stalls
 - Existing driveways
 - Proposed vehicle circulation diagram
 - Location of barricades around outdoor dining/retail area

If an owner wishes to continue use of the outdoor dining or retail area after the closure of this program, the owner shall be responsible for obtaining proper approvals as well as compliance with all applicable standards in the Oregon City Municipal Code.



APPLICATION – PARKLETS & SIDEWALK SEATING		Application Date:	
Applicant			
Name of Business:			
Business Address:		City, State & Zip:	
Contact Name:		Phone:	
Email:		Oregon City Business License Number:	
Parklet or Sidewalk Seating Information		☐ Parklet <i>or</i> ☐ Sidewalk Seating ☐ New <i>or</i> ☐ Renewal	
Parklet or Sidewalk Seating Location and Description:			
One parklet allowed per business using one parking space adjacent to business. If parking spaces unmarked, space may be 9 feet wide by 20 feet long.			
Parklet Design			
☐ Slip-resistant surface	☐ 1/4-inch maximum vertical drop from curb	☐ 1/2-inch maximum horizontal gap from curb	
☐ Umbrellas or sails	☐ 12-inch curb flow-through	☐ Cable barriers: 6-inch minimum spacing	
☐ ADA access point	☐ One table minimum for ADA patrons	☐ Weighted structures at ends	
☐ Vertical elements for visibility	☐ Reflective measures	Additional Elements:	
☐ Lighting: ☐ Over 40W shielded ☐ 8-foot minimum above sidewalk			
☐ Parallel parking: 24-inch setbacks <i>or</i> ☐ Angle parking: 18-inch setbacks			
SEE BACK PAGE OF THIS FORM FOR PROVISIONS AND CONDITIONS			
Permission is hereby requested to construct, maintain, and use a parklet as described hereto. It is understood that this application is limited to the parklet described herein and that the business shall comply with the provisions of this application and all other applicable rules, regulations and standards of the City, County and State. The permittee assumes full responsibility for said compliance and for repair or replacement of any existing improvement damaged as a result of the parklet.			
PROPERTY OWNER SIGNATURE			
SIGNATURE OF ABUTTING BUSINESS		Address	
SIGNATURE OF ABUTTING BUSINESS		Address	
Attach additional pages with signatures as needed.			
I CERTIFY THE ABOVE INFORMATION IS CORRECT		Applicant's Signature:	
OFFICE USE ONLY			
Parklets	Location: ☐ Street speed limit per standards ☐ Location not a prohibited space		
	Coverings: ☐ Umbrellas contained in footprint ☐ No obstruction to adjacent business visibility ☐ Umbrellas 20 feet from stop signs ☐ No sightline obstruction per OCMC 10.32		
Sidewalk Seating	☐ Minimum 4-foot ADA pathway		
☐ Certificate of Insurance naming the City ☐ Release and Indemnity Agreement ☐ Dimensioned site plan meeting standards			
Packet Complete: ☐ Yes ☐ No		Expiration Date:	Permit No.:
Issued by:			Date:

PERMIT NUMBER _____ IS ISSUED & ACCEPTED SUBJECT TO THE FOLLOWING CONDITIONS & PROVISIONS.

1. Street impact. Parklet shall not encroach into street. Parklet shall not be bolted to curb or street. Parklet design shall include ability for easy removal in case of need for utility or other access. Any damage to or unauthorized alteration of the right-of-way is to be repaired by permittee to City standards
2. Overhead covers. Sails or umbrellas must be able to withstand environmental loads equally to those on private property. Covers may not be comprised of more substantial materials such as wood or metal. Membrane pop-up structures such as canopies are not permitted.
3. Signage. Signage on parklet subject to City sign code and standards. Signs or covers may not obstruct abutting businesses or their signage.
4. Maintenance. Minimum weekly debris, graffiti, and grime removal required. Parklet maintenance the responsibility of the business including daily sweeping.
5. Restricted items. No audio system may be used on parklets. No smoking or vaping permitted within a parklet at any time.
6. Coordination. Separate OLCC or OHA licenses or permits are the responsibility of the business. Adjoining businesses may combine parklets at property line to avoid setback between two parklet.
7. Permittee agrees to save, keep and hold harmless the City of Oregon City, its officers, agents and employees from all damages, costs or expenses in law or equity that may at any time arise or be set up because of damage to property, or of personal injury received by reason of or in the course of use of the right-of-way authorized by this permit which may be occasioned by any act or omission of the permittee, his agents or employees.
8. Permit is void before March 15 and after November 30.
9. Permit original issuance and annual review and renewal under separate processes.
10. Permit revocable at any time by the City.
11. A copy of this permit shall be kept at the business address identified on page one of this form.
12. Permittee shall adequately safeguard all construction or assembly and disassembly of a parklet with barricades, lights and/or other suitable safety devices per a temporary traffic control plan submitted to and approved by the City that follows the current "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (mutcd.fhwa.dot.gov/), Federal Highway Administration, and all OSHA rules and regulations.
13. Fire Department access to fire hydrants shall always be maintained.
14. Inspection of completed parklet or sidewalk seating for conformance with plans and standards required. A minimum of 72 hours' advance notice must be given for inspection requests (exclusive of Saturdays, Sundays, and holidays). Setup approval shall not be granted until construction debris and excess material is removed and right-of-way is deemed to be restored to acceptable condition as determined by the City.
15. Failure to secure permits for previous work or failure to pay fees due on previous permits shall render the applicant, permittee or employees ineligible for any other City permit until such fees and penalties are paid.

I AGREE TO COMPLY WITH THE PERMIT AND ALL ABOVE-REFERENCED CONDITIONS

Applicant's Signature:	Date:
Applicant's Printed Name:	Title / Organization:

Rev 2020-06-19

RELEASE AND INDEMNITY AGREEMENT

Dated _____

In consideration of the issuance of a permit/permission by the City of Oregon City (the "City") for

(Description of activity)

the undersigned ("Permittee") hereby agrees to the following terms:

1. **Release.** Permittee does hereby release and forever discharge the City of Oregon City, and its City Commissioners, officers, agents, volunteers and employees (collectively "Indemnitees") from any and all claims, liability, loss and demands of whatever kind or nature, either in law or in equity, arising from or related to Permittee's activity described above and/or Permittee's use of the City's facilities. Without limiting the generality of the foregoing, Permittee understands and agrees that this Release discharges each of the Indemnitees from any liability or claim that Permittee may have against any of them with respect to any bodily injury, personal injury, illness, death, or property damage that may arise from or relate to Permittee's activity described above and/or Permittee's use of the City's facilities. Permittee hereby expressly and specifically assumes the risk of injury or harm or damage to property with respect to the activity described above or Permittee's use of the City's facilities, whether caused by the negligence of any of the Indemnitees or otherwise.
2. **Indemnity.** Permittee hereby agrees to indemnify, defend (with legal counsel acceptable to the Indemnitees) and hold the Indemnitees harmless from any and all claims, liability, loss, damage, cost or expense, including but not limited to attorney fees and court costs, that the Indemnitees may sustain or incur arising from or relating to Permittee's activity described above and/or Permittee's use of the City's facilities. The foregoing indemnity shall include but not be limited to any claims, liability, loss, damage, cost or expense due to any bodily injury, personal injury, illness, death, or property damage arising from or related to Permittee's activity described above and/or Permittee's use of the City's facilities.
3. **Damage to Property.** In the event Permittee or its employees, agents, contractors, licenses or invitees damage or destroy any property of the Indemnitees in connection with Permittee's activity described above, Permittee shall, upon demand of the Indemnitees, immediately pay the costs of repair or replacement of such damaged property.
4. **Insurance.** If this box is checked ☐, Permittee shall maintain liability insurance covering Permittee's activity described in this Release, with such coverages and in such amounts as required by the City from time to time. Such insurance shall also name the City as an additional insured. If Permittee is required to maintain liability insurance under this Release, Permittee shall, prior to engaging in the activity described in this Release, provide the City with a certificate of liability insurance evidencing such insurance in a form acceptable to the City.
5. **Termination.** The City may terminate Permittee's activity described above at any time upon written notice to Permittee. Indemnitees shall have no liability to Permittee for any termination of Permittee's activity, including but not limited to liability for consequential damages.

6. **Interpretation.** The undersigned agrees that this Release is intended to be as broad and inclusive as is permitted by the laws of Oregon, and that if any portion of this Release is held invalid, it is agreed that the remaining portion shall continue in full force and effect.

7. **Jurisdiction.** In the event of any dispute between the undersigned and any or all of the Indemnitees, such dispute shall be governed by Oregon law and the exclusive jurisdiction for such dispute shall be the State courts for the State of Oregon, and the exclusive venue for such dispute shall be Clackamas County, Oregon.

8. **Authority.** In the event the undersigned is a limited liability company, corporation or other organization, the individual signing below represents and warrants he/she has authority to execute this Release on behalf of such organization.

9. **Binding Effect.** The waiver, release, indemnity and agreements of Permittee under this Release shall be binding upon Permittee's agents, guests, licensees, heirs, personal representatives, executors, successors and assigns.

10. **Compliance with Laws.** Permittee shall comply with all laws, ordinances and regulations, and the terms of any permit issued by the City, applicable to Permittee in connection with Permittee's activity described above.

Permittee:

By: _____
Signature of Authorized Agent

PDX_DOCS:470255.2 [34758.00100]



APPLICATION – OUTDOOR DINING/RETAIL IN PARKING LOTS		Application Date:
Applicant		
Name of Business:		
Business Address:	City, State & Zip:	
Contact Name:	Phone:	
Email:	Oregon City Business License Number:	
Parking Spaces		
Total parking spaces in lot:		
Number of spaces that will be used for outdoor dining or retail:		
Percentage of total parking spaces used: <i>Up to 50% of the spaces may be used</i>		
Standards that must be met (show on attached site plan)		
☐ Barriers to delineate/protect the dining/shopping area from the parking lot. Material: _____		
☐ No landscaping will be removed.		
☐ Any tents/umbrellas will be secured to the ground or protected from movement. How: _____		
☐ No use of ADA parking spaces or adjacent striping.		
☐ No change to the vehicular ingress/egress of the site.		
☐ Lighting greater than 40 watts is shielded.		
☐ No more than two additional signs up to 6 square feet.		
☐ If outdoor seating is provided, a minimum of one ADA seat is included		
☐ Vertical clearance of 8 feet above walkways is maintained.		
☐ No cords, structures, sails, coverings, or similar cover or extend over vehicle maneuvering or parking areas.		
☐ The space is designed for easy removal and does not contain permanent fixtures.		
☐ No new gravel, sand or other surface materials.		
☐ No chain link fencing.		
Attach a site plan showing the parking lot changes proposed. Approval from the property owner is required. Approval from the Building Department and Clackamas County Fire District #1 is required. Applications must be submitted to the Planning Division. A fee of \$25 each year will be charged for participation in this program.		

PROPERTY OWNER SIGNATURE 			
I CERTIFY THE ABOVE INFORMATION IS CORRECT 		Applicant's Signature:	
OFFICE USE ONLY			
Packet Complete:	☐ Yes ☐ No	Expiration Date:	Permit No.:
Building Division Approval:		Clackamas County Fire District Approval:	
Issued by (Planning Approval):		Date:	
Permission is hereby requested to construct, maintain, and use a private parking lot as described hereto. It is understood that this application is limited to the parking lot described herein and that the business shall comply with the provisions of this application and all other applicable rules, regulations and standards of the City, County and State.			



MEMORANDUM

Date: June 18, 2020

To: Josh Wheeler, Assistant City Engineer, City of Oregon City

From: Aaron Parker, Engineering Technician II, City of Oregon City

Regarding: Review of Portland-area municipalities with a parklets program

Background

The City of Oregon City is starting a pilot program to assist small businesses with constrained sites in core shopping districts by permitting parklets. Parklets are the allowance of use of street parking spaces between the sidewalk and the street for outdoor dining or retail space.

Parklet-goer safety is a concern for the City. The City is interested in knowing what streets to allow parklets on in terms of their classification, speed limit, and average daily traffic count. Another concern is equity for business in terms of permitting fees and allowed use of a parklet.

To help the City determine its program design, we reached out to the following similarly sized municipalities that have or are already beginning a parklets program:

- City of Vancouver, WA
- City of The Dalles
- City of Milwaukie

The questions asked of the municipalities included:

1. Does your parklet program have a street speed limit?
2. Do you have traffic counts for street where parklets have been permitted?
 - Please provide street name, classification, and ADT count for permitted parklets
3. Can you explain the fee schedule for parklets in City of Vancouver?
4. Is your parklet program for any business including retail or only for restaurants?

Responses

City of Vancouver, WA

We're still in the piloting phase for parklets. If we allow them beyond September 2020, I'm sure we'll develop more standards – but for now here are responses to your questions.

1. We don't have a street speed limit. We anticipate that most of the requests will come from our downtown/uptown areas where speed limits are 20 or 25.
2. We don't have traffic counts.



Public Works

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7892

3. There is no fee for parklets during the pilot phase. We'll revisit this if we extend and likely start charging some kind of fee.
4. The program targets restaurants, including wine tasting rooms and breweries. However, if a retail business was interested, we'd look into it.

City of The Dalles

1. To date the parklets program has only been used in the downtown core area, specifically on East 2nd Street. East 2nd Street has a downtown speed limit of 20 mph.
2. ADT's are estimated at 9,000 to 10,000. Traffic counts were last taken in 2015 – 8,934 ADTs at that time. East 2nd Street is classified as an Arterial St in the downtown area. East 2nd Street is a two-lane one-way street, with curbside parking, in the downtown area.
3. The downtown parklets program is a no fee program administered by The Dalles Main Street [From The Dalles Main Street: We charged \$2,000 per season and Main Street set up and dismantled the parklet.]
4. The program is available to both restaurants and retail businesses

The City is also exploring the use/installation of sidewalk extensions – raised pedestrian platforms – in the downtown. The platforms would be located in the curbside parking spaces to allow for greater use of sidewalks (by both restaurants and retail). Concrete barriers would also be placed alongside the platforms as additional protection from auto traffic. We estimate the cost of the platforms to be approx. one half that of the parklets.

I've attached a report on use of public spaces for economic recovery efforts, it gives a fairly comprehensive overview of street and sidewalk reuse possibilities. (See separate document titled "NACTO_Streets-for-Pandemic-Response-and-Recovery_2020-05-26.pdf".)

City of Milwaukie

1. Parklets are only permitted downtown. Those streets are classified as collectors and arterials in our TSP. I believe the posted speed limit downtown is 25 mph.
2. I don't know about any traffic counts in the downtown, but the Engineering Department might – they are cc'd on this email. (No response)
3. The fees required are in the parklet program material and we tried to make them consistent with existing permitting processes. The review fees are intended to cover staff time to review the plans and confirm compliance with the program requirements. City Council added a per parking space fee to acknowledge a private parklet's use of the public right of way for a private business (it's a nominal fee for continuous use of public parking for a business). Fee schedule:
 - New permit [\$465 - \$470 total plus TBD location-dependent fees]
 1. Base fee - \$150



2. Plan review fee - \$150
3. ROW Permit - \$150
4. \$20/month per parking space (one space permitted per block)
 - \$15/month per parking space for a private/public hybrid parklet (parklet that allows use by the public after business hours)
5. Additional incurred costs - \$150 to \$500 TBD (location-dependent)
- Renewal [\$160 - \$165 plus TBD location-dependent fees]
6. Base fee - \$50
7. ROW Permit - \$95
8. \$20/month per parking space (one space permitted per block)
 - \$15/month per parking space for a private/public hybrid parklet (parklet that allows use by the public after business hours)
9. Additional incurred costs - \$150 to \$500 TBD (location-dependent)
4. Parklets are only permitted for eating/drinking establishments, not retail.

City of Oregon City – Proposed (for comparison)

1. 25 mph on Main St and 25 mph on 7th St
2. ADT – Total (total average daily vehicles in both directions)
 - i. Main St: Collector
 - i. 99E to 6th St – 5,420
 - ii. 8th to 9th – 5,803
 - iii. 10th to 11th – 4,466
 - ii. 7th St: Major Arterial
 - i. Center St to Washington St – 11,804
 - ii. Washington St to John Adams St – 14,626
3. \$25 administrative fee during pilot program; fees to be revisited 2021
4. Both retail and restaurants may be permitted

Let me know if you have any questions.

Aaron Parker, PE
City of Oregon City

SUPPORT LOCAL OREGON CITY

Economic Recovery Plan



A Guide for Expanded Restaurant & Retail Space for Oregon City Businesses

Proposal for City of Oregon City - Restaurant & Retail Recovery Program

In concert with the Governor's Office Phased Re-opening plan, Downtown Oregon City Association and the Oregon City Chamber are proposing the City of Oregon City allow the following guidelines to temporarily allow restaurants and retail businesses to expand their business footprint onto the public right-of-way or in privately owned parking facilities without meeting certain City code and permitting requirements.

Governor's existing requirements:

- Determine maximum occupancy to maintain physical distancing requirements and limit number of customers on premises accordingly.
- Ensure tables are spaced at least six (6) feet apart so that at least six (6) feet between parties is maintained, including when customers approach or leave tables.
- Businesses will need to determine seating configuration to comply with these physical distancing requirements.
- Remove or restrict seating to facilitate the requirement of at least six (6) feet of physical distance between people not in the same party.
- If booth seating is back-to-back, only use every other booth.
- Limit parties to 10 people or fewer. Do not combine parties/guests at shared seating situations who have not chosen to congregate together. People in the same party seated at the same table do not have to be six (6) feet apart.
- If a business is unable to maintain at least six (6) feet of distance, except for brief interactions (for example, to deliver food to a table), it may operate only as pick up/to go service. This applies to both indoor and outdoor seating.

**SUPPORT
LOCAL
OREGON CITY**

1. Restaurant & Retail

Recovery Program Overview

The following proposed plan that the City would adopt is to ensure businesses have the greatest ability to operate successfully during the COVID-19 economic recovery. This initial request is to leverage available private and public space to be used as expanded areas for restaurants and retail activity while maintaining public safety requirements.

Temporary Outdoor Dining & Retail Activity on Private Property

Restaurants and retail establishments with access to private sidewalks or private parking may utilize these areas for dining or retail services, in accordance with the governor's safety guidelines, provided the consent of the landlord or property-owner is obtained without City permits.

Temporary Outdoor Dining & Retail Activity in Public Rights-of-Way (Sidewalks & Parklets)

We propose the City temporarily amend City Code for restaurants and retail businesses to expand operating space in designated portions of the public right-of-way. These areas will be limited to all sidewalk areas and adjacent on-street parking spaces (if available) on City roadways. State roadways are excluded from this program.

Permits will still need to be obtained through the appropriate City Department, but fees associated with use and building will be waived for the period of 18 months from implementation of the program.

To participate in this program, minimum safety requirements and Americans with Disabilities Acts (ADA) must still be met. It shall be the responsibility of the business to ensure that these requirements are maintained at all times the business is operating within the public right-of-way.



Types of Public Space used for this purpose:

Sidewalks

Private use of sidewalk space for merchandise has typically not been allowed under City Code 12.04.130. We propose that the City allow businesses use of the sidewalks for additional restaurant seating and merchandise.



Parklets

Parklets are on-street parking spaces that have been converted for other uses, such as outdoor dining areas. This often solves ADA accessibility issues.

Café and Retail Zones

This involves closure of portions of a street (example is 8th between Main and Railroad) near a concentration of businesses to provide additional space in a safe and protected setting that can serve multiple businesses.



2. Restaurant & Retail Recovery Program

The Details:

Temporary Outdoor Dining & Retail Activity on Private Property

We would like the City of Oregon City to adopt a temporary Order where businesses may expand dining and retail areas to certain areas of private property not typically permitted for business activity, such as private outdoor areas and parking lots.

Private Parking Lots

Up to 50% of off-street private parking spaces counted toward the required parking minimum may be converted to outdoor dining or retail space, when the lot is adjacent to the parent property. The converted use must be in compliance with all Fire Department requirements for building accessibility, and social distancing requirements that provide at least six feet of space between tables and pathways. Additionally, no parking for disabled persons may be repurposed for restaurant or retail use.

Erection of Tents and Other Shade Structures on Private Property

Tents may be used for the length of the program. 10 foot by 10 foot tents or smaller may be erected in parking spaces to provide shade for dining areas. Larger tents may be erected by permission of the appropriate City Department. The fees for such tents intended for dining areas will be waived as will the timeline restricting for the duration of this program.

Temporary Outdoor Dining & Retail Activity in Public Rights-of-Way (Sidewalks & Parklets)

We would like the City of Oregon City to adopt a temporary Order authorizing restaurants and retail businesses to expand dining and retail operations onto all sidewalks and on-street parking spaces (parklets) on City roads, provided the applicable requirements described below can be met. The City should also identify certain roadways for full road closures (Café & Retail Zones) to temporarily make these street areas available for expanded dining and retail activity, consistent with the requirements identified.



Sidewalks

Sidewalk activation for restaurants have typically required a permit through the City and retail activation has not been allowed. We would request that the permit fee for sidewalk seating be waived for restaurants and an expansion of temporary sidewalk use to include retail as well, subject to the conditions below.

Expanded Sidewalk Requirements for Restaurant & Retail

For the duration of the recovery time period (approximately 18 months), this temporary code will be in effect.

General Requirements:

Outdoor café seating and retail operations within sidewalks and public rights-of-way shall maintain:

- Adequate pedestrian flow of at least 6 feet; a graphic depicting outdoor seating parameters is attached to this proposal.
- Access to public utilities, building entrances, crosswalks, bus stops, and transient entrances;
- Pedestrian and traffic safety; and
- Aesthetic compatibility with the surrounding area.

Location Requirements:

1. The width of the sidewalk café or retail space is restricted as follows:
 - a. The width shall not exceed the width of the sidewalk frontage of the subject property. However, the area of the permit may be extended up to a maximum of fifty (50) feet on one (1) side of the subject location, subject to the provisions of subsection b. of this section.
 - b. This sidewalk café or retail area may extend by a maximum of fifty (50) contiguous feet in the public right-of-way on one (1) side and/or the other side of the private property so long as the property directly abuts the public right-of-way. Adjacent businesses are strongly encouraged to coordinate.
2. A clearly marked, unobstructed, and durable pedestrian right-of-way, also known as the “pedestrian path”, that meets required accessibility standards, of no less than six (6) feet shall be maintained for each sidewalk café area and shall adhere to the following standards:
 - a. The minimum distance of said path shall be measured from the portion of the sidewalk café/retail space boundary which is nearest either the curb line or the nearest obstruction.
 - b. If no event may recesses in the sidewalk café/retail space boundary be used to satisfy this unobstructed width requirement for said path, except that the

corners of the sidewalk café/retail space may be rounded or mitered.

c. Sidewalk cafés/retail spaces shall maintain a clearance of six (6) feet around the corners of other sidewalk cafés measured in the radius.

3. The pedestrian path shall maintain a minimum of six (6) feet from large obstructions. No tables, or chairs, umbrellas or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut. For the purposes of this section, large obstructions shall be newsstands, existing planters, meter kiosks, bike racks, etc.
4. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. The twenty (20) foot fire lane shall not be obstructed at any time. There shall be a minimum of forty (40) inches in distance separating the edge of a table or chair to a fire department connection.
5. The operational hours of the space shall be restricted to the adjacent business operating hours.

Construction; Signage; Maintenance and Umbrellas:

1. Appropriate lighting of the sidewalk café/retail space is required if operating outside of daylight hours.
2. Use of landscaping and planters is permissible, however, these materials should not be permanently affixed to any public rights-of-way.
3. All signage must be in compliance with existing code.
4. Use of removable barriers to define the sidewalk café is permissible.
5. No heating, cooking, or open flames are permitted in the sidewalk café. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable objects.
6. No food preparation, food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.



7. Umbrellas and other decorative material shall be fire-retardant, pressure treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.

City of Oregon City Right to Clear Right-of-Way

The City reserves the right to remove a sidewalk café/retail space that creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public.



Parklets



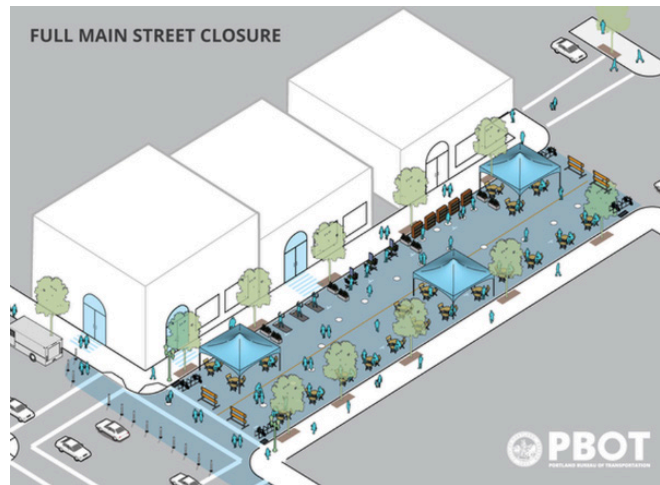
Parklets can be used by one or more businesses and don't require streets to be closed. Parklets will be located in on-street parking spaces with the following requirements:

- Metered parking spaces must be requested and approved in advance by contacting the appropriate City department. The City of Oregon City will bag spaces at no cost to the business where necessary, and the business will then be permitted to use the space for restaurant and retail use.
- Non-metered spaces may be activated with a cost-free permit through the appropriate City department.

Temporary Removable Barrier Materials

Temporary barrier materials, such as those depicted below, should be utilized to better define boundaries of extended business operations. Any equipment or furniture placed in the parking space cannot be placed closer than two (2) feet from the edge of the adjacent travel lane. Safe pedestrian pathways between barrier walls must be provided.





The City will allow for designated Café & Retail Zones that will allow the businesses to close selected portions of an entire street and require detours for vehicles. These zones will provide the maximum additional space, serve many businesses in a concentrated area, and will be installed 24 hours a day, 7 days a week, for the duration of this pilot program.

In the interest of public safety, full street closure locations and hours of operation will be approved by the City in advance. The City will support this by providing the maintenance of traffic plan to close the roadway for vehicles and deploy necessary detours and signs to direct traffic away from the closure.

It is the responsibility of the business to activate these spaces with temporary materials such as tables and chairs, umbrellas, and visual/physical barrier materials.

Business Responsibilities for Street Activations

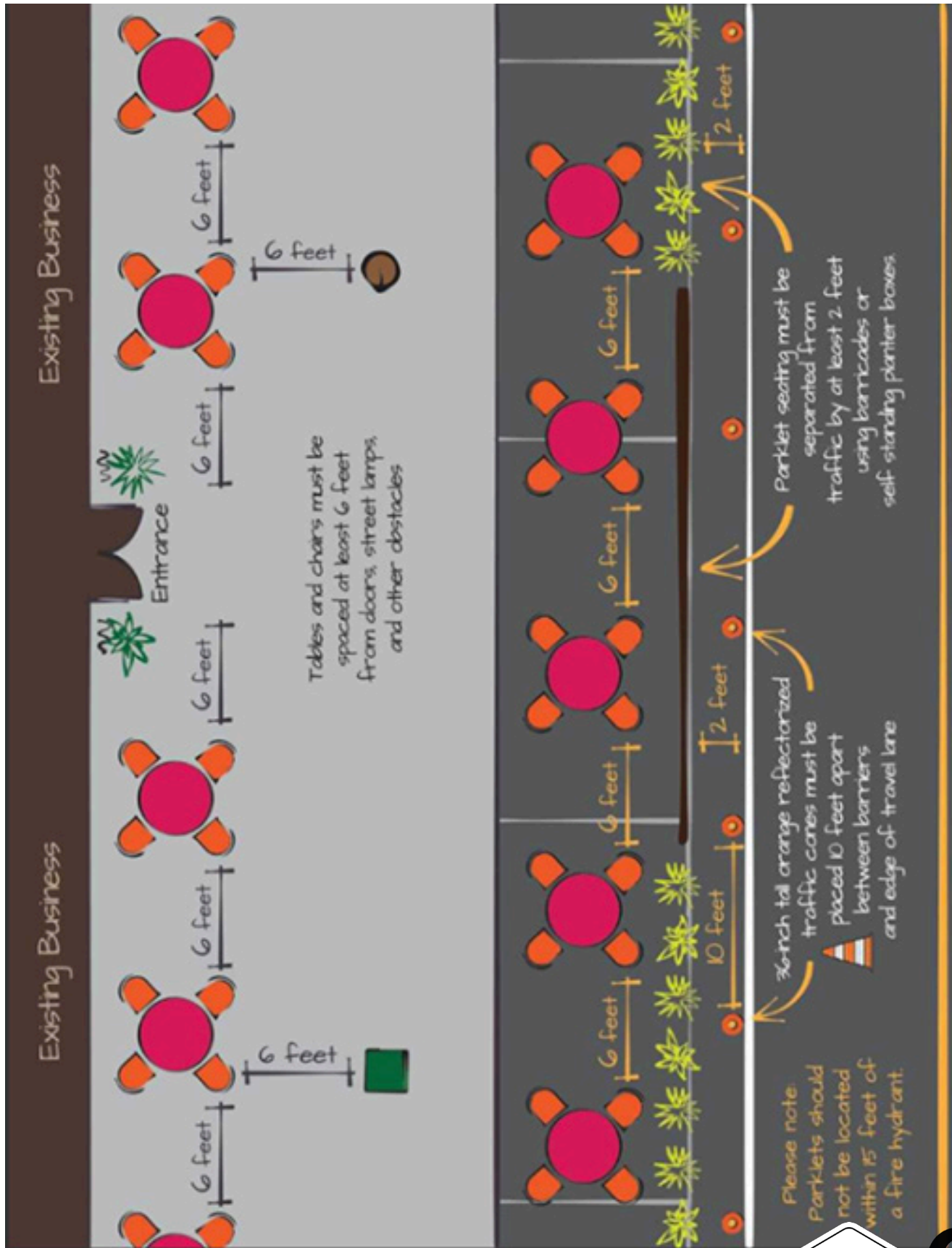
It shall be the responsibility of the business to activate the spaces described as needed per site specific conditions. Maintenance (daily upkeep, litter cleanup, etc) associated with business operations will also be the responsibility of the business.

Alcoholic Beverages

Restaurants and food establishments licensed under OLCC for outdoor sales will be permitted to sell and allow on-premise consumption of alcoholic beverages within the expanded dining areas on private property, on immediately adjacent sidewalks, within parklets and within Café & Retail Zones that have been closed to traffic.

Restaurants utilizing public rights-of-way for outdoor dining shall comply with the applicable closing times.

*Restaurants not currently permitted to sell alcohol will not be affected by this program



Proposal Prepared by:



For more information, please contact:

Liz Hannum
Executive Director
Downtown Oregon City Association
503-802-1640
liz@downtownoregoncity.org

Victoria Meinig
Chief Executive Officer
Oregon City Chamber of Commerce
503-656-1619
victoria@oregoncity.org



June 22, 2020

Dear Commissioners,

I am writing on behalf of the Oregon City Chamber of Commerce in support of the proposal for the Parklet Pilot Program and the Outdoor Dining/Retail Private Parking Lots Program. Offering businesses alternative ways to increase patronage during these trying times of COVID -19 will help drive local commerce and help sustain and promote the businesses that are still struggling to withstand the pandemic effects. It's an excellent investment in our city and the health of our future economy.

Thank you for your consideration of this request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Victoria Heine', with a long horizontal flourish extending to the right.

Oregon City Chamber of Commerce



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 07/01/2020
From: Community Development Director Laura Terway

SUBJECT:

Second Reading of Ordinance No. 20-1006, Thimble Creek Concept Plan/Beavercreek Road Concept Plan- Code and Zoning Amendments (LEG 19-00003)

STAFF RECOMMENDATION:

Move to approve the second reading of Ordinance No. 20-1006.

EXECUTIVE SUMMARY:

The Beavercreek Road Concept Plan (BRCP) was initially adopted in 2008 through a robust public engagement process and re-adopted in 2016. While approximately half of the district has been annexed to the City, mapping and zoning regulations need to be developed and applied for the annexed areas and the remainder of the district to fully implement the BRCP. Public outreach began in the spring of 2019 and included numerous community meetings, city advisory group meetings, emails, surveys, nine Planning Commission hearings, and four City Commission work sessions which provided guidance on the recommended implementation items. This project proposes amendments to the Comprehensive Plan Map, Zoning Map, Title 16 and 17 of the Oregon City Municipal Code, Beavercreek Road Concept Plan, Parks Master Plan, Trails Master Plan, and the Transportation System Plan to Implement the Goals and Policies of the Beavercreek Road Concept Plan. Due to the public feedback received during this project, the proposal would change the name of the Beavercreek Road Concept Plan to the Thimble Creek Concept Plan.

The Planning Commission voted 6-0-1 to recommend approval of Planning file LEG 19-00003 to the City Commission on February 24, 2020. Planning Commission Chair Mike Mitchell and Senior Planner, Christina Robertson-Gardiner, provided an overview of the proposed amendments at the March 10, 2020 City Commission Work Session. Staff prepared a supplemental memo addressing comments from the March 10, 2020 City Commission Work Session for the March 18, 2020 City Commission Meeting. Due to COVID-19, this item was continued to the April 1, 2020 City Commission Hearing and then to the March 20, 2020 City Commission meeting. The March 11, 2020 memo is attached to the agenda. The City Commission voted to approve the first reading of Ordinance No. 20-1006 for LEG 19-00003 on May 20, 2020

At the June 3, 2020 City Commission meeting, the City Commission chose to reopen the record and allow additional testimony from Elizabeth Graser-Lindsey into the record. Staff has prepared a memo that responds to the additional testimony and concerns identified by the Commission. The City Commission adopted the 1st Reading of the Revised Ordinance at the June 17, 2020 City Commission Meeting with additional language included in the Ordinance recognizing the importance

of the upland habitat. In addition, the City Commission provided direction to staff to work with the Natural Resources Committee to initiate a process to create and adopt protections for the upland habitat as recommended by the NRC.

BACKGROUND:

The Beavercreek Road Concept Plan (BRCP) establishes the goal of creating a complete and sustainable community in southeast Oregon City within a 453-acre district along Beavercreek Road. The district is intended to provide for a mix of uses, including an employment campus north of Loder Road, mixed-use districts along Beavercreek Road, and two mixed-use neighborhoods woven together by open space, trails, a network of green streets, and sustainable development practices. District development is anticipated to provide 1,100 housing options and to realize the City's economic development goals, including the creation of up to 5,000 family-wage jobs. The five subdistricts that support these development goals include:

- **North Employment Campus:** The largest subdistrict, located north of Loder Road and is intended for tech flex and campus industrial uses.
- **Mixed Employment Village:** Located along Beavercreek Road between Meyers Road and Glen Oak Road, and intended for mixed-use, 3-5 story building scale, active street life.
- **Main Street:** A node located Beavercreek Road and Glen Oak Road, intended for mixed-use, local shops, and services.
- **West Mixed-Use Neighborhood:** Located along Beavercreek Road south of Glen Oak Road and the Main Street subdistrict and intended for medium to high-density housing and limited community uses.
- **East Mixed-Use Neighborhood:** Located in the southeast end of the concept plan area and is intended for low-density residential and green space throughout.
- **Parks, Open Spaces, and Resource Areas:** Includes a connected system of parks, open spaces, and natural areas that link together and link to the environmentally sensitive areas throughout the district, including the undevelopable portion of the powerline overlay.

This project further implements the Beavercreek Road Concept Plan (BRCP) through comprehensive plan designation and zone mapping, and development code amendments. The specific tasks for this project will be to develop and apply the comprehensive plan map and zoning map designations to implement the Beavercreek Road Concept Plan map and supporting clear and objective development code regulations for each implementing zone. Existing city zoning, bolstered by recent Equitable Housing code amendments, generally lines up with the desired land use concepts within the plan and will facilitate implementation with minor amendments. The implementation project includes map and text amendments consistent with BRCP, including:

1. **Comprehensive plan map amendments:** Proposed amendments to the comprehensive plan map implement the five subdistricts identified in the BRCP consistent with the concept plan maps throughout the concept plan area.
2. **Zoning map amendments:** Proposed amendments to the zoning map implement the five subdistricts consistent with the concept plan and comprehensive plan designations for properties within the concept plan area that have been annexed into the city limits. Zoning for remaining

properties will be applied at the time of annexation, consistent with the adopted comprehensive plan map.

3. Zoning text amendments: Code amendments to the Oregon City Municipal Code include geographically specific provisions to supplement the base zoning district provisions to fully implement the concept plan goals for each subdistrict. Limited amendments to subdivision and site plan review standards are also proposed to ensure concept plan standards are implemented at the time of development.

4. Ancillary documents to the Comprehensive Plan: Ancillary documents that need to be amended to implement the vision of the adopted Concept Plan based on direction from the Planning and City Commissions.

The implementation project engaged a range of stakeholders in multiple venues and formats over eight months prior to the commencement of Planning Commission Hearing, with each successive round of engagement used to inform project refinements in subsequent phases. Introductory letters were sent to all properties located, and within 300 feet of the concept plan boundary, two public meetings and an open house were held in the spring of 2019 along with opportunities to take part in online surveys through the project webpage and listserve. Staff also presented at stakeholder and neighborhood meetings to explain the process and encouraged people to get involved, and tracked comments through a public comment tracker.

Staff has prepared a staff report that analyzes the proposal to amend the Comprehensive Plan Map, Zoning Map, Title 16 and 17 of the Oregon City Municipal Code, Beaver Creek Road Concept Plan, Parks Master Plan, Trails Master Plan, and the Transportation System Plan to implement the Goals and Policies of the Beaver Creek Road Concept Plan and found that it is consistent with the Oregon City Comprehensive Plan and State Land Use Goals. Staff has also worked with the Assistant City Attorney to review the proposed code amendments for legal clarity. The annotated revised code can be found in the Agenda packet. None of the proposed revisions affect the adopted Planning Commission recommendations from the February 24, 2020 Planning Commission Hearing. Additional plan goals beyond land-use implementation are outside the scope of this project, including infrastructure, transportation, and economic development measures that have already been completed or are planned for the concept plan area.

OPTIONS:

1. Proceed with the second reading of the Ordinance;
2. Provide additional revisions to the proposed amendment to the Ordinance and proceed with the 1st reading of the Ordinance; or
3. Continue the matter to July 15, 2020 and provide additional direction to staff on any outstanding items or questions.

BUDGET IMPACT:

Amount: \$

FY(s): EnterTextHere

Funding Source(s): EnterTextHere

ORDINANCE NO. 20-1006

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING THE OREGON CITY MUNICIPAL CODE TITLE 16: LAND DIVISIONS, TITLE 17: ZONING, CHAPTER 17.06.020: OFFICIAL ZONING MAP, THE OFFICIAL COMPREHENSIVE PLAN MAP, AND AMENDING ANCILLARY DOCUMENTS OF THE COMPREHENSIVE PLAN TO IMPLEMENT THE BEAVERCREEK ROAD CONCEPT PLAN

WHEREAS, the Beaver Creek Road Concept Plan (BRCP) establishes the goal of creating a complete and sustainable community in southeast Oregon City within a 453-acre district along Beaver Creek Road; and

WHEREAS, the district is intended to provide for a mix of uses including an employment campus north of Loder Road, mixed-use districts along Beaver Creek Road, and two mixed-use neighborhoods woven together by open space, trails, a network of green streets, and sustainable development practices; and

WHEREAS, the Beaver Creek Road Concept Plan was initially adopted in 2008 and re-adopted in 2016, following legal and legislative findings that affirmed the plan's consistency with Metro regional employment goals; and

WHEREAS, while approximately half of the district has been annexed to the City, and mapping and zoning regulations need to be developed and applied for these annexed areas and the remainder of the district to fully implement the BRCP; and

WHEREAS, the proposed amendment package provides a clear and object path for developing land within the Concept Plan area consistent with Senate Bill 1051; and

WHEREAS, large intact areas of forest contribute to plant and animal species diversity, help remove pollutants from the air, mitigate climate change, and protect water quality. The City Commission supports the preservation of upland habitat areas as recommended by the Natural Resource Committee, which may be supported through tools within the Municipal Code such as density transfers, preservation tracts, master planning and other incentives; and

WHEREAS, as a result of this Ordinance, the Beaver Creek Road Concept Plan will be renamed the Thimble Creek Concept Plan as the former name was geographically confusing to the community; and

WHEREAS, City documents that refer to the Beaver Creek Road Concept Plan should now refer to the revised name: Thimble Creek Concept Plan when opportunities arise to update each document.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code Title 16, entitled Land Divisions; and Title 17, entitled Zoning; which are attached hereto as Exhibit 'A'.

Section 2. The City hereby amends the portions of the existing Oregon City Zoning Map and Comprehensive Plan Map which are attached here to as Exhibit 'B'.

Section 3. The City hereby amends portions of Ancillary Documents to the Comprehensive Plan which are attached hereto as Exhibit 'C'.

Section 4. The Commission adopts the "Staff Report and Recommendation for Legislative File: LEG 19-003," which includes the supplementary June 9, 2020 staff memo that are attached hereto as Exhibit 'D' and incorporated herein to support the City's decision.

Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 6. Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

Read for the first time at a regular meeting of the City Commission held on the 17th day of June, and the City Commission finally enacted the foregoing Ordinance this 1st day of July 2020.

DAN HOLLADAY, Mayor

Attested to this 1st day of July 2020,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit A – Amended Sections of the Oregon City Municipal Code

Exhibit B – Amended Sections of the Oregon City Zoning Map and Comprehensive Plan Map

Exhibit C – Amended Sections of Ancillary Documents to the Comprehensive Plan

Exhibit D – Staff Report

Oregon City Municipal Code

FILE: LEG-19-0003

Draft Beaver Creek Road Concept Plan/ Thimble Creek Concept Plan Zoning & Code Amendments

Version:

Public Hearing 03/18/20 – Redlined Copy

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards.





Oregon City Municipal Code

Chapter 16.08 Land Divisions - Process and Standards

16.08.005 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04, unless the context dictates application of a different meaning.

16.08.010 - Purpose and general provisions.

- A. Applicability. This chapter controls the process and approval standards applicable to land divisions including:
 1. Partitions, defined as a single division of land into two or three lots, and/or
 2. Subdivisions, defined as a single division of land into four or more lots and/or
 3. Master plans and planned unit developments and/or
 4. Expedited land divisions.
- B. Approval of a land division shall be granted only upon determination by the City that all applicable requirements of this title, ORS Chapter 92, the applicable zoning designation, applicable overlay districts, and OCMC 12.08, 13.12, 15.48, 16.12, 17.41, and 17.50 of the Oregon City Municipal Code are met or can be met with conditions of approval.
- C. Minor partitions and subdivisions shall generally follow a Type II process and master plans/planned unit developments shall be processed as a Type III process pursuant to OCMC 17.50. However, if an applicant opts to process a subdivision as an expedited land division, the City shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.
- D. Purpose. The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the City's dimensional standards. If an applicant wishes greater flexibility in lot pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a Master Plan / Planned Unit Development pursuant to OCMC 17.65 or an additional application for a variance(s) pursuant to OCMC 17.60.
- E. Process Overview. Land division review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat shall be processed as identified in OCMC 16.08.100.

16.08.025 - Preliminary plat—Required information.

The preliminary plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. The preliminary plat layout may be prepared by a

civil engineer, architect, land use planner or similarly qualified professional. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

- A. Site Plan. A detailed site development plan drawn to scale by a licensed professional based on an existing conditions plan drawn by a licensed surveyor. The site plan shall include the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, parks, trails, open spaces, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed land division will extend to and/or from such adjacent properties and can be developed meeting the existing OCMC design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.
- B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the State of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the Traffic/Transportation Plan, the applicant shall reference the adopted Transportation System Plan. The Community Development Director may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
- C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within 250 feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features shall include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries where practicable. Features that shall be illustrated shall include the following:
 1. Proposed and existing street rights-of-way and all other transportation facilities;
 2. All proposed lots and tracts;
 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);
 4. All natural resource areas pursuant to OCMC 17.49, 17.48, 17.44, and 17.42;
 5. The location of any known state or federal threatened or endangered species or wildlife habitat or other natural features listed on any of the City's official inventories;
 6. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;

- D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or other written demonstration that the applicant notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require any responsive letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

The Community Development Director may waive any of the foregoing requirements if the Community Development Director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

16.08.030 - Preliminary plat—Narrative statement.

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

- A. Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district.
- B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:
 1. Water,
 2. Sanitary sewer,
 3. Storm sewer and stormwater drainage,
 4. Parks, trails and recreation facilities, if determined to be necessary pursuant to the Oregon City adopted Trail Master Plan and / or Parks and Recreation Master Plan
 5. Traffic and transportation, and
 6. Fire and police services

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

- C. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the City, and related documents for the land division;
- D. Overall density of the land division and the density by dwelling type for each.

16.08.040 – Park and Open Space Requirements.

Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan area- residential development.

A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirements set forth in subsection F as follows:

1. The minimum acreage of land for the South-Central Open Space-Neighborhood Park as provided in the following calculation: (2.6 persons per dwelling units) x (total number of dwelling units proposed) x (4 acres) / (1,000 persons); and
2. The minimum amount of land in acres dedicated for the East Ridge-Thimble Creek Conservation Area shall be 7.5 acres.
3. The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.

B. If a larger area for a neighborhood park or open space-is proposed than is required based on the per-unit calculation described in subsection (A) for the South-Central Open Space – Neighborhood Park, the City must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection (C).

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

- 1 The amount of the fee in lieu or other monetary contribution shall be determined by a licensed, City-selected appraiser, retained by the applicant, who will value the excessive dedication in dollars per acre assuming that zoning and other land use entitlements necessary for park or open space development are in place.
2. The fee-in-lieu or other monetary contribution shall be paid concurrent with public dedication.

D. Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network & East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 16.08.040 -1- and meet the following locational and dimensional standards:

1. South Central Open Space-Neighborhood Park
 - a. 30-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
 - b. Up to 4 pearls of various sizes spread along the open space network
 - c. Min sizes pearl: 2 acres minimum.
 - d. Maximum size pearl: none
 - e. Min combined size of all pearls: 10 acres
 - f. Min average pearl width: 200 feet

- g. Min average pearl depth: 200 feet
- h. At least 5 acres to be developed with active recreation components
- i. The first pearl dedicated must be at least 3 acres in size
- 2. East Ridge- Thimble Creek Conservation Area shall include:
 - a. ½ of area between the Thimble Creek stream buffer and the 490-foot elevation ridgeline to be open space;
 - b. Two public viewpoints separated by at least 400 feet with a minimum size of .35 acre at less than 10% slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway;
 - c. 700-foot non-interrupted view corridor along open space from the east edge of the Ridge Parkway; and
 - d. Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway

16.08.045 - Frontage width requirement.

Each lot shall abut upon a street other than an alley for a width of at least twenty feet unless flag lots are provided pursuant to OCMC 16.08.050, except for Cluster Housing development pursuant to OCMC 17.20.020.

16.08.050 - Flag lots.

- A. Flag lots shall not be permitted except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit precludes a land division that meets the minimum density, dimensional standards of the underlying zone, and except where street connectivity is not practicable as determined by the City Engineer.
- B. A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a form acceptable to the City Attorney.
- C. Accessways shall have a pavement width of at least sixteen feet to service one or two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and City Engineer. The City Engineer and/or Fire District may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. The City Engineer and/or Fire District may prohibit vehicular obstruction, including trees, fences, landscaping and structures within the fire access corridor.

If the proposed accessway exceeds 150 feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District.

- D. The pole portion of the flag lot shall connect to a street.

- E. The pole shall be at least ten feet wide for the entire length.
- F. The pole shall be part of the flag lot and shall remain under the same ownership as the flag portion of the lot.

16.08.053 Tracts

Tracts which cannot be developed with a home or office, commercial, residential, institutional, industrial, parking or other uses as determined by the City Engineer or Community Development Director are not subject to compliance with the dimensional standards of the zoning designation, frontage requirements, or flag lot standards.

16.08.060 - Building sites.

- A. The size, width, shape and orientation of building sites shall be rectangular or square to the maximum extent practicable.
- B. Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker.
- C. Adequate access for emergency services (fire and police) shall be provided.

16.08.063 - Minimum density.

All layouts shall achieve at least the minimum density of the base zone for the net developable area as defined in OCMC 17.04. Alternatively, a site may be partitioned into two lots, though one of the lots shall not contain sufficient lot area to allow further division.

16.08.065 – Lot size reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may utilize lot size reduction for up to twenty-five percent of the lots proposed for single-family detached residential use. Fractions resulting from the twenty-five percent calculation shall be rounded down. The reduced-size lots may be up to ten percent less than the required minimum lot area of the applicable zoning designation provided the average lot size of all proposed single-family detached residential lots meet the minimum requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot. Lot size reduction is only permitted through a subdivision or, master plan and planned unit developments processes and may not be used for minor partitions or any other residential uses.

The average lot area is determined by first calculating the total net developable area devoted to single-family detached dwelling units, subtracting the powerline easement areas, open space, tracts, stormwater facilities, roads, right-of-way, or accessways and dividing that figure by the proposed number of single-family detached dwelling lots.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

16.08.070 - Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or

shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

16.08.075 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Lot and parcel side lines for cluster housing projects proposed consistent with the standards in OCMC 17.20.020 are not subject to this standard.

16.08.080 - Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. Houses oriented in this manner assure a sense of openness by avoiding the “bowling alley” effect caused by uninterrupted, continuous privacy fences along higher volume streets. The objective is for lots located on a neighborhood collector, collector or minor arterial street to locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street,

- A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.
- B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.
- C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.
- D. The decision maker may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

16.08.085 - Division of large lots.

Where land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the Community Development Director shall require an arrangement of lots, parcels, buildings on lots, utilities and streets which facilitates future redivision. In such a case, development limitations including building locations and setback lines may be required and made a matter of record in order to preserve future right-of-way or building sites.

16.08.095 - Prohibition on Additional Private Restrictions on Housing Types.

Private restrictions on the provision of accessory dwelling units, corner duplexes, or internal conversions executed after July 1, 2019 shall be prohibited. Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument submitted with residential plats submitted for final plat approval after July 1, 2019 shall not prohibit or impose additional restrictions on accessory dwelling units, corner duplexes, and/or internal conversions to the extent permitted in the OCMC in place at the time of final plat submittal, and shall not impose additional restrictions on Accessory Dwelling Units and internal conversions through any future amendment.

16.08.100 - Final plat—Application requirements and approval standards.

- A. The final plat shall contain, or be accompanied by, the following information:
 1. The planning file number, located just below the title block;

2. The lines and names of all streets or other public and private ways, pedestrian/bicycle accessways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the petition;
 3. The length and bearings of all straight lines, curves, radii and arcs of all curves.
 4. Street center line control based on recorded city control surveys for street center lines, if applicable;
 5. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division;
 6. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat;
 7. All homeowners' agreements, maintenance agreements, articles of incorporation, bylaws and CC&Rs. These matters shall be reviewed and verified by the city attorney for conformance with state and local requirements before recording with the final plat;
 8. A declaration shall appear on the face of the final plat that conforms with the City's final plat review checklist as published by the City Engineer.
- B. The final plat shall be reviewed through a Type I process unless the final plat deviates significantly from the approved preliminary plat. A significant deviation is defined as a modification to the preliminary plat that exceeds the threshold situations discussed in subsection (C) below, in which case the deviation shall cause the land division to be reviewed again and processed in the same manner as was the preliminary plat. The applicant shall apply for final plat approval to the City and shall pay the applicable fees as set forth on the City's adopted fee schedule. The final plat is processed as a Type I decision by the City so long as the final plat is consistent with the approved preliminary plat including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.
- C. A Type II review is required in order to modify a preliminary plan approval in the following respects:
1. any increases in the number of lots as part of a previously approved partition;
 2. (2) increasing the number of lots in a subdivision by no more than one additional lot; and/or (3) a significant change in the location of a street. However, the City is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify. If such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat.

16.08.105 - Filing and recording of final plat.

Following approval of the final plat, the City shall file with the county recording officer the confirmed and approved copy of the final subdivision plat together with all pertinent documents approved as to form by the City Attorney.



OREGON CITY

Community Development – Planning

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

Oregon City Municipal Code Chapter 17.04 Definitions

17.04.005 - Generally.

- A. As used in this title, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto.
- B. Whenever the following words or terms and their derivatives are used in this title, they shall have the meaning herein ascribed to them, unless the context makes such meaning repugnant thereto.

17.04.006 3-4 plex residential

"3-4 plex residential" is a building located on one lot and containing three to four dwelling units in any vertical or horizontal arrangement. The units in a 3-4 plex shall share a common structural wall or a common floor/ceiling.

17.04.010 - Accessory building or accessory structure.

"Accessory building" or "accessory structure" means a detached building or structure subordinate in size and use, but located on the same lot as, a principal building.

17.04.015 - "Accessory Dwelling Unit" (ADU).

"Accessory Dwelling Unit" (ADU) means a residential dwelling unit located on the same lot as a single-family dwelling, that is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking and toilet facilities, and may be either attached to the same building as the single-family dwelling unit or in a detached building.

17.04.020 - Access control.

"Access control" means the regulation of public access rights to and from properties abutting public rights-of-way by the construction of physical barriers or conveyance to the city of a property interest (reserve strip) that prevents access to the public right-of-way.

17.04.025 - Accessway.

"Accessway" means any public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term "accessway" includes highway, streets, roads, avenues, alleys or similar designations.

17.04.030 - Accessway, pedestrian/bicycle.

"Accessway, pedestrian/bicycle" means any off-street path or way as described in OCMC 12.04, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers.

17.04.035 - Access, vehicular.

"Vehicular access" means an improved roadway, either public or private, providing automobile entrance and/or exit from an approved public street.

17.04.037 - After-Hours Public Parking.

"After-hours public parking" means utilization of parking, not within the right-of-way, by the public with or without charge when the associated primary use is not active.

17.04.040 - Alley.

"Alley" means a public or private way not more than 20feet wide that provides access to a property or properties from a side other than the designated front of the property.

17.04.045 - Alteration.

"Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a landmark or structures in an historic or conservation district. In an historic district any physical change shall be considered a form of alteration and shall be treated as such, except repair and maintenance or change of copy.

17.04.050 - Amateur radio operators.

"Amateur radio operator" means a ham radio operator, as licensed by the United States Government.

17.04.055 - Anadromous fish-bearing stream.

"Anadromous fish-bearing stream" means a stream or portion of a stream which is identified by resolution of the City Commission as spawning or rearing habitat for those species of fish which return to rivers from the sea for breeding.

17.04.060 - Antenna.

"Antenna" means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.

17.04.070 - Applicant.

"Applicant" means the party or parties who submit an application seeking development approval through an administrative, quasi-judicial or legislative procedure under OCMC Chapter 16 or 17.

17.04.075 - Application.

"Application" means any request for approval of a permit or a legislative amendment to the City's land use regulations, comprehensive plan or related zoning maps.

17.04.080 - Approval criteria and approval standards.

"Approval criteria" and "approval standards" mean all standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in this Code, the Oregon City Comprehensive Plan and applicable state law.

17.04.081 - Aquifer.

"Aquifer" is a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

17.04.082 - Arborist, certified.

"Certified Arborist" means a professional tree service provider whose certification is regulated and current and maintained with the International Society of Arboriculture (ISA). To use the term "Certified Arborist", an individual must have three years of experience and have passed an ISA certification exam that tests a variety of tree care knowledge.

17.04.083 – Arcade, pedestrian.

A covered area contiguous to a street or plaza that is open and unobstructed to a height of not less than 10 feet and that provides public access to building entrances, retail space and/or public space. An arcade may include building columns, landscaping, statuary, pools, or fountains as part of the arcade for the purpose of computing area. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways.

17.04.085 - Architect.

"Architect" means an architect licensed by the State of Oregon.

17.04.090 - Architectural significance.

"Architectural significance" for the purposes of OCMC 17.40 means that the structure or district:

1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural-type specimen;
3. Is the work of an architect or master builder whose individual work has influenced the development of the city; or
4. Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

17.04.095 - Arterial.

"Arterial" means any street so designated in the city's transportation master plan.

17.04.100 - Attachment.

"Attachment" means for the purposes of OCMC 17.80, an antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.

17.04.105 - Area of special flood hazard.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

17.04.110 - Array.

"Array" means the combination of antennas mounted on a support structure or support tower.

17.04.115 - Assisted living facility.

"Assisted living facility" means a facility established for profit or nonprofit, which provides nursing care and related medical services on a 24-hour-per-day basis to sixteen or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care. Patients do not reside in self-contained dwelling units.

17.04.120 - Auxiliary support equipment.

"Auxiliary Support Equipment" means for the purposes of OCMC 17.80 all equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.

17.04.125 - Bankfull stage or bankfull flow.

"Bankfull stage" or "bankfull flow" means the stage or elevation of a stream at which water overflows the natural banks of streams or other waters of this state. The bankfull stage or flow may be approximated using either the 2-year recurrence interval flood elevation or one foot measured vertically above the ordinary mean high water line.

17.04.130 - Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the one hundred-year flood.

17.04.135 - Basement.

"Basement" means a story partly underground. A basement shall be counted as a story in accordance with the accepted Building Division definitions.

For the purpose of OCMC 17.42 basement means any area of the building having its floor subgrade (below ground level) on all sides.

17.04.140 – Base flood elevation.

"Base flood elevation" means the elevation of the base flood or one hundred-year storm as defined in FEMA (Federal Emergency Management Agency) flood insurance studies, or the highest flood of record since the adoption of the flood insurance maps, or, in areas without FEMA floodplains, the elevation of the twenty-five-year storm, or the edge of mapped floodprone soils or similar methodologies whichever is higher.

17.04.145 - Bed and breakfast inns/boardinghouse.

"Bed and breakfast inns and boardinghouses means building(s) which provides overnight accommodations to the public for fewer than 30 consecutive days.

Chapter 17.04.147 Beaver Creek Road Concept Plan

The Beaver Creek Road Concept Plan was renamed the Thimble Creek Concept Plan in 2020. Any reference to the Beaver Creek Road Concept Plan refers to the Thimble Creek Concept Plan.

17.04.150 - Beneficial uses or beneficial water uses.

"Beneficial uses" or "beneficial water uses" means, as defined by the Oregon Department of Water Resources, use of an in stream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stock water and wildlife uses.

17.04.153 - Board.

"Board" for the purposes of OCMC 17.40 means the historic review board.

17.04.154 – Building.

"Building" means structure.

17.04.155 - Building, compatible.

"Compatible building" means for the purposes of OCMC 17.40, buildings in the Canemah National Register Historic District, which date from 1910 to the 1950's.

17.04.160 - Building, historic.

"Historic building" means for the purposes of OCMC 17.40, any primary, secondary or compatible building in the Canemah National Register Historic District, or any locally designated structure elsewhere in the City.

17.04.165 - Building of primary historic significance.

"Building of primary historic significance" shall include buildings in the Canemah National Register Historic district shall include buildings dating from prior to 1880 which are primarily one and one-half or two-story frame structures built in the Gothic Revival and Classic Revival styles. These buildings are primarily single-family dwellings.

17.04.170 - Building of secondary historic significance.

"Building of secondary historic significance" shall include buildings in the Canemah National Register Historic District dating from 1880 to 1940 which are predominantly rural farm house style and bungalows. These buildings are primarily single-family dwellings.

17.04.175 - Camouflage.

"Camouflage" for the purposes of OCMC 17.80 means the design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.

17.04.177 - Cargo container.

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

17.04.178 - Carpool.

"Carpool" means a group of two or more commuters, including the driver, who share the ride to or from work, school or other destination.

17.04.180 - Certified engineering geologist.

"Certified Engineering Geologist" is any registered geologist who is certified in the specialty of engineering geology under provisions of ORS 672.505 to 672.705.

17.04.185 - Citizen Involvement Committee.

"Citizen Involvement Committee" means an officially recognized advisory body on citizen involvement with one representative from each neighborhood association.

17.04.190 - City.

"City" means the City of Oregon City.

17.04.195 - City Engineer.

"City Engineer" means the engineer manager for the city, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City manager.

17.04.196 - City Transportation Engineer.

"City Transportation Engineer" means the transportation planning engineer for the City, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

17.04.197 - Cluster housing

"Cluster housing" means a cluster of four or more dwelling units around a central common space sharing site amenities such as parking and landscaping in a coherent site design, located either on a single lot or individually platted lots.

17.04.200 - Code.

"Code" means the Oregon City Municipal Code.

17.04.205 - Commercial vehicles.

"Commercial vehicle" means a vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than 8,000 pounds gross weight.

17.04.210 - Collector.

"Collector" means any street so designated in the city's transportation master plan.

17.04.215 - Collocation.

"Collocation" or "Co-location" means the use of a common wireless communications support structure or tower for two or more antenna arrays.

17.04.220 - Community Development Director.

"Community Development Director" means the manager of the Planning Division or the Community Development Director 's designee.

17.04.225 - Comprehensive plan.

"Comprehensive plan" means the City of Oregon City Comprehensive Plan.

17.04.227 – Concept plan area.

"Concept plan area" is a defined area for which there is an adopted concept plan, including the South End Concept Plan area, the Beavercreek Road Concept Plan area, and the Park Place Concept Plan area.

17.04.230 - Construction area.

Defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development, or if a residential development, within the allowable building footprint permitted by the setback requirements of the zone district.

17.04.235 - Constructed wetlands.

"Constructed wetlands" means wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and separated from naturally occurring or created wetlands.

17.04.255 - Commercial vehicles.

"Commercial vehicle" means:

- A. A vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight with the business name of the user permanently exhibited on one or both of its sides that is designed and being used to transport merchandise;
- B. A station wagon or other vehicle with the business name of the user permanently exhibited on one or both of its sides, when used for transporting merchandise.

17.04.260 Corner duplexes

"Corner duplex" means a building containing two dwelling units on one lot, located on a corner lot, where the units share a common structural wall or a common floor/ceiling and are not a primary or Accessory Dwelling Units.

17.04.265 - Created wetlands.

"Created wetlands" means wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

17.04.267 - Crest.

"Crest" of slope means the point of curvature where the ground surface descends from the top of a slope.

17.04.270 - Cul-de-sac.

"Cul-de-sac" means a street not more than three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac.

17.04.275 - Day care facility.

"Day care facility" means a facility that provides regular day care services to children under thirteen years of age, including a day nursery, nursery school group or similar unit operating under any name. A day care facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or day care provided by a "babysitter" or "family day care provider" as defined in this chapter. A day care facility caring for ten or more children shall satisfy the certification requirements of the Children's Services Division.

17.04.280 - Debris.

"Debris" means discarded man-made objects that would not occur in an undeveloped stream corridor or wetland. Debris includes, but is not limited to, tires, vehicles, litter, scrap metal, construction waste, lumber, plastic or styrofoam. Debris does not include objects necessary to a use allowed by this Code, or ornamental and recreational structures. Debris does not include existing natural plant materials

or natural plant materials which are left after flooding, downed or standing dead trees or trees which have fallen into protected water features.

17.04.285 - Decision-maker.

"Decision-maker" means the city entity rendering a decision on an application. For applications made under this title, the decision-maker will be either the City Engineer, Community Development Director, Public Works Director, or their designee or the Planning Commission or the City Commission or as designated by OCMC 17.50.

17.04.290 - Demolish.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of the designated landmark or structure in an historic or conservation district.

17.04.295 - Design flood elevation.

"Design flood elevation" means the base flood elevation or twelve inches greater than the base flood elevation for residential uses, as defined by FEMA (Federal Emergency Management Agency)

17.04.300 - Development.

"Development" means a building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing of land as provided in ORS 92.010 to 92.285 or the creation or termination of an access right.

For the purpose of OCMC 17.42 "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

For the purpose of OCMC 17.47, "development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, sewers, streets or other structures or facilities, mining, dredging, paving, filling or grading in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as "development." "Development" does not include the following:

1. Stream enhancement or restoration projects approved by the City;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

For the purpose of OCMC 17.49, "development" means any man-made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading, or site clearing, and grubbing in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. Development does not include the following:

1. Stream enhancement or restoration projects approved by the City;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

17.04.305 - Development site.

"Development site" means any lot or lots on any part of which development is taking place.

17.04.310 - Direct.

"Direct" when used in connection with pedestrian or bicycle access, means the shortest practicable connection or access between two points, which in no instance should involve out-of-direction travel more than fifty percent longer than the straight line distance between two points.

17.04.315 - Director.

"Director" means the Director of Community Development or designee.

17.04.320 - Disturb.

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

1. Enhancement or restoration of the water quality resource area;
2. Planting native cover identified in the Oregon City native plant list as adopted by Oregon City Commission resolution;
3. Installation of erosion control measures pursuant to an approved erosion and sediment control plan under Chapter 17.47.

17.04.325 - District.

"District" means the area within a designated historic district, conservation district or historic corridor as provided by the zoning maps of the city.

17.04.330 - Dormer.

"Dormer" is a window vertical in a roof or the roofed structure containing such a window. A dormer is considered an alteration to a building, as it stays within the roof line and does not increase the floor area dimensions.

17.04.333 Duplex

"Duplex" means a building containing two dwelling units on one lot. The units in a duplex must share a common structural wall or a common floor/ceiling and are not primary or Accessory Dwelling Units.

17.04.335 - Dwelling unit.

"Dwelling unit" means a habitable living unit that provides basic living requirements including permanent cooking, and toilet facilities.

17.04.355 - Elevated building.

"Elevated building" for insurance purposes means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

17.04.360 - Emergency.

"Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe

weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

17.04.365 - Engineer.

"Engineer" means a registered professional engineer licensed by the State of Oregon (P.E.).

17.04.370 - Engineering geologist.

"Engineering geologist" means a registered professional engineering geologist licensed by the state of Oregon (CEG).

17.04.375 - Enhancement.

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

17.04.380 - Entertainment centers and arcades.

"Entertainment centers and arcades" means a place open to minors where three or more mechanical or electronic amusement devices are located as either the primary or a secondary use.

17.04.385 - Erosion.

"Erosion" is the movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

17.04.390 - Excavation.

"Excavation" is any act of development by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, exposed or bulldozed, including the conditions resulting therefrom.

For the purpose of Chapter 17.47 "excavation" means: any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

17.04.405 - Exterior.

"Exterior" for the purpose of Chapter 17.40 means any portion of the outside of a landmark building, structure, or site in a district or any addition thereto.

17.04.410 - Façade.

"Façade" means the exterior wall(s) or elevation(s) of a structure.

17.04.420 - Family day care provider.

"Family day care provider" means a day care provider who regularly provides day care to fewer than sixteen children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provisions of day care to sixteen or more children in the home of the provider shall constitute the operations of a "day care facility," as defined in this chapter, and shall be subject to the requirements of this title for day care facilities. A family day care provider shall satisfy the certification requirements of the Office of Child Care.

17.04.425 - Federal Aviation Administration (FAA).

"Federal Aviation Administration (FAA)" means the federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.

17.04.430 - Federal Communications Commission (FCC).

"Federal Communications Commission (FCC)" means the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

17.04.435 - Fill.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or other natural or man-made material placed by artificial means.

17.04.440 - Final Action and Final Decision.

"Final action" and "final decision" means the city's final decision on a permit application for which there is either no appeal to another decision-maker within the City, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with OCMC 17.50.190. A decision is deemed to be final on the date that written notice of the decision is mailed to those entitled to notice of the decision.

17.04.445 - Flag Lot.

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building.

17.04.450 - Flood or flooding.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

17.04.455 - Flood Insurance Rate Map.

"Flood Insurance Rate Map" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

17.04.460 - Flood Insurance Study.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

17.04.465 - Flood Management Areas.

"Flood management areas" means all lands contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps, floodway maps and the area of inundation for the February 1996 flood.

17.04.470 - Floodplain.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, FEMA, or City of Oregon City that has been or may be

covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

17.04.475 - Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

17.04.480 - Floodway Fringe.

"Floodway fringe" means the area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

17.04.481 – Food unit, mobile.

A vendor or seller of food and/or beverages from a motorized, non-motorized or towed vehicle including a wheeled trailer or cart capable of being towed or pushed by a vehicle or by hand not within a building. Mobile food units may require licensing from state and county health departments. Food units may be transitory or non-transitory.

17.04.482 - Footcandle.

A unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

17.04.483 Footprint.

"Footprint" for the purposes of OCMC 17.54.010 means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings, garages, carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered covers, porches or projections which do not have a post touching the ground or ramps and stairways required for access.

17.04.485 - Front façade.

"Front façade" means the exterior wall/foundation of a building exposed to the front lot line. This shall be the most architecturally significant elevation of the building, commonly including a front door or main entrance. If the most architecturally significant elevation of the building is not exposed to the front lot line, the Community Development Director shall determine the front façade.

17.04.490 - Front lot line.

"Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line follows the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot including the width of the pole. See figure 17.04.490.

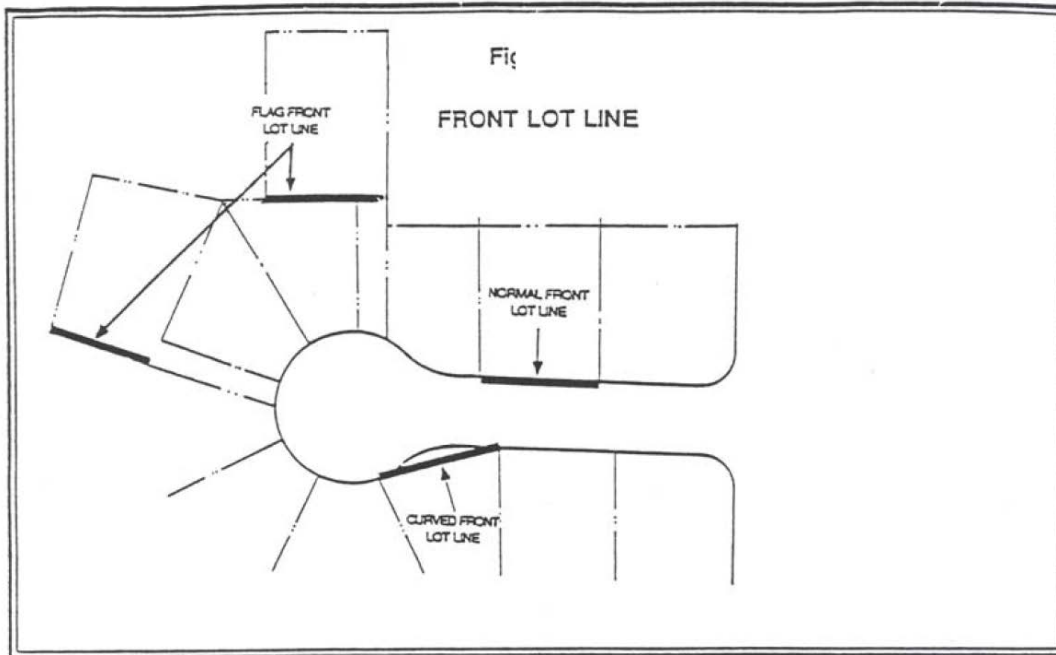


Figure 17.04.490

17.04.495 - Frontage.

"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

17.04.497 - Fully shielded or cut-off light fixture.

Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

17.04.500 - Garage.

"Garage" means an attached or detached structure(s), or portion thereof used or designed to be used for the parking or storage of vehicles, including carports. Garages do not include detached Accessory Dwelling Units which are not part of a detached garage.

17.04.505 - Geological assessment.

"Geological assessment" is an assessment prepared and stamped by a certified engineering geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to specified geologic hazards.

17.04.510 - Geologic hazard areas.

"Geologic hazard areas" mean:

1. Any area identified on the city's steep slope and landslide area map;
2. Area within two hundred feet of the crest or toe of a slope that is twenty-five percent or greater
3. Areas with a slope of twenty-five percent or more;

4. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979);
5. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, landslide, or seismic activity.

17.04.515 - Geologic Hazards Overlay Zone.

"Geologic Hazards Overlay Zone" means the zone mapped by the City of Oregon City that is subject to review pursuant to OCMC 17.44 as follows:

1. The following areas identified on the city's slope and geology map which represents:
 - a. Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within two hundred feet of the crest or toe of a landslide geologic units Qls and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater;
 - b. Areas with a slope of twenty-five percent or more;
 - c. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (Qls and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009); and
 - d. Geologic Hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979).
2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.

17.04.520 - Geotechnical engineer.

"Geotechnical engineer" is a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

17.04.525 - Geotechnical remediation.

"Geotechnical remediation" means construction designed to increase the factor of safety against earth movement.

17.04.530 - Geotechnical report.

"Geotechnical report" is a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and mitigation measures necessary to reduce the risks associated with development in geologically hazardous areas.

17.04.532 - Glare.

The reflection of harsh, bright light; and the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view.

17.04.535 - Grading.

"Grading" is the act of excavating and filling.

17.04.540 - Gross floor area.

"Gross floor area" means the total enclosed floor area within buildings, measured in square feet, excluding basement areas used for storage or parking.

17.04.543 - Habitat.

"Habitat" means the location of natural resource areas that support fish and wildlife populations, including wetlands, riparian areas, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the Natural Resource Overlay District.

17.04.545 - Half street.

"Half street" means a portion of the width of a full street, usually along the edge of a subdivision.

17.04.550 - Height.

"Height of building" means a vertical distance measured from the average finished grade elevation on the street-facing elevation to:

1. one-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof,
2. the top of the roof for flat roofs,
3. the deck lines for mansard roofs or
4. the top of the parapet for buildings with parapets that completely surround the perimeter of a roof.

Roof structures needed to operate and maintain the building on which they are located such as chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, solar panels, water towers and tanks, and similar are exempt from the building height measurement. Additional decorative and functional elements such as flag poles, partially enclosed parapets and building entry features, steeples and bell towers, carillons, monuments, cupolas, television aerials, broadcasting and microwave transmitting and relay towers, electric transmission line towers, and electric substation structures are also exempt from the building height measurement.

Except that, for buildings within the Flood Management Overlay District subject to Chapter 17.42, height shall be measured from the design flood elevation or average finished grade at front of the structure, whichever is higher. For the purpose of Chapter 17.80, "height" shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s).

17.04.555 - Heritage Tree.

"Heritage Tree" is a tree or stand of trees that is of landmark importance to the City of Oregon City due to age, size, species, horticultural and ecological value or historical association.

17.04.560 - Heritage Grove.

"Heritage Grove" is at least two heritage trees separated by no more than twenty feet on a property or properties.

17.04.562 - Highly constrained residential lot.

A residential vacant lot of record that has less than thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the Natural Resource Overlay District.

17.04.564 - Highly constrained commercial lot.

A commercial or industrially zoned lot of record that has more than seventy-five percent of its area covered by the Natural Resource Overlay District.

17.04.565 - Historical significance.

"Historical significance" means that the structure of district:

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation;
2. Is the site of an historic event with an effect upon society;
3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

17.04.570 - Historic corridor.

"Historic corridor" means that portion of a parcel of land that is a part of a designated linear historic feature such as the route of the Oregon Trail-Barlow Road.

17.04.575 - Historic site.

"Historic site" means the structure and the property surrounding a landmark, a structure in an historic district, or a designated structure in a conservation district.

17.04.580 - Home occupation.

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use in accordance with 17.54.120.

17.04.585 - Hotel.

"Hotel" means a building which is designed or used to offer lodging, with or without meals, for compensation, primarily for overnight lodging.

17.04.586 - Impervious surface.

Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of stormwater water into the soil, including but not limited to roof tops excepting eaves, swimming pools, paved or graveled roads, and walkways or parking areas and excluding landscaping, surface water retention/detention facilities, access easements serving neighboring property, and driveways.

17.04.587 - Incandescent.

A common form of artificial light in which a filament is contained in a vacuum and heated to brightness by an electric current.

17.04.590 - Infrastructure provider.

"Infrastructure provider" for the purposes of Chapter 17.80 means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.

17.04.595 - Institutional development.

"Institutional development" includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, residential care facilities, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses.

17.04.600 - Interior parking lot landscaping.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

17.04.603 Internal conversion (for existing single-family detached residential units)

"Internal conversion" means conversion of an existing single-family residential unit built at least 20 years prior to the date of the proposed conversion into two or more dwelling units in accordance with OCMC 17.20.030.

17.04.605 - Invasive non-native, nuisance, prohibited or noxious vegetation.

"Invasive non-native," "nuisance," "prohibited" or "noxious vegetation" means plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are listed as invasive, nuisance, prohibited or noxious plants on the Oregon City Nuisance Plant List, or by the Oregon Department of Agriculture, Clackamas Soil and Water District, or Portland Plant List.

17.04.610 - Land division.

"Land division" means any partition or subdivision.

17.04.615 - Landscaping.

"Landscaping." Site improvements which include lawn, garden, groundcover, trees, plants and other natural and decorative features, including but not limited to, patios or plazas open to the public or open commonly to residents and street furniture and walkways which are contiguous and integrated with plant material landscaped areas. The verification of plant materials requiring specific characteristics can be achieved by any of the following methods:

1. Description in Sunset Western Garden Book (Editor Sunset Books, 2012 or later edition), or
2. The Oregon City Native Plant List;
3. City of Portland Native Plan List;
4. Metro Native Plant List;
5. By an appendix, definition, or other reference in the Zoning Code, or
6. By specific certification by a licensed landscape architect.

17.04.620 - Landscape area.

"Landscape area" means land set aside and used for planting of grass, shrubs, trees or similar living plants.

17.04.625 - Landslide.

"Landslide" means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, rockfalls and the source areas for above.

17.04.630 - Lattice tower.

"Lattice tower" is a support tower characterized by an open framework of lateral cross members that stabilize the tower.

17.04.635 - Legislative action.

"Legislative action" means any final decision of the city that approves or denies a request to amend the city's land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

17.04.637 - Licensee representative.

"Licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

17.04.640 - Limited land use application.

"Limited land use application" means an application for any use where the decision is based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including subdivision or site plan and design review or any other application which is processed pursuant to a Type II proceeding as provided in this chapter.

17.04.645 - Live/work dwelling.

"Live/work dwelling" a dwelling in which a business is designed to be operated on the ground floor. The ground floor commercial, personal service, or office space has visibility, signage and access from the primary street.

17.04.650 - Loading space.

"Loading space" means an off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

17.04.655 - Local street.

"Local street" means any street so designated in the City's Transportation System Plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

17.04.660 - Lot.

"Lot" and "legal lot" mean a single unit of land created by a subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

17.04.665 - Lot, corner.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

17.04.670 - Lot coverage.

"Lot coverage" means the area of a lot covered by the footprint of all structures two hundred square feet or greater (excluding decks and porches), expressed as a percentage of the total lot area.

17.04.675 - Lot, depth.

"Lot depth" means the distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear lot line and generally at approximately right angles to the lot width.

17.04.680 - Local floodplain administrator.

"Local floodplain administrator" means the city's building official.

17.04.685 - Lot, interior.

"Interior lot" means a lot other than a corner lot.

17.04.690 - Lot line adjustment.

"Lot line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

17.04.695 - Lot of record.

"Lot of record" means a lot or parcel which has been legally recorded in the Office of the County Recorder by deed or contract of sale prior to the enactment of an ordinance or regulation by reason of which the lot or parcel no longer meets the dimensional or area requirements of the City.

17.04.700 - Lot, width.

"Lot width" means the perpendicular distance measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth.

17.04.705 - Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found at OCMC 17.42.160.E.(4). or (5).

17.04.707 - Low impact development standard.

Any construction technique approved by the City Engineer that is designed to provide on-site capture, treatment and infiltration of stormwater as a means to improve water quality, reduce the amount of impervious surface, and/or provide habitat benefits on a development site.

17.04.710 - Major modification.

"Major modification" means any of the following changes from a previously approved permit, except for changes eligible for a Type I review, requiring the application to return through the same process as the original review:

1. For subdivisions or planned unit developments, an increase in the total number of dwelling units by ten percent or more, an increase in the number of multiple-family dwellings by more than ten percent, or a reduction in the amount of landscaping, open space or land reserved for a protected feature of ten percent or more;
2. For design review or conditional use permits for mixed-use or commercial developments, an increase in the area of commercial space by more than ten percent;
3. For any site plan or design review approval, any change not eligible for a Type I Minor Site Plan and Design Review, including the relocation of buildings, streets, access points onto the existing public right-of-way, utility easements, parking lot expansions, or other site improvements away from the previously approved general location;
4. For any prior approval, an increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under City Code Chapter 17.44 by ten percent or more; or
5. Any change that renders the prior approved permit incompatible with surrounding lands or development in noncompliance with any of the conditions of approval or approval criteria.

17.04.712 - Major transit stop.

"Major transit stop" means transit centers, high capacity transit stations, major bus stops, inter-city bus passenger terminals, inter-city rail passenger terminals, and bike-transit facilities as shown in the regional transportation plan.

17.04.715 - Main building entrance.

"Main building entrance" means a primary entrance to a building, intended for use by residents, employees, customers, clients, visitors, messengers and members of the public.

17.04.720 - Major public improvements.

"Major public improvements" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of lands or the making of public improvements within a district, except for the repair or maintenance of public or private improvements within a district.

17.04.725 - Manager.

"Manager" means the City Manager or the City Manager's designated representative.

17.04.730 - Manufactured home.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for a permanent residential purpose and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. The term "manufactured home" does not include a "recreational vehicle."

17.04.735 - Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

17.04.740 - Map.

"Map" means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

17.04.741.010 - Marijuana.

"Marijuana" means the plant cannabis family cannabaceae, any part of the plant cannabis family cannabaceae and the seeds of the plant cannabis family cannabaceae. "Marijuana" does not include industrial hemp, as defined in state law.

17.04.741.020 - Marijuana business.

"Marijuana business" means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

17.04.741.030 - Marijuana items.

"Marijuana item" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

17.04.741.040 - Marijuana laboratory (laboratories).

"Marijuana laboratory (laboratories)" means an entity which tests or researches marijuana products for THC levels, pesticides, mold, etc. pursuant to applicable Oregon Administrative Rules.

17.04.741.050 - Marijuana licensee.

"Marijuana licensee" means a person who holds a business license issued by the city to engage in a marijuana business in accordance with this chapter.

17.04.741.060 - Marijuana processor (processing).

"Marijuana processor (processing)" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to process marijuana. This includes the manufacture of concentrates, extracts, edibles and/or topicals.

17.04.741.070 - Marijuana producer (production).

"Marijuana producer (production)" means an entity licensed by the Oregon Liquor Control Commission or the Oregon Health Authority to manufacture, plant, cultivate, grow or harvest marijuana. This is the only license able to cultivate marijuana.

17.04.741.080 - Marijuana retailer.

"Marijuana retailer" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

17.04.741.090 - Marijuana wholesaler.

"Marijuana wholesaler" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to purchase items in this state for resale to a person other than a consumer. This means an entity that buys and sells at wholesale.

17.04.742 - Medical marijuana dispensary.

"Medical marijuana dispensary" means an entity registered with the Oregon Liquor Control Commission or Oregon Health Authority to transfer marijuana.

17.04.743 - Membrane or fabric covered storage area.

An area used for storage covered by a tarp or fabric membrane or that is either attached to a rigid framework, natural feature or some other structure, or a metal-sided cargo container. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

17.04.745 - Metro.

"Metro" means the regional government of the Portland metropolitan area and the elected Metro Council as the policy-setting body of the government.

17.04.746 - Metro ESEE Analysis.

"ESEE" means Economic, Social, Environmental and Energy (ESEE) analysis and is the process by which Metro determined whether to allow, limit, or prohibit activities in the city's significant natural resource sites.

17.04.750 - Micro cell.

"Micro cell" for the purposes of Chapter 17.80 means a wireless communications facility consisting of an antenna that is either: (a) four feet in height and with an area of not more than five hundred

eighty square inches; or (b) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

17.04.755 - Minor modification.

"Minor modification" means any changes from a previously approved permit which are less than a major modification.

17.04.760 - Mitigation.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
5. Compensating for the impact by replacing or providing a comparable substitute.

17.04.765 - Mitigation measure.

"Mitigation Measure" is an action designed to reduce project-induced geologically hazardous area impacts.

17.04.766 - Mobile vendor.

A provider, vendor or seller of merchandise and/or services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle. For the exclusive mobile vending of food, see definition of "food units, mobile".

17.04.770 - Monopole.

"Monopole" means a support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.

17.04.775 - Motel.

"Motel" means a building or series of buildings in which lodging is offered for compensation primarily for overnight lodging which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

17.04.780 - Multifamily residential.

"Multifamily residential" is a structure or structures located on one lot and containing five or more total dwelling units in any vertical or horizontal arrangement. Individual units do not have to be structurally attached. Multifamily developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, cluster housing, duplexes, or single-family dwellings.

17.04.785 - Native vegetation.

"Native vegetation" means any vegetation listed on the Oregon City native plant list as adopted by Oregon City Commission resolution.

17.04.790 - Natural location.

"Natural location" means the location of those channels, swales, and other non-man-made conveyance systems as defined by the first documented topographic contours existing for the subject property either from maps or photographs, or such other means as appropriate.

17.04.795 - Nearby.

"Nearby," when used in connection with pedestrian or bicycle access, means uses within one-quarter mile distance which can reasonably be expected to be used by pedestrians, and uses within two miles distance which can reasonably be expected to be used by bicyclists.

17.04.800 - Neighborhood activity center.

"Neighborhood activity center" refers to land uses which attract or are capable of attracting a substantial amount of pedestrian use. Neighborhood activity centers include, but are not limited to, parks, schools, retail store and service areas, shopping centers, recreational centers, meeting rooms, theaters, museums and other pedestrian oriented uses.

17.04.805 - Neighborhood Association.

"Neighborhood Association" means a group whose membership is recognized by the City, open to residents, property owners and owners of businesses located in the neighborhood. This group makes comments and recommendations on problems, policies and projects in the neighborhood.

17.04.808 – Net density.

"Net density" means the number of dwelling units divided by the net developable area, as measured in acres. The result of minimum net density calculations shall be rounded up to the nearest whole dwelling unit, and the result of maximum net density calculations shall be rounded down to the nearest whole dwelling unit. If rounding of minimum and maximum net densities results in conflicting numbers of dwelling units, the minimum net density shall be rounded down to nearest whole dwelling unit.

Gross site area: 4.84 acres

Net developable area: 4.84 acres X 0.8 = 3.87 acres (80% is developable, 20% is right-of-way, slopes, etc)

Density (See Density Standards in OCMC Table 17.10.050):

Minimum Net Density = 7.0 du/acre X 3.87 acres = 27.09 du (round up) – 28 units

Maximum Net Density = 8.7 du/acre X 3.87 acres = 33.67 du (round down) – 33 units

17.04.810 - Net developable area.

"Net developable area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

1. Elevation within the one hundred-year floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;
2. The area within an underlying Natural Resource Overlay District (NROD) governed by OCMC 17.49 that is indicated on the adopted NROD map or which has been otherwise delineated pursuant to OCMC 17.49;
3. Steep slopes exceeding thirty-five percent. Applicant may make a request for the Community Development Director to determine whether to make further adjustments for slopes equal to or above twenty-five percent per OCMC 17.44.060.H.;
4. Open space;
5. Public facilities and rights-of-way;

6. Upon approval of the Community Development Director, any lands where development of structures requiring a building permit is prohibited due to an easement and is similar in nature to items 1—5.

17.04.812 Net Leasable Area.

Actual square-footage of a building or outdoor area that may be leased or rented to tenants, which excludes parking lots, common areas, shared hallways, elevator shafts, stairways, and space devoted to cooling, heating, or other equipment.

17.04.815 - New construction.

"New construction" means structure for which the "start of construction" commenced on or after the effective date of the ordinance codified in this title.

For the purposes of Chapter 17.40, "new construction" means an additional new building or structure separate from the existing building mass that is larger than two hundred square feet on all properties located within a Historic Overlay District. Any building addition that is thirty percent or more in area (be it individual or cumulative) of the original structure shall be considered "new construction."

17.04.820 - New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this chapter.

17.04.825 - Nonconforming use.

"Nonconforming use" means a use which lawfully occupied a building or land at the time this title or subsequent amendments became effective and which does not conform with the use regulations of the district in which it is located.

17.04.830 - Non-final decision.

"Non-final decision" means any decision by the Community Development Director, Historic Review Board or Planning Commission which is not a final decision but is appealable to another decision maker within the City.

17.04.840 - Nursery, day or child care center.

"Nursery, day or child care center" means a commercial enterprise where more than five children are cared for during the day, including a kindergarten.

17.04.845 - Office.

"Office" means a place where a particular kind of business is transacted or a service is supplied.

17.04.850 - One hundred-twenty-day period.

"One hundred-twenty-day period" means the one hundred-twenty-day period within which ORS 227.178 requires the city to take final action on a complete application.

17.04.855 - Open space.

"Open space" means land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and schools.

17.04.860 - Ordinary mean high water line.

"Ordinary mean high water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily rises in season; synonymous with mean high water (ORS 274.005).

17.04.865 - Ordinary mean low water line.

"Ordinary mean low water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily recedes in season; synonymous with mean low water (ORS 274.005).

17.04.870 - Owner or property owner.

"Owner or property owner" means the person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereunder.

17.04.875 - Overlay district.

"Overlay district" means a special zoning district, the restrictions and conditions of which shall be in addition to such restrictions and conditions as may be imposed in the underlying zone.

17.04.880 - Parcel.

"Parcel" and "legal parcel" mean a single unit of land created by a partition or subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

17.04.885 - Parking area, public.

"Public parking area" means an open off-street area used for the temporary parking of more than three automobiles and available for public use, with or without charge or as an accommodation for clients or customers.

17.04.890 - Parking lot.

"Parking lot" means off-street parking spaces.

17.04.895 - Parking space.

"Parking space" means an unobstructed off-street area having an all-weather surface for the temporary parking or storage of one automobile.

17.04.900 - Partition/partition land.

"Partition" or to "partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision.

4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

17.04.905 - Partition plat.

"Partition plat" means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

17.04.907 - Pedestrian scale lighting.

Lighting fixtures that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering and which are intended to provide adequate illumination of areas used by pedestrians or bicyclists for security, recreational or commercial purposes. In general pedestrian scale lighting is no higher than twelve feet tall.

17.04.910 - Pedestrian walkway.

"Pedestrian walkway" means a hard surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.

17.04.915 - Perimeter parking lot landscaping.

"Perimeter parking lot landscaping" means the five-foot wide landscaped planter strip located on the perimeter of all parking lots located adjacent to the right-of-way and/or adjoining properties. Parking lots are defined as the surfaced area used for on-site automobile parking and maneuvering.

17.04.920 - Permit.

"Permit" means any form of quasi-judicial approval relating to the use of land rendered by the City under OCMC 16 or 17, including subdivisions, partitions, lot line adjustments and abandonments, zone changes, plan amendments, conditional use permits, land use and limited land use decisions, and expedited land divisions. Permit does not include any City decision relating to system development charges under Chapter 3.20.

17.04.923 - Pervious.

"Pervious" refers to any material or surface that permits full or partial absorption of stormwater into previously unimproved land.

17.04.925 - Planning Division.

"Planning Division" means the Planning Division of the City of Oregon City.

17.04.930 - Planter (or planting) strip.

"Planter (or planting) strip" means an area for landscaping and street trees within the public street right-of-way, usually located between the curb and sidewalk. Also known as a parking strip or tree lawn.

17.04.935 - Plat.

"Plat" means a map of the lots in a proposed partition or subdivision, drawn to scale and which includes all of the information required by the applicable provisions of OCMC 16 and 17.

17.04.937 - Pollutant.

"Pollutant" means the presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

17.04.940 - Porch.

"Porch" means a roofed open unenclosed area, which may be screened, attached to or part of and with direct access to or from a building.

17.04.945 - Practicable.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

17.04.950 - Preliminary plan or plat.

"Preliminary plan" or "plat" mean a preliminary subdivision plat or partition plat as appropriate.

17.04.955 - Principal dwelling unit.

"Principal Dwelling Unit" means the primary residence for a particular lot.

17.04.960 - Private street.

"Private street" means a privately owned and maintained street or accessway. The creation of private streets shall include emergency access and utility easements and reciprocal easements for all properties intended to use the accessway. Private streets shall be designed and constructed to the standards required by the city, but those standards may be different than would apply to public streets.

17.04.965 - Property line.

"Property line" means the division or boundary between two legal lots or parcels.

17.04.970 - Protected water features.

"Protected water features" shall include:

1. Title 3 wetlands;
2. Rivers and perennial and intermittent streams;
3. Springs which feed stream and wetlands and have year-round flow; and
4. Natural lakes.

17.04.973 - Public garage.

"Public garage" means any automobile repairs and servicing when enclosed within the building.

17.04.975 - Public recycle drop/receiving center.

"Public recycle drop/receiving center" means a facility that receives and temporarily stores separated recyclable waste materials including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Maximum storage for each type of separated recyclable waste shall not exceed six hundred cubic feet. Oil storage shall not exceed six hundred gallons. Preparation of separated materials shall be limited to nonmechanical methods such as baling and glass breaking.

17.04.980 - Public recycle warehouse.

"Public recycle warehouse" means a facility that receives and stores and prepares for transport separated recyclable waste material including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Preparation of separated materials, including baling, compacting and glass breaking, may be part of this facility.

17.04.985 - Public utilities and services.

"Public utilities and services" means facilities for providing electric power, communication, water, sewers and transportation.

17.04.987 – Public Works Director

"Public Works Director" means the Director of the Public Works Department for the City, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

17.04.990 - Quasi-judicial.

"Quasi-judicial" means any final decision of the City that applies the provisions of OCMC 16 or 17, in response to an application, that pertains to a specific property or small set of properties and which is legally required to result in a decision by the City.

17.04.995 - Radio frequency (RF) energy.

"Radio frequency (RF) energy" means the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.

17.04.1000 - Rear lot line.

"Rear lot line" means a lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the Community Development Director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

17.04.1005 - Record.

"Record" means the public record compiled for each quasi-judicial and legislative action and includes the written minutes of all public hearings, audio tape recordings, if any, of the public meetings, the application and all materials duly submitted by the applicant, all documents, evidence, letters and other materials duly submitted by any party to the decision-making proceeding, staff reports, public notices, and all decisions rendered by city decision-makers.

17.04.1010 - Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily as temporary quarters for recreational, camping, travel or seasonal use and not for use as a dwelling.

17.04.1015 - Religious institution.

A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.

17.04.1016. Remodel.

To change the structure or form of something. For the purposes of Chapter 17.48, remodeling shall exclude changes to building materials, façade changes, and changes to windows and doors that do not include additions or changes to building form.

17.04.1117 – Shelter

“Shelter” means a congregate facility designed to provide overnight sleeping or daytime accommodation to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, transitional shelters, temporary warming shelters and other temporary or permanent spaces made available for sheltering individuals or families. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

17.04.1119 – Shelter, Day.

“Day shelter” means a shelter utilized between the hours of 7am and 7pm which does not contain sleeping facilities.

17.04.1020 - Reserve strip.

"Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street parallel to the center line or running across the end of a street at right angles to the center line which, when deeded to the city, prevents the abutting property owner from using the street for access to the abutting property without first making the appropriate dedication from his/her land.

17.04.1021 – Residence.

A structure or part of a structure containing dwelling units or rooming units, including single-family detached and attached dwelling units, duplexes, townhomes or townhouses, three-four plexes, accessory dwelling units, multi-family dwelling units, manufactured homes, and boarding or rooming houses. Residences do not include: such transient accommodations as transient hotels, shelters, bed and breakfasts, motels, tourist cabins, or trailer courts; dormitories, fraternity or sorority houses; in a mixed-use structure, that part of the structure used for any nonresidential uses, except accessory to residential uses; or recreational vehicles.

17.04.1025 - Residential facility.

"Residential facility" means a residential care, residential training or residential treatment facility licensed or registered by or under the authority of the state licensing agency, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and Families under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

17.04.1030 - Residential home.

"Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the state licensing agency, as defined in ORS 443.400, under ORS 443.400 to

443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

17.04.1035 - Residential zone.

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, R-5 dwelling district, R-3.5 Dwelling District and R-2 Dwelling District.

17.04.1040 - Resource versus facility.

"Resource" versus "Facility" means the distinction being made is between a "resource," a functioning natural system such as a wetland or stream; and a "facility" which refers to a created or constructed structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

17.04.1045 - Restoration.

"Restoration" for the purposes of OCMC17.49 means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function and/or diversity to that which occurred prior to impacts caused by human activity. Also see "revegetation" and "mitigation".

17.04.1047 - Restrictive covenant.

"Restrictive covenant" means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county recorder. It is binding on subsequent owners and may be used to enforce the preservation of trees, wetlands or other natural resources on the property. Also known as "Deed Restriction."

17.04.1048 - Revegetation.

"Revegetation" means the re-establishment of vegetation on previously disturbed land, for the purpose of restoration and mitigation measures for a disturbed natural area or buffer zone. See also "Restoration."

17.04.1050 - Retail store.

"Retail store" means a business establishment where goods are sold in small quantities to the ultimate consumer.

17.04.1055 - Right-of-way.

"Right-of-way" means the area between boundary lines of a street, alley or other public accessway.

17.04.1060 - Riparian.

"Riparian" means those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

17.04.1065 - Routine repair and maintenance.

"Routine repair and maintenance" means activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

17.04.1070 - School, commercial.

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

17.04.1075 - School, primary, elementary, junior high or high.

"School, primary, elementary, junior high or high" shall include public or private schools, but not nursery school, kindergarten or day care centers, except when operated in conjunction with a school.

17.04.1080 - School, private.

"Private school" means a school not supported by taxes.

17.04.1085 - School, public.

"Public school" means a primarily tax supported school controlled by a local governmental authority.

17.04.1090 - Screening.

"Screening" means for the purposes of OCMC 17.80 means to effectively obscure to a minimum height of six feet the view of the base of a wireless communication facility.

17.04.1093 - Security Lighting.

Lighting intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an area by designated surveillance personnel or by remote camera.

17.04.1095 - Sediment.

"Sediment" means any soil, sand, dirt, dust, mud, rock, gravel, refuse or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion. Sedimentation is the process by which sediment is removed from its site of origin by soil erosion, suspension in water, and/or wind or water transport.

17.04.1100 - Self-supporting.

"Self-supporting" means the independent support of itself or its own weight.

17.04.1105 - Service station.

"Service station" means an establishment where bulk sales, fuels, oils or accessories for motor vehicles are dispensed, sold or offered for retail sale and where minor motor vehicle repair service is available.

17.04.1110 - Setback.

"Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

17.04.1115 - Shade.

"Shade" means a shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

17.04.1121 – Shelter, Emergency.

"Emergency shelter" means any facility, the primary purpose of which is to provide a temporary overnight shelter for the homeless in general or for specific populations of the homeless under specified circumstances and which does not require occupants to sign leases or occupancy agreements. Emergency shelters include temporary cooling or warming shelters and other temporary spaces made available for sheltering individuals or families in response to emergencies when an emergency has been declared by the City Commission by Resolution.

17.04.1123 – Shelter, Temporary warming/cooling.

"Temporary warming shelter" means a shelter operating between the hours of 7pm and 7am when the outside temperature is predicted to be 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.

"Temporary cooling shelter" means a shelter operating when the outside temperature is predicted to be 95 degrees or above, as measured by the National Oceanic and Atmospheric Administration.

17.04.1125 - Sidewalk, curb-tight (aka attached sidewalk).

"Curb-tight or attached sidewalk" refers to a sidewalk that is attached and not separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping.

17.04.1127 - Sidewalk, setback (aka detached sidewalk).

"Setback" or "Detached sidewalk" refers to a sidewalk that is separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping. Setback sidewalks may be placed fully or partially within easements on private property.

17.04.1130 - Significant negative impact.

"Significant negative impact" for the purpose of Chapter 17.49 means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the water quality resource area, to the point where existing water quality functions and values are degraded.

17.04.1140 - Single-family detached residential units.

"Single-family detached residential units" means one principal or primary dwelling unit per lot that is freestanding and structurally separate from other dwelling units on the site, except Accessory Dwelling Units. This includes manufactured homes.

17.04.1135 - Single-family attached residential units.

"Single-family attached residential units" means two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots. Single-family attached residential units are also known as townhouse, townhome or rowhouse.

17.04.1143 – Skyway or skybridge, pedestrian.

"Pedestrian skyway" or "sky bridge" is an elevated walkway exclusively for pedestrian or bicycle traffic, connecting two or more structures, that passes over a right-of-way or open areas such as alleys, plazas and other similar public amenity areas. Such structures may be enclosed or open to the elements.

17.04.1145 - Slope.

"Slope" is an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet. A one hundred percent slope equals a forty-five-degree angle. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance. "Slope" shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
 2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
- The resulting number is the slope expressed as a percentage.

17.04.1150 - Solid waste processing facility.

"Solid waste processing facility" means a place or piece of equipment whereby mixed solid waste is altered in form, condition or content by methods or systems such as, but not limited to, shredding, milling or pulverizing.

17.04.1155 - Solid waste transfer facility.

"Solid waste transfer facility" means a waste collection and disposal system between the point of collection and a processing facility or a disposal site.

17.04.1160 - South or south facing.

"South" or "south facing" means true south, or twenty degrees east of magnetic south.

17.04.1165 - Stable, private.

"Private Stable" means a detached accessory building for the keeping of horses owned by occupants of the premises and which are not kept for remuneration or profit.

17.04.1170 - Start of construction.

"Start of construction" is meant to include substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not a part of the main structure.

17.04.1175 - Steep slopes.

"Steep slopes" means those slopes that are equal to or greater than twenty-five percent. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary which are available for development.

17.04.1180 - Stormwater.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

17.04.1183 - Stormwater pre-treatment facility.

"Stormwater pre-treatment facility" means any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

17.04.1185 - Stormwater quantity control and quality control facilities.

"Stormwater quantity control and quality control facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ditches, culvert, street gutters, detention basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

17.04.1190 - Stormwater pretreatment facility.

"Stormwater pretreatment facility" means any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

17.04.1195 - Story.

"Story" means that part of a building between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall count as a story if the finished floor level directly above an underfloor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point.

17.04.1200 - Story, half.

"Half story" means a story under a gable, hip, or gambrel roof of which the wall are not standard height.

17.04.1205 - Stream.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. Streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

17.04.1210 - Street or road.

"Street or road" means a public or private way that is created to provide the principal means of ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

17.04.1215 - Structure.

"Structure" means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

For OCMC 17.42 "structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

17.04.1220 - Structural alterations.

"Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

17.04.1225 - Subdivide land.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Subdivide land does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a partition;
4. A sale or grant by a person to a public agency or public body for State highway, County road, City street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

17.04.1230 - Subdivide.

"Subdivide" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

17.04.1235 - Subdivider.

"Subdivider" means any person who undertakes the subdividing of a parcel of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

17.04.1240 - Subdivision.

"Subdivision" means an act of subdividing land.

17.04.1245 - Subdivision plat.

"Subdivision plat" means and includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

17.04.1250 - Subject property.

"Subject property" means the land that is the subject of a permit application.

17.04.1255 - Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

17.04.1260 - Substantial improvement.

"Substantial improvement" for the purpose of OCMC 17.40 means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which has been identified by the Local Code Enforcement Official and that is the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

17.04.1265 - Support structure.

"Support structure" means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.

17.04.1270 - Support tower.

"Support tower" means a structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

17.04.1271 - Temporary structure.

A temporary structure permitted in OCMC 17.62 or 17.54.010, excluding mobile vendors.

17.04.1275 - Temporary wireless communication facility (Temporary WCF).

"Temporary wireless communication facility (Temporary WCF)" means any wireless communication facility that is to be placed in use for not more than sixty days, is not deployed in a permanent manner, and does not have a permanent foundation.

Chapter 17.04.1277 Thimble Creek Concept Plan

The Beavercreek Road Concept Plan was renamed the Thimble Creek Concept Plan in 2020. Any reference to the Beavercreek Road Concept Plan refers to the Thimble Creek Concept Plan.

17.04.1280 - Through lot.

"Through lot" means a lot having frontage on two streets that are not alleys.

17.04.1285 - Title 3.

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations.

17.04.1290 - Title 3 wetlands.

"Title 3 "wetlands" means wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands added to City or County adopted water quality and flood management area maps consistent with the criteria in OCMC 17.49.[0]90D. Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

17.04.1295 - Toe.

"Toe" of slope means the point of curvature where the ground surface flattens from a descending slope.

17.04.1300 - Top of bank.

"Top of bank" means the same as "bankfull stage."

17.04.1302 – Townhouse or Townhome

"Townhouse" or "Townhome" means single-family attached residential units.

17.04.1303 – Tract

"Tract" means a piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right of way.

17.04.1305 - Transit stop.

"Transit stop" means any posted bus, light rail or other mass transit stop.

17.04.1310 - Transit street.

"Transit street" means any street identified as an existing or planned bus, rail or mass transit route by a transit agency or a street on which transit operates.

17.04.1312 - Transportation facilities.

"Transportation facilities" shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, transit stops, landscaping, and related improvements located within rights-of-way controlled by a public agency, consistent with the City's Transportation System Plan.

17.04.1315 - Tree.

"Tree" means a living standing woody plant having a trunk six inches in diameter or nineteen inches in circumference or more at a point four and one-half feet above mean ground level at the base of the tree.

17.04.1320 - Tree, buffer.

"Buffer tree" means an evergreen or deciduous tree that has been approved as part of a buffering and or screening plan.

17.04.1325 - Tree caliper.

"Tree caliper" means an ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above the ground level. Trees that a seven to twelve-inch caliper are measured at twelve inches above the ground. For nursery stock above twelve inches in diameter, a DBH measurement is used (see Tree, Diameter at Breast Height).

17.04.1330 - Tree, clear cutting.

See "Clear cutting."

17.04.1335 - Tree, critical root zone.

"Tree, critical root zone" means the rooting area of a tree, within the tree's dripline, which if injured or otherwise disturbed is likely to affect a tree's chance for survival.

17.04.1340 - Tree, diameter at breast height (DBH).

"Tree, diameter at breast height (DBH)" means a measurement of the trunk or stem diameter of a mature tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides (see Trees, Regulated).

17.04.1345 - Tree dripline.

"Tree dripline" means an imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.

17.04.1350 - Tree, established.

A public or street tree which has been properly planted and maintained in an approved location pursuant to accepted city standards, and which is not diseased, dying or hazardous.

17.04.1355 - Tree, Grove/Tree group.

"Tree, Grove/Tree group" means a stand of more than one tree separated by no more than twenty feet.

17.04.1360 - Tree, diseased.

"Diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree, or which harbors communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees as determined by a certified arborist, forester or horticulturist.

17.04.1363 - Tree, hazardous.

"Hazardous tree" means a tree that presents a significant risk to life or property as determined by a certified arborist, forester, or horticulturalist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

17.04.1365 - Tree (or Grove), Heritage. (Also commonly known as a "Heritage Tree" or "Grove".)

"Heritage Tree" or "Grove" means a tree or group of trees that have been designated by the city as having unique importance, and subject to the Heritage Tree Regulations of OCMC 12.08.050. Where a grouping of two or more Heritage Trees is separated by no more than twenty feet on a property or properties, the term Heritage Grove may be used.

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. (See also Tree, Hazard.) Determination of Imminent Hazard is made by the City of Oregon City Public Works or Emergency Personnel, a PGE forester, or a certified arborist.

17.04.1375 - Tree lawn.

See the definition of "planter strip".

17.04.1380 - Tree (or Grove), native.

"Native Tree" or "Grove" refers to a regulated native tree or groves of trees that are found on the Oregon City Native Plant List. Significant native trees are those that contribute to the landscape character of the area and include Douglas fir, cedar, redwood, sequoia, oak, ash, birch, and maple. Significant native trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.

17.04.1385 - Tree, ornamental.

"Ornamental tree" means for purposes of tree removal, any tree (including shade trees) that originated as nursery stock as opposed to native trees that originated at the site prior to development.

17.04.1390 - Tree, parking lot.

"Parking lot tree" means a tree the location and variety of which was approved as part of a parking lot plan through the site plan and design review process.

17.04.1395 - Tree, perimeter.

"Tree, perimeter" means a tree located within five feet of an adjacent property line.

17.04.1400 - Tree protection plan.

"Tree protection plan" means a detailed description of how trees intended to remain after development will be protected and maintained.

17.04.1405 - Tree pruning.

"Tree pruning" means the prudent and judicious maintenance of trees through cutting out of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the cutting out of branches three inches in diameter or greater. Major pruning also includes root pruning and cutting out branches and limbs constituting more than twenty percent of the trees foliage bearing area. Minor pruning includes removal of deadwood and pruning less than twenty percent of the tree's foliage bearing area.

17.04.1410 - Tree, public.

"Public Tree" means a tree or trees within a public park, greenway, or other property owned by a governmental agency or dedicated to the public use. Street trees located in the public right-of-way are considered public trees.

17.04.1415 - Tree, (or Grove) regulated.

"Regulated Tree or Grove" means trees and groves located on development properties undergoing land use review which are subject to the tree protection provisions of OCMC 17.41. Street trees, buffer trees, and parking lot trees of any size, as well as Heritage trees and groves, may fall under the general category of "regulated" or protected trees.

17.04.1420 - Tree removal.

"Tree Removal" means to cut down a tree or remove all or fifty percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to severe crown reduction (topping), damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal and prudent trimming or pruning of trees.

17.04.1425 - Tree, street.

"Street tree" means any tree located in a public right-of-way, including streets and publicly dedicated alleys. For the purposes of this chapter, street right-of-way includes the area between the edge of pavement, edge of gravel or face of curb and the property line, depending on the circumstances.

17.04.1430 - Tree, severe crown reduction.

"Tree, severe crown reduction" means the specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning. (Also known as Tree Topping.)

17.04.1435 - Tree topping.

See "Severe Crown Reduction."

17.04.1437 - Tributary.

"Tributary" means a stream, regardless of size or water volume, that flows into or joins another stream. The point where two tributaries meet is called a confluence.

17.04.1440 - Undevelopable area.

"Undevelopable area" means an area that cannot be used practicably for a habitable structure because of natural conditions, such as severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

17.04.1445 - Use.

"Use" means the purpose that land, or a building or a structure now serves or for which is occupied, maintained, arranged or designed.

17.04.1450 - Utility facilities.

"Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

17.04.1455 - Utility pole placement/replacement.

"Utility pole placement/replacement" means placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.

17.04.1458 - Vanpool

"Vanpool" means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

17.04.1460 - Variance.

"Variance" means a grant of relief from the requirements of OCMC 16 or 17, which permit construction in a manner that would otherwise be prohibited.

17.04.1465 - Vegetated Corridor.

"Vegetated Corridor" means the area of setback between the top of bank of a protected water feature and the delineated edge of the water quality resource area as defined in OCMC Table 17.49-1 of this chapter.

17.04.1470 - Visible or measurable erosion.

"Visible or measurable erosion" includes, but is not limited to:

1. Deposits of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
2. Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
3. Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

17.04.1475 - Watercourse.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Such flow must be in a definite direction.

17.04.1480 - Water dependent.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

17.04.1485 - Water quality resource areas.

"Water quality resource areas" means vegetated corridors and the adjacent protected water feature as established by OCMC 17.49.

17.04.1490 - Watershed.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

17.04.1495 - Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

17.04.1500 - Wireless communications.

"Wireless communications" means any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.

17.04.1505 - Wireless communications facility (WCF).

"Wireless communications facility (WCF)" means any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

17.04.1510 - Yard.

"Yard" means an open space other than a court on the same lot with a building unoccupied or unobstructed from the ground upward except for usual building projections as permitted by this title.

17.04.1515 - Yard, front.

"Front yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the main building.

17.04.1520 - Yard, rear.

"Rear yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.

17.04.1525 - Yard, side.

"Side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line to the main building.

17.04.1530 - Yard, side, corner.

"Corner side yard" means a yard lot located on a corner which extends from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line abutting the street to the main building.

17.04.1535 - Yard, side, interior.

"Interior side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line not abutting the street to the main building.


Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.10 Medium Density Residential Districts

17.10.010 - Designated.

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

17.10.020 - Permitted uses.

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

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Internal conversions;
- D. Duplexes;
- E. Corner duplexes;
- F. Single-family attached residential units;
- G. 3-4 plex residential;
- H. Cluster housing;
- I. Manufactured home parks or subdivisions in the R-3.5 district only;
- J. Residential homes;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Home occupations;
- M. Family day care providers;
- N. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- O. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- P. Transportation facilities.

17.10.025 - Conditional uses.

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

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

17.10.030 - Master plans.

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

- A. Multifamily residential.

17.10.035 - Prohibited uses.

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

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

17.10.040 - Dimensional standards.

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

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹ Single-family detached Duplex Single-family attached 3-4 plex	5,000 sq. ft. 6,000 sq. ft. 3,500 sq. ft. 2,500 sq. ft. per unit	3,500 sq. ft. 4,000 sq. ft. 2,500 sq. ft. 2,000 sq. ft. per unit
Maximum height	35 ft.	35 ft.
Maximum building lot coverage Single-family detached and all duplexes With ADU Single-family attached and 3-4 plex	50% 60% 70%	55% 65% 80%
Minimum lot width All, except Single-family attached	35 ft., except 25 ft.	25 ft., except 20 ft.
Minimum lot depth	70 ft.	70 ft.
Minimum front yard setback	10 ft., except 5 ft. - Porch.	5 ft., except 0 ft. - Porch
Minimum interior side yard setback All, except Single-family attached	5 ft., except 0 ft. (attached) /5 ft. (side)	5 ft., except 0 ft. (attached) /5 ft. (side)
Minimum corner side yard setback	7 ft.	7 ft.
Minimum rear yard setback	20 ft., except 15 ft. - porch 10 ft. - ADU	20 ft., except 15 ft. - porch 5 ft. - ADU
Garage setbacks	20 ft. from ROW, except 5 ft. from alley	20 ft. from ROW, except 5 ft. from alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

17.10.045 - Exceptions to setbacks.

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

17.10.050 - Density standards.

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

Table 17.10.050

Standard	R-5	R-3.5
Minimum net density	7.0 du/acre	10 du/acre
Maximum net density		
• Single-family detached	8.7 du/acre	12.4 du/acre
• Single-family attached	12.4 du/acre	17.4 du/acre
• 3-4 plexes	17.4 du/acre	21.8 du/acre

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC 17.20.020.

17.10.060 - Conversion of Existing Duplexes.

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

17.10.070 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beaver Creek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
 1. Where any portion of a lot is within 20 feet of the southern boundary, uses shall be limited to single-family detached residential uses and roads, parks, trails, and open space.
 2. Where any portion of a lot is within 20 feet of the southern boundary, the minimum lot size for residential uses shall be 6,000 square feet.
 3. Where any portion of a lot is within 20 feet of the southern boundary, all primary structures shall be set back a minimum of 40 feet from the southern boundary.

4. Within the 40-foot wide setback from the southern boundary, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41, resulting in preservation of a minimum of 12 inches total DBH per lot with trees spaced an average of one tree for every 30 linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of new landscaping and screening to include:
 - (i) A minimum of 12 inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every 30 linear feet along the southern property line, whichever is greater; and
 - (ii) A minimum six-foot-tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the Community Development Director's approval. Chain-link fencing with slats shall not be allowed to satisfy this standard.
5. An alternative southern perimeter transition may be proposed as part of a Master Plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.



Oregon City Municipal Code

Chapter 17.12 High Density Residential District

17.12.010 - Designated.

The R-2 residential district is designed for high density residential development.

17.12.020 - Permitted uses.

Permitted uses in the R-2 district are:

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of this ordinance;
- B. Internal conversions of existing single-family detached residential units constructed prior to the effective date of this ordinance;
- C. Duplexes;
- D. Corner duplexes;
- E. Single-family attached residential units;
- F. 3-4 plex residential;
- G. Multifamily residential;
- H. Cluster housing;
- I. Residential care facilities;
- J. Accessory buildings;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Home occupations;
- M. Family day care providers;
- N. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- O. Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- P. Transportation facilities.

17.12.025 - Conditional uses.

The following uses are permitted in the R-2 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

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

- H. Religious institutions;
- I. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- J. Live/work dwellings;

17.12.030 - Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current uses, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

17.12.035 - Prohibited uses.

Prohibited uses in the R-2 district are:

- A. Any use not expressly listed in OCMC 17.12.020, 17.12.025 or 17.12.030.
- B. Marijuana businesses.

17.12.040 - Dimensional standards.

Dimensional standards in the R-2 district are as follows:

Table 17.12.040

Standard	R-2
Minimum lot size ¹ • Duplex • Single-family attached • 3-4 plex and multifamily	4,000 sq. ft. 2,000 sq. ft. 6,000 sq. ft.
Maximum height All, except Multifamily	35 ft., except 45 ft.
Maximum building lot coverage	85%
Minimum lot width All, except Single-family attached	50 ft., except 20 ft.
Minimum lot depth All, except Multifamily	70 ft., except 75 ft.
Minimum front yard setback	5 ft., except 0 ft. - Porch
Maximum front yard setback	20 ft.
Minimum interior side yard setback All, except Single-family attached	5 ft. ¹ 0 ft. (attached) / 5 ft. (side)
Minimum corner side yard setback	5 ft.
Minimum rear yard setback	10 ft. ¹ , except

	5 ft. - Porch
Garage setbacks	20 ft. from ROW, except 5 ft. from alley
Minimum required landscaping (including landscaping within a parking lot)	15%

Notes:

1. If a multifamily residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of 10 feet on the side abutting the adjacent zone in order to provide a buffer area.

17.12.045 - Exceptions to setbacks.

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

17.12.050 - Density standards.

- A. The minimum net density in the R-2 district shall be 17.4 dwelling units per acre.
- B. The maximum net density in the R-2 district shall be 21.8 dwelling units per acre.
- C. Affordable housing density bonus. Residential projects in the R-2 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the Community Development Director.

17.12.060 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the R-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
 1. Live/work dwellings are a permitted use.
 2. As part of a master plan when authorized by and in accordance with the standards contained in OCMC 17.65, up to five thousand square feet of commercial space as a stand-alone building or part of a larger mixed-use building, to be used for:
 - a. Restaurants, eating, and drinking establishments
 - b. Services, including personal, professional, educational, and financial services; laundry and dry-cleaning; or

- c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
 - d. Drive through facilities are prohibited.
- D. Sustainability density bonus. The maximum net density allowed in 17.12.050.B may be increased by five percent for each of the sustainability features identified below subject to a total maximum twenty percent bonus or no greater than 26.2 du/acre: Buildings LEED-certified by the U.S. Green Building Council at any level shall be allowed to increase net density by the full twenty percent.
- 1. A vegetated eco-roof for a minimum of thirty percent of the total roof surface;
 - 2. For a minimum of seventy-five percent of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12;
 - 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by 50% of the total roof surface;
 - 4. An integrated solar panel system for a minimum of thirty percent of the total roof or building surface;
 - 5. Orientation of the long axis of the building within thirty degrees of the true east-west axis, with unobstructed solar access to the south wall and roof;
 - 6. Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter;
 - 7. Fifty percent or more of landscaped area covered by native plant species selected from the Oregon City Native Plant List;
 - 8. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the Planning Director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations;
 - 9. Building energy efficiency measures that will reduce energy consumption by thirty percent based on HERS rating for building, including efficient lighting and appliances, efficient hot water systems, solar orientation or solar water heating, solar photovoltaic panels, geothermal, and offsetting energy consumption with alternative energy;
 - 10. Use of Forest Stewardship Council certified wood Reclaimed Wood for a minimum of thirty percent of wood products used in the on the primary building of the site.; or
 - 11. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer, for a minimum of thirty percent of all paved surfaces.



Oregon City Municipal Code

Chapter 17.24 NC Neighborhood Commercial District

17.24.010 - Designated.

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

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

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

17.24.025 - Conditional uses.

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

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet;
- B. Emergency and ambulance services;
- C. Drive-through facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;
- I. Hotels and motels, commercial lodging;
- J. Veterinary clinic or pet hospital.

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

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

17.24.040 - Dimensional standards.

Dimensional standards in the NC district are:

- A. Maximum building height: Forty feet or three stories, whichever is less.
- B. Maximum building footprint: Ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one-foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum Allowed Setback.
 - 1. Front yard setback: Five feet.
 - 2. Interior yard setback: None.
 - 3. Corner side yard setback abutting a street: Thirty feet.
 - 4. Rear yard setback: None.
- F. Standards for residential uses: Residential uses shall meet the minimum net density standards for the R-3.5 district, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.
- G. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

17.24.050 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the NC district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the NC zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
 - 1. All uses permitted per OCMC 17.24.020.A and B, are limited to a maximum footprint for a stand-alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.

2. Residential uses, excluding live/work, that do not exceed fifty percent of the total building square footage within the Thimble Creek Concept Plan Neighborhood Commercial Zoning District.
3. Artisan and specialty goods production is permitted, constituting small-scale businesses that manufacture artisan goods or specialty foods and makes them available for purchase and/or consumption onsite, with an emphasis on direct sales rather than the wholesale market. Examples include: candy, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. All uses shall provide either:
 - a. A public viewing area that includes windows or glass doors covering at least twenty-five percent of the front of the building face abutting the street or indoor wall, allowing direct views of manufacturing; or
 - b. A customer service space that includes a showroom, tasting room, restaurant, or retail space.
4. Drive-throughs are prohibited.
5. Gas stations are prohibited.

D. Dimensional standards.

1. Maximum building height shall be sixty feet or five stories, whichever is less.
2. Minimum building height shall be twenty-five feet or two stories, whichever is less, except for accessory structures or buildings under one thousand square feet.
3. Maximum corner side yard setback abutting a street shall be five feet.
4. Minimum floor area ratio (FAR) shall be 0.5.
 - a. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.
 - b. An individual phase of a project shall be permitted to develop below the required minimum FAR provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism that the required FAR for the project will be achieved at project build-out.
5. Minimum required landscaping: Ten percent. Required landscaping areas may include:
 - a. Landscaping within a parking lot.
 - b. Planter boxes.
 - c. Eco roofs.
 - d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every 500 square feet of urban plaza area.
- E. Residential Uses. Residential uses, excluding live/work dwellings, shall be subject to the following additional standards:

1. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of 150 feet from the property line along Glen Oak Road.
 2. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage onsite.
 3. Ground-floor residential uses shall achieve a minimum net density of 17.4 units per acre, with no maximum net density.
 4. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-2 zone for the proposed residential use type.
 5. Upper-story residential uses are permitted with no limitations.
- F. Site design standards.
1. In lieu of complying with OCMC 17.62.050.B.1, parking areas shall be located behind the building façade that is closest to the street or below buildings and shall not be located on the sides of buildings or between the street and the building façade that is closest to the street.



Oregon City Municipal Code

Chapter 17.29 MUC Mixed Use Corridor District

17.29.010 - Designated.

The Mixed-Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beaver Creek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 - Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- M. Multifamily residential, 3-4 plex residential;
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than 50% of the total square footage of the development;
- O. Restaurants, eating and drinking establishments without a drive-through;
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- R. Seasonal sales;

- S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- T. Studios and galleries, including dance, art, photography, music and other arts;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- V. Veterinary clinics or pet hospitals, pet day care;
- W. Home occupations;
- X. Research and development activities;
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Z. Transportation facilities;
- AA. Live/work dwellings;
- BB. After-hours public parking.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hospitals;
- J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- K. Passenger terminals, excluding bus stops;
- L. Shelters.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities;

- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile Food Units, except with a special event permit.

17.29.050 - Dimensional standards—MUC-1.

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side setback abutting street: Thirty feet.
 - 4. Rear yard: None.
- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

17.29.060 - Dimensional standards—MUC-2.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all nonresidential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.

- B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

17.29.080 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the MUC-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
 - 1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
 - 2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the net developable portion of contiguous Mixed-Use Corridor zoned lands.
 - a. Restaurants, eating and drinking establishments;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store does not exceed twenty thousand square feet; and
 - d. Grocery stores provided the maximum footprint for a stand-alone building does not exceed forty thousand square feet.
 - 3. Drive-throughs are prohibited.
 - 4. Gas stations are prohibited.
 - 5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
 - 6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of (Ordinance effective date) as a permitted use. This property may only maintain and expand the current use.
- D. Dimensional standards.
 - 1. Minimum floor area ratio (FAR) shall be 0.35.
 - 2. Maximum allowed setback for corner side yard abutting street shall be five feet.

E. Residential uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.37 CI Campus Industrial District

17.37.010 - Designated.

The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

17.37.020 - Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

- A. Experimental or testing laboratories;
- B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- C. Public and/or private educational or training facilities;
- D. Corporate or government headquarters or regional offices with fifty or more employees;
- E. Computer component assembly plants;
- F. Information and data processing centers;
- G. Software and hardware development;
- H. Engineering, architectural and surveying services;
- I. Non-commercial, educational, scientific and research organizations;
- J. Research and development activities;
- K. Industrial and professional equipment and supply stores, which may include service and repair of the same;
- L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to OCMC 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;
- M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;
- N. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- O. Transportation facilities;
- P. Marijuana processors, processing sites, wholesalers and laboratories pursuant to OCMC 17.54.110;

Q. Mobile food units operating on a property for less than five hours in a 24-hour period.

17.37.030 - Conditional uses.

The following conditional uses may be established in a Campus Industrial District subject to review and action on the specific proposal, pursuant to the criteria and review procedures in OCMC 17.50 and 17.56:

- A. Distribution or warehousing.
- B. Any other use which, in the opinion of the planning commission, is of similar character of those specified in OCMC 17.37.020 and 17.37.030. In addition, the proposed conditional uses:
 - 1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;
 - 2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
 - 3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;
 - 4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

17.37.040 - Dimensional standards.

Dimensional standards in the CI district are:

- A. Minimum lot area: No minimum required.
- B. Maximum building height: except as otherwise provided in subsection B.1. of this section building height shall not exceed forty-five feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- C. Minimum required setbacks:
 - 1. Front yard: Twenty feet minimum setback;
 - 2. Interior side yard: No minimum setback;
 - 3. Corner side yard: Twenty feet minimum setback;
 - 4. Rear yard: Ten feet minimum setback.
- D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.
- E. If the height of the building exceeds forty-five feet, as provided in subsection B.1. of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.

17.37.050 - Development standards.

All development within the CI district is subject to the review procedures and application requirements under OCMC 17.50, and the development standards under OCMC 17.62. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

- A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:
 - 1. Enhance the appearance of the site internally and from a distance;
 - 2. Include street trees and street side landscaping;

3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;
 4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
 5. Provide buffering or transitions between uses;
 6. Encourage outdoor eating areas conveniently located for use by employees;
 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.
- B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.
- C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.
- D. Outdoor storage and refuse/recycling collection areas.
1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
 2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street.

17.37.060 – Additional Standards for Thimble Creek Concept Plan Area

- A. Applicability. This section applies to all development in the CI district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the CI zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
1. The following permitted uses supersede the uses allowed in OCMC 17.37.020.L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to OCMC 17.54.110, located in a single building or in multiple buildings that are part of the same development, shall be limited to a maximum of five thousand square feet in a single outlet or twenty thousand square feet in multiple outlets that are part of the same development project.
 2. The following permitted uses supersede the uses allowed in OCMC 17.37.020.M. Retail and professional services including but not limited to financial, insurance, real estate and legal office uses limited to a maximum of five thousand square feet in a single outlet or twenty thousand square feet in multiple outlets that are part of the same development project. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-throughs are prohibited.
 3. Offices as an accessory to a permitted use are permitted.

4. Parks, trails, urban agriculture and community garden uses are permitted.
 5. Distribution and warehousing not associated with a primary use or are more than 50% of the size of the primary use building(s) are prohibited.
 6. Tax Lots 00300, 00301, 00302, 00303, 00400 and 00401, located on Clackamas County Map #32E10C have a special provision to allow single-family detached residential use as a permitted use. This property may only maintain and expand the current use.
- D. Buffer zone treatment required in OCMC 17.37.040.D shall include:
1. Landscaping shall be installed to provide screening of parking, loading and vehicle maneuvering areas, refuse/recycling collection areas, outdoor storage, and building façades. Buffer zone treatment may substitute for perimeter parking lot landscaping required per OCMC 17.52.060.C. Landscaping shall include at least one of the following:
 - a Trees a minimum of two caliper inches DBH planted on average 30 feet on center. Existing mature vegetation may be used to meet this standard if it achieves a similar level of screening as determined by the Community Development Director;
 - b An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than 4 four feet apart on average; or
 - c Ground cover plants, which includes grasses covering all landscaping areas. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
 2. Landscape buffer shall incorporate a berm no less than three feet in height above the existing final grade, constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with vegetative materials to prevent erosion.
 3. A minimum six-foot-tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.
- E. Outdoor storage permitted per OCMC 17.37.050.D shall be limited to a maximum of twenty-five percent of the net developable area.
- F. Power line corridors. A distinct feature of this district is the power line corridors north of Loder Road that define open corridors.
1. Within the power line corridors, a minimum 30-foot wide open space and public access easement shall be granted to the City. The easement shall run parallel to the power line corridor and align with easements on abutting properties to create a continuous corridor.
 2. The easement may be shown on the final plat or recorded as a separate easement document. In either case, the easement must be recorded prior to issuance of a certificate of occupancy.
 3. Open spaces within the power line corridors, including the open space easements, may be counted as landscaping satisfying the requirements of OCMC 17.62.050.A.
 4. Additional uses encouraged in the power line corridors include community gardens, urban agriculture, stormwater and water quality features, plant nurseries, and solar farms.
- G. Sustainability features. Each development must incorporate at least six of the following sustainability features:

1. A vegetated eco-roof for stormwater management. An eco-roof covering twenty to forty percent of the total roof area shall count as one feature, and a roof covering more than forty percent of the total roof area shall count as two features;
2. A white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12 covering a minimum of seventy-five percent of the total roof area;
3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by 50% of the total roof surface;
4. An integrated solar panel system mounted on the roof or anywhere on site. A solar system with surface area equivalent to a minimum of twenty to forty percent of the total roof area shall count as one feature, and a solar system with surface area equivalent to forty percent or more of the total roof area shall count as two features;
5. Use of native plant species selected from the Oregon City Native Plant List. Native plantings that cover twenty to thirty percent of the total landscaped area shall count as one feature, and plantings that cover thirty percent or greater of the total landscaped area shall count as two features;
6. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the Community Development Director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations;
7. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer. Permeable paving totaling twenty to forty percent of all paved surfaces shall count as one feature, and permeable paving of forty percent or more of all paved surfaces shall count as two features; or
8. Buildings LEED-certified by the U.S. Green Building Council at any level shall be counted as three features.



Oregon City Municipal Code

Chapter 17.54 Supplemental Zoning Regulations and Exceptions

17.54.010 - Accessory structures and uses.

Accessory structures and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following standards:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Residential Accessory Structures, not including Accessory Dwellings Units. The section applies to all accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a residential use with less than five units within a zoning designation not listed above.
 1. Accessory Structures with a Footprint Less than Two Hundred Square Feet:
 - a. Shall be located behind the front line of the primary structure;
 - b. Shall comply with the dimensional standards of the zoning designation including height, lot coverage and setbacks unless modified pursuant to subsection c. herein; and
 - c. Side and rear setbacks may be reduced to not less than three feet for the accessory structure and its projections if the height does not exceed seventeen feet as defined in OCMC 17.04.550.
 2. Accessory Structures with a Footprint from Two Hundred to Six Hundred Square Feet:
 - a. Shall be located behind the front line of the primary structure;
 - b. Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to subsection c.; and
 - c. Side and rear setbacks may be reduced to not less than three feet for one accessory structure and its projections if the height does not exceed seventeen feet as defined in OCMC 17.04.550.
 3. Accessory Structures with a Footprint Over Six Hundred Square Feet:
 - a. Shall not exceed more than one accessory structure with a footprint in excess of six hundred square feet per parcel;
 - b. The parcel shall be in excess of twenty thousand square feet;
 - c. The footprint shall not exceed the footprint of the primary structure;
 - d. Shall not exceed eight hundred square feet;
 - e. Shall not exceed the height of the primary structure;
 - f. Shall be located behind the front line of the primary structure; and
 - g. Shall comply with the dimensional standards of the zoning designation including height, setbacks, and lot coverage.
 4. Prohibited:
 - a. Cargo containers.
 - b. Membrane and fabric covered storage areas visible from the adjacent right-of-way.
 - c. Metal structures within a historic district, or on an individually designated historic property, unless otherwise authorized by OCMC Chapter 17.40.

5. An accessory structure housing a hooved animal shall be located a minimum of twenty-five feet from any property line.
 6. Accessory structures constructed prior to January 1, 2017 which are located behind the front building line of the primary structure are exempt from the setback and height requirements in this chapter, except as otherwise limited through an applicable overlay district.
 7. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard setback requirements for the principal structure. A pool shall be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the Building Official.
- C. Temporary Structures in the Right-of-Way. This section applies to temporary structures associated with permitted events in the right-of-way. Temporary structures:
1. May be constructed of any building material;
 2. Shall comply with all provisions of the Americans with Disabilities Act; and
 3. Shall be exempt from all sections of Chapters 12.04 (except 12.04.120), 12.08, 16.12, 17.52 and 17.62.

17.54.020 - Projections from buildings.

Residential building projections that are cantilevered so that they do not touch the ground (such as cornices, eaves, bay windows, fireplaces, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features) may project into the required setbacks up to twenty-four inches. The projection may be limited by easement restrictions, etc.

17.54.030 - Setback exceptions.

- A. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard setback shall not apply.
- B. Structures within the right-of-way are exempt from setback standards.
- C. Uncovered decks or porches with a height of less than thirty inches from grade are exempt from setback standards.

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

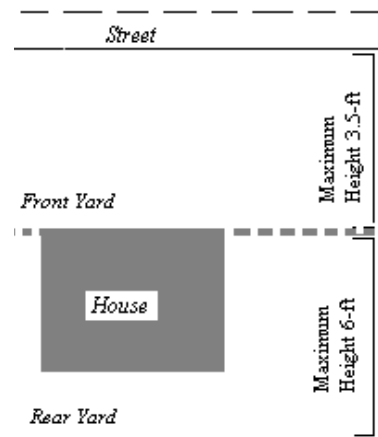
- A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:
 1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.
 2. A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:
 - a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or
 - b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.
 3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.
 4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.
 5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

6. Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.
 7. Minimum fall protection required by the Building Official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.
- B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:
1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;
 2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.
 3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
- C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

Residential Height Requirements

Any fence, hedge or wall located in front of may be up to 3.5-feet in total height.

A fence, hedge or wall located next to and behind your home may be up to 6-feet in total height.



17.54.110 - Marijuana businesses.

For the purpose of zoning regulation pursuant to this section, recreational and medical marijuana facilities are considered the same by Oregon City.

- A. Applicability. These standards apply to all marijuana businesses in Oregon City.
- B. Restrictions on Location—Zoning.
 1. Please refer to individual zone districts elsewhere in this title to determine whether marijuana businesses including production, laboratories, processing, wholesale, and retail use are permitted, prohibited or otherwise regulated.
 2. Marijuana businesses are prohibited abutting any "R" residentially zoned area, except that this provision shall not apply where the subject property abuts a road that has a freeway, expressway, major arterial, minor arterial, or collector functional classification as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan and;
 3. Home Occupation. A marijuana business may not be operated as a home occupation and;
 4. The sale or distribution of marijuana is prohibited for mobile vendors and at all special events and outdoor markets.

- C. Restrictions on Location: Marijuana Dispensary or Retailer. A marijuana retailer shall not locate:
1. Within two hundred fifty feet of any public parks, licensed child care and day care facilities, and public transit centers.
 2. Within one thousand feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), or the property located at Clackamas County Map 3-2E-09C, Tax Lot 800.
 3. Within one thousand feet of another marijuana retailer.
 4. If a new protected property or use described in this section should be established within the aforementioned separation distance of an existing legally established marijuana dispensary or retailer, the existing marijuana dispensary or retailer may remain in place and the separation requirement shall not be applied.
 5. The spacing distance specified in this section is a straight-line measurement from the closest points between property lines of the affected properties.
- D. Standards of Operation.
1. Compliance with Other Laws. All marijuana businesses shall comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.
 2. Registration and Compliance with State Law. The marijuana business's state license or authority shall be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the marijuana business shall comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
 3. No portion of any marijuana business shall be conducted outside, including but not limited to outdoor storage, production, processing, wholesaling, laboratories and retail sale, except for temporary ingress and egress of vehicles, persons and materials associated with the permitted use.
 4. Hours of Operation. Operating hours for a marijuana business shall be in accordance with the applicable license issued by the Oregon Liquor Control Commission or Oregon Health Authority.
 5. Odors. A marijuana business shall use an air filtration and ventilation system that ensures all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
 6. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 7. Secure Disposal. The facility shall provide for secure disposal of marijuana remnants or by-products; marijuana remnants or by-products shall not be placed within the marijuana business's exterior refuse containers.
 8. Drive-Through, Walk-Up. A marijuana business may not have a walk-up window or a drive-through.
 9. The facility shall maintain compliance with all applicable security requirements of the OLCC including alarm systems, video surveillance, and a restriction on public access to certain facilities or areas within facilities.

17.54.115 - Mobile Food Units

A. Applicability. The following provisions apply to mobile food units not located within a building. The provisions do not apply to indoor mobile food units or mobile food units allowed pursuant to a special event permit issued by the City.

B. General Requirements.

1. Mobile food units shall primarily sell food items;
2. Mobile food units shall not sell cannabis, in any form;
3. Mobile food units shall have a valid Oregon City business license; and
4. Mobile food units shall not be located within the right-of-way, except as approved by the City Engineer.
5. Mobile food units shall maintain continuous compliance with applicable federal, state, and city standards;
6. Discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm a drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.
7. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
8. Power connections may not be connected by overhead wires to the individual mobile food units.
9. Comply with the Stormwater and Grading Design Standards for additional impervious surfaces
10. Mobile food units, equipment, customer service areas, or any associated item may not be located within the right of way.
11. Sites with more than ten mobile food units at any time shall have a designated loading area.
12. Parking lots, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the mobile food units) are subject to compliance with Site Plan and Design Review standards in OCMC 17.62. Mobile food units are exempt from OCMC 17.52 unless otherwise identified below.
13. Mobile food unit owners are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition. This includes but is not limited to regular maintenance and cleaning of the exterior of the mobile food unit to avoid rust and peeling paint, repair of broken or sagging awnings, canopies, platforms, counters, benches, tables, umbrellas, and other structures used by customers adjacent to the mobile food unit.

C. Design Standards.

1. Transitory Mobile Food Units. Mobile food units that remain on a property for five hours or less in a twenty-four hour period shall comply with the following:
 - i. Standards related to the site.
 - a. Be limited to three food units on a property at any one time;
 - b. Maintain the minimum number of parking stalls and minimum drive aisle widths and parking lot requirements; and
 - c. Not result in the reduction of landscaping less than the minimum site.
 - ii. Standards related to the mobile food unit.
 - a. Comply with nuisances regulations in OCMC 8.08.040;
 - b. Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);
 - c. Connect to individual wastewater holding tanks at all times; and
 - d. Connect to a potable water tank at all times.

2. Non-Transitory Mobile Food Units.

All other mobile food units that remain on a property for more than five hours at a time shall comply with the following:

- i. Standards related to the site
 - a. Maintain the minimum number of parking stalls and minimum drive aisle widths and parking lot requirements;
 - b. Not result in the reduction of landscaping less than the minimum site;
- ii. Standards related to the unit.
 - a. Fully screen from view any mechanical or power generating equipment that is separated from and external to the mobile food unit with vegetation or screening at a height equal to or greater than the height of the generating unit;
 - b. Connect to a permanent water source, unless exempted by the City Engineer if utilities are not available;
 - c. Connect to public sewer. This may be achieved through a communal system;
 - d. Connect to a permanent power source; and
 - e. Comply with the minimum setbacks and maximum height of the zoning designation.

D. Process

1. A Type I Minor Site Plan and Design Review shall be submitted for each property in compliance with the transitory standards in OCMC 17.54.115.C.1 with a wastewater / water operations and maintenance plan.
2. A Type II Minor Site Plan and Design Review shall be submitted for each property in compliance with the non-transitory standards in OCMC 17.54.115.C with a wastewater / water operations and maintenance plan.
3. Mobile food cart units shall each submit a business license and mobile food cart unit form.

17.54.120 - Home Occupations

Home occupations shall comply with all of the following:

- A. No employees reporting to work onsite who are not residents unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;
- B. All business conducted on site shall be conducted within the home or accessory structure;
- C. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site; and
- D. Not more than one-half of the square-footage of the primary dwelling is devoted to such use.
- E. No commodities shall be sold onsite.

17.54.123 -Home Occupations/Cottage Industry- Thimble Creek Concept Plan Area

Home occupations and Cottage Industries within the Thimble Creek Concept Plan Area are encouraged and allowed as a means to support job creation in Oregon City and shall comply with all of the following:

A. Up to 3 offsite employees are allowed to work at the residence. Offsite employees may work onsite Monday-Friday 7:00 am-6:00 pm and Saturday 9:00 am to 5:00 pm;

B. All business conducted on-site shall be conducted within the home or accessory structure;

C. No outdoor storage of materials associated with the business shall occur on-site;

D. Not more than one-half of the square footage of the primary dwelling is devoted to such use;

E. One commercial vehicle associated with the business that does not require a commercial driver's license and one trailer associated with the business no more than 20 feet in length may be stored onsite outside of an accessory building. No commercial vehicles or trailers associated with the business may be stored in the right-of-way

F. Any dedicated retail space located within the residence may be no larger than 300 square feet. Retail hours may not exceed Monday-Friday 7:00 am-6:00 pm and Saturday 9:00 am to 5:00 pm;

G. The following retail uses are not allowed in this district: food, beverage, and/or marijuana sales.



Oregon City Municipal Code

Chapter 17.62 - Site Plan and Design Review

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:
 - a. Landscaping in OCMC 17.62.050.A;
 - b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;
 - c. On-site pedestrian circulation in OCMC 17.62.050.C;
 - d. Utility Undergrounding Requirements in OCMC 16.12.095.G;
 - e. Building location in OCMC 17.62.055.D;
 - f. Building Details in OCMC 17.62.050.B.9.055.I;
 - g. Windows in OCMC 17.62.050.B.10.055.J Parking Lot Landscaping in OCMC 17.52.060.
2. Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.
3. Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and
2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	Proposed Use
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	3 or more dwellings

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

The general standards of section 17.62.050 do not apply to 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit Type I applications.

17.62.035 - Minor site plan and design review.

This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A., subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II-IV review.
 - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
 - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
 - d. Any proposal in which modifications are proposed under OCMC 17.62.015.
2. The following projects may be processed as a Type I application:
 - a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
 - c. Temporary structures, excluding mobile vendors.
 - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.

- e. Addition, modification, or relocation of refuse enclosure.
 - f. Changes to amount, location, or design of bicycle parking.
 - g. Installation of mechanical equipment.
 - h. Repaving of previously approved parking lots with no change to striping.
 - i. Replacement of exterior building materials.
 - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - k. Addition or alteration of parapets or rooflines.
 - l. Modification of building entrances.
 - m. Addition to or alteration of a legal nonconforming single or two-family dwelling.
 - n. Change to parking lot circulation or layout, excluding driveway modifications.
 - o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
 - p. Adoption of shared parking agreements.
 - q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.
 - r. New or changes to existing pedestrian accessways, walkways or plazas.
 - s. Installation of or alterations to ADA accessibility site elements.
 - t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.
 - u. Addition of or alterations to outdoor lighting.
 - v. Demolition of any structure or portion of a structure
 - w. Tree removal
 - x. Type I Master Plan Amendments under OCMC 17.65.080.
 - y. Mobile food units in one location for five hours or less as identified in OCMC 17.54.115
 - z. 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit.
 - aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
3. Submittal Requirements. A Type I application shall include:
- a. A narrative describing the project.
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - d. A completed application form.
 - e. Any other information determined necessary by the Community Development Director.
- B. Type II Minor Site Plan and Design Review.
1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:
- a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

- d. Mobile food units in OCMC 17.54.115.
 - e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
2. Application. The application for the Type II Minor Site Plan and Design Review shall contain the following elements:
- a. The submittal requirements of OCMC 17.50.
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the Community Development Director on a case-by-case basis.

17.62.040 – Items required.

A complete application for Site Plan and Design Review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

- A. A site plan or plans, to scale, containing the following:
- 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
 - 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;
 - 3. Contour lines at two foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
 - 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one-hundred-year floodplain,
 - b. Unstable slopes, as defined in OCMC 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
 - 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
 - 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
 - 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
 - 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
 - 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other

- pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces);
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
 - C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.
 - D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. .
 - E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
 - F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
 - G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will

not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

- H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.
- I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 - 1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;
 - 2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.
- J. One full-sized copy of all architectural and site plans.

17.62.050 - General Standards

All development shall comply with the following standards:

- A. Landscaping.
 - 1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
 - 2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be 15% of the total site area. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.
 - 3. Pursuant to OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
 - 4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass,

groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.

5. Landscaping shall be visible from public thoroughfares to the extent practicable.
 6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.
- B. Vehicular Access and Connectivity.
1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.
 2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.
 3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.
 4. Parking garage entries shall not be more than half of the streetscape.
- C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
 2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.
 3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
 4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.
 5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
- D. All development shall maintain continuous compliance with applicable federal, state, and City standards .
- E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All

facilities shall be designated to City standards as set out in the City's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require over sizing of facilities where necessary to meet standards in the City's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the City for over sizing based on the City's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

- F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the City's Transportation System Plan.
- G. Screening of Mechanical Equipment: Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements.
 - 1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.
 - 2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.
 - 3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right of way.

4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.

H. Building Materials.

1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.
 - i. Vinyl or plywood siding (including T-111 or similar plywood).
 - ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - iii. Corrugated fiberglass.
 - iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.vii, or when located on properties within the General Industrial District).
 - v. Crushed colored rock/crushed tumbled glass.
 - vi. Non-corrugated and highly reflective sheet metal.
 - vii. Tarps, except for the protection of outside storage.
2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:
 - i. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
 - ii. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
 - iii. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
 - iv. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 - v. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.
 - vi. Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.
 - vii. Chain link fencing is permitted in the following circumstances:
 1. Within City-owned parks and recreational facilities
 2. On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.

I. Temporary Structures. Temporary structures are permitted pursuant to the following standards:

1. Structures up to two hundred square feet:
 - i. Shall not be on a property for more than three consecutive days; and
 - ii. Shall not be on a property more than six times per year; and
 - iii. Shall comply with the minimum dimensional standards of the zoning designation; and

- iv. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - v. Shall not disturb ingress or egress to the site; and
 - vi. Shall be exempt from all sections of s OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
2. Temporary structures larger than two hundred square feet may be permitted up to 2 times per year; and:
- i. Structures larger than two hundred square feet up to eight hundred square feet:
 - a. Shall not be on a property for more than thirty consecutive days;
 - b. Shall comply with the minimum dimensional standards of the zoning designation;
 - c. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - d. Shall not disturb ingress or egress to the site; and
 - e. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 - ii. Structures larger than eight hundred square feet:
 - a. Shall not be on a property for more than seven consecutive days;
 - b. Shall comply with the minimum dimensional standards of the zoning designation;
 - c. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - d. Shall not disturb ingress or egress to the site; and
 - e. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
3. Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.
- J. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
- 1. 12.04 Streets, Sidewalks and Public Places
 - 2. 12.08 Public and Street Trees
 - 3. 13.04 Water Service System
 - 4. 13.08 Sewer Regulations
 - 5. 13.12 Stormwater Management
 - 6. 16.12 Minimum Improvements and Design Standards for Development
 - 7. 17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks
 - 8. 17.40 Historic Overlay District
 - 9. 17.41 Tree Protection Standards
 - 10. 17.42 Flood Management Overlay District
 - 11. 17.44 Geologic Hazards
 - 12. 17.47 Erosion and Sediment Control
 - 13. 17.48 Willamette River Greenway
 - 14. 17.49 Natural Resource Overlay District
 - 15. 17.50 Administration and Procedures
 - 16. 17.52 Off-Street Parking and Loading
 - 17. 17.54 Supplemental Zoning Regulations and Exceptions
 - 18. 17.58 Lawful Nonconforming Uses, Structures, and Lots
 - 19. 17.65 Master Plans and Planned Unit Development

17.62.055 –Institutional, office, multi-family, retail, and commercial building standards.

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures. .
- C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
- D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- 1. Tables, benches or other approved seating area.
 - 2. Cobbled, patterned or paved stone or enhanced concrete.
 - 3. Pedestrian scale lighting.
 - 4. Sculpture/public art.
 - 5. Fountains/Water feature.
 - 6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
 - 7. Outdoor café.
 - 8. Enhanced landscaping or additional landscaping.
 - 9. Other elements, as approved by the Community Development Director, that can meet the intent of this section.
- E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
 - F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:
 - 1. Display windows;
 Recesses or projections; Peaked roof or raised parapet over the door; Canopy of at least five feet in depth; Porch; Distinct materials; Architectural details such as tile work and moldings; Pedestrian amenities such as benches, planters or planter boxes; Landscape treatments integrating arbors, low walls, trellis work; or Similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.

G. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.
3. Standards 1 and 2 above do not apply to vertically attached 3-4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.

H. Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:

1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or
2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.

I. Building Design Elements.

1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:
 - a. Change in building material or texture;
 - b. Window or door;
 - c. Balcony; or
 - d. Pillar or post
2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:
 - a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
 - b. Decorative cornice and/or roof line (e.g., for flat roofs);
 - c. Roof gable;
 - d. Recessed entry;
 - e. Covered canopy entry;
 - f. Cupola or tower;
 - g. Dormer;
 - h. Balcony;
 - i. Pillars or posts;
 - j. Repeating pattern of building materials;
 - k. A change in plane of at least two feet in width and six inches in depth;
 - l. Bay or oriel window; or
 - m. An alternative feature providing visual relief and detail as approved by the Community Development Director
3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.

J. Windows.

1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

Table 17.62.055.J Minimum Windows				
Use	Ground Floor: Front and Street Facing Facades	Upper floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
 3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
 4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.
- K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.
- L. Drive-through facilities shall:
1. Be located at the side or rear of the building.
 2. Be designed to maximize queue storage on site.
- M. Special development standards along transit streets.
1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.
 2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
 3. Development Standards.
 - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
 - i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

- ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
 - b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
- 4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3. of this section:
 - a. Heavy equipment sales;
 - b. Motor vehicle service stations, including convenience stores associated therewith; or
 - c. Solid waste transfer stations.

17.62.056 - Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower; or
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

17.62.057 - Multifamily Usable Open Space Requirements

- A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.
- B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.
 - 1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.
 - 2. In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.
 - 3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.
 - 4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.
- C. Usable Open Space Types.
 - 1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open

spaces may be used to meet one hundred percent of the usable open space requirement.

Design standards:

- a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.
 - b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.
 1. Landscaping areas.
 2. Community gardening areas.
 3. Large trees expected to reach over eighteen inches dbh at maturity.
 4. Seating.
 5. Pedestrian-scaled lighting.
 6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
 7. Paved courtyard or plaza.
 8. Gazebos or other decorative shelters.
 9. Play structures for children.
 10. Sports courts.
 11. An alternative amenity as approved by the Community Development Director.
 - c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the City that enhance safety and privacy for both the common open space and dwelling units.
 - d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.
2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.
 - a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.
 3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:
 - a. Accessible to all dwelling units.
 - b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

Chapter 17.62 Site Plan and Design Review

17.62.058 - Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan area-non-residential development.

1. New non-residential development creating new commercial or industrial space will contribute to the creation of the parks and open space within the Thimble Creek Concept Plan by contributing a fee in lieu

to the city to support the acquisition and interim use of needed park and open space land within the Concept Plan boundary as follows:

- a. The fee in lieu will be set by the City Commission and adopted yearly in the city's fee schedule. The fee shall only be used by the city for park, trail and open space acquisition and interim site development.
- b. The fee-in-lieu or other equivalent monetary contribution, approved by the Community Development Director, must be paid prior to approval of the certificate of occupancy.

17.62.059- Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan area-residential development.

A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirement set forth in Subsection D as follows:

- 1 The minimum acreage of land dedicated for the South-Central Open Space-Neighborhood Park as provided in the following calculation: (2.6 persons per dwelling units) x (total number of dwelling units proposed) x (4 acres) / (1,000 persons).; and
- 2 The minimum amount of land in acres dedicated for the East Ridge- Thimble Creek Conservation Area shall be 7.5 acres
- 3 The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.

B If a larger area for a neighborhood park or open space-is proposed than is required based on the per-unit calculation described in subsection (A), for the south Central Open Space Neighborhood Park, the City must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection C

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

- 1 The amount of the fee in lieu of other monetary contributions shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the excessive dedication assuming that zoning and other land use entitlement necessary for park and open space development are in place.
- 2 The fee-in-lieu or other monetary contribution shall be paid current with public dedication.

D Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network & East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 17.62.059 -1- and meet the following locational and development standards:

1.South Central Open Space-Neighborhood Park

- a. 30-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.

- b. Up to 4 pearls of various sizes spread along the open space network
- c. Min sizes pearl: 2 acres minimum.
- d. Maximum size pearl: none
- e. Min combined size of all pearls: 10 acres
- f. Min average pearl width: 200 feet
- g. Min average pearl depth: 200 feet
- h. At least 5 acres to be developed with active recreation components
- i. The first pearl dedicated must be at least 3 acres in size

2. East Ridge- Thimble Creek Conservation Area shall include:

- a. ½ of area between the Thimble Creek stream buffer and the 490-foot elevation ridgeline to be open space
- b. Two public viewpoints separated by at least 400 feet with a minimum size of .35 acre at less than 10% slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway.
- c. 700-foot non-interrupted view corridor along the open space from the east edge of the Ridge Parkway; and
- d. Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway

17.62.059 60 - Cluster housing.

All cluster housing shall comply with the standards in Chapter 17.20.020 in addition to the standards in this chapter.

17.62.065 - Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
 - 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 - 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 - 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
 - 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
 - 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
 - 6. Encourage energy efficient lighting with new technologies such as Light Emitting Diodes (LED) or similar to reduce ongoing electrical demand and operating costs.
- B. Applicability.
 - 1. General.

- a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
 - b. The City Engineer or Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
- 2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
- 3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section.
 - a. Residential lighting for single-family attached and detached homes, and duplexes
 - b. Public street and right-of-way lighting.
 - c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
 - d. Temporary lighting for emergency or nighttime work and construction.
 - e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
 - f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
 - g. Lighting required and regulated by the Federal Aviation Administration.
- C. Design and Illumination Standards.
 - 1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
 - 2. Lighting shall be provided in parking lots and vehicular circulation areas.
 - 3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
 - 4. Lighting shall be provided at all building entrances.
 - 5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
 - 6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
 - 7. Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.
 - 8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
 - 9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Fully enclosed and visually screened;
- B. Located in a manner easily and safely accessible by collection vehicles;
- C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- E. Maintained by the property owner;
- F. Used only for purposes of storing solid waste and recyclable materials;
- G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.

Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

17.62.090 – Implementation.

- A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The Building Official may issue a certificate of occupancy only after the improvements required by Site Plan and Design Review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the City.
- B. In performing Site Plan and Design Review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.
- C. The Site Plan and Design Review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:
 1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or

2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the Natural Resource Overlay District regulations of OCMC 17.49, the Geologic Hazard Overlay District regulations of OCMC 17.44, or the Floodplain Management Overlay District regulations of OCMC 17.42 or steep slope regulations.

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City of Oregon City

Item 7e.

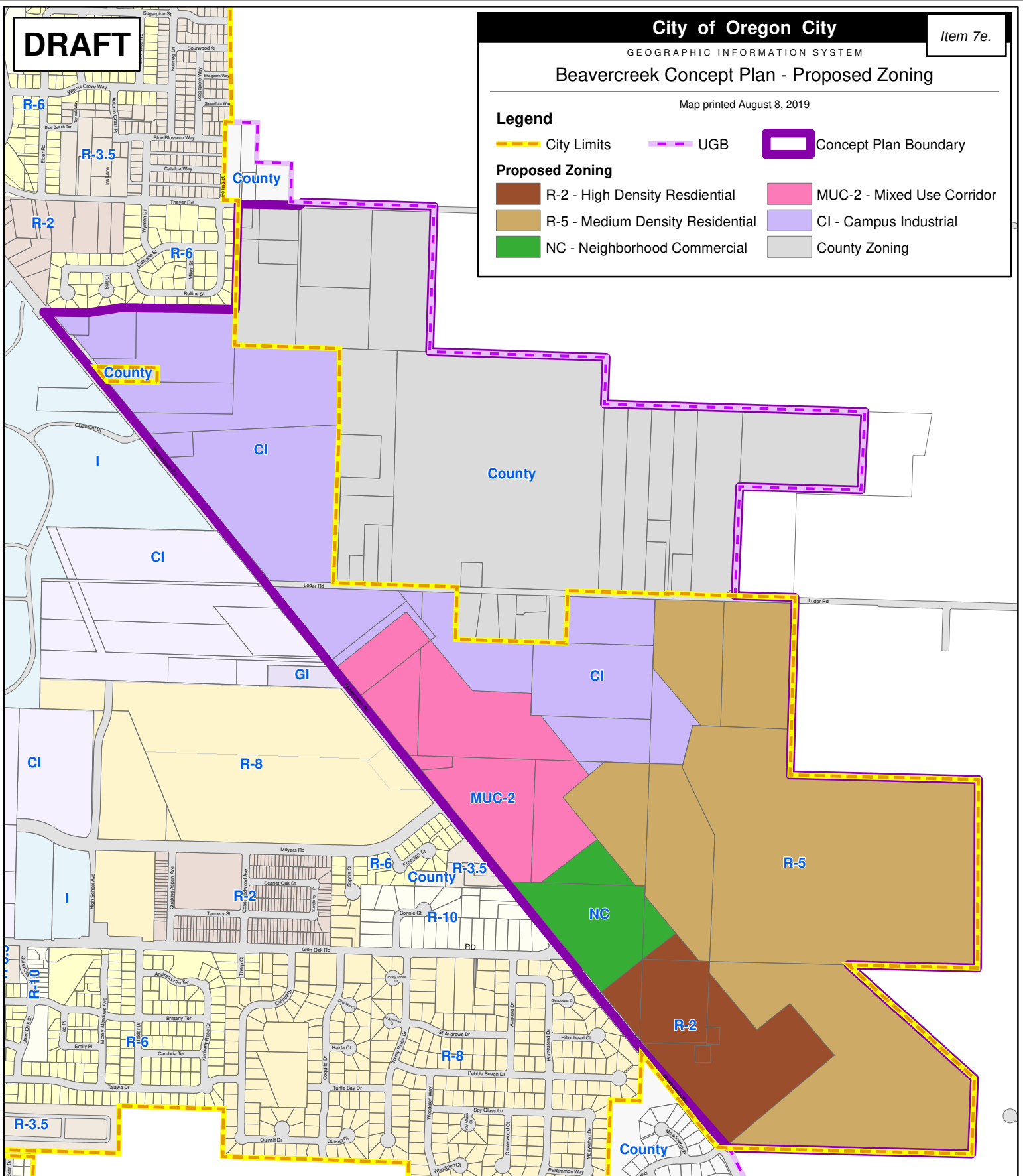
GEOGRAPHIC INFORMATION SYSTEM

Beavercreek Concept Plan - Proposed Zoning

Map printed August 8, 2019

Legend

- City Limits UGB Concept Plan Boundary
- Proposed Zoning**
- | | |
|----------------------------------|----------------------------|
| R-2 - High Density Residential | MUC-2 - Mixed Use Corridor |
| R-5 - Medium Density Residential | CI - Campus Industrial |
| NC - Neighborhood Commercial | County Zoning |



LEG 19-0003

Beavercreek Road Concept Plan -
Zoning and Code Amendments

0 450 900
Feet

1 inch = 900 feet

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City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.orcity.org



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Plot date: August 8, 2019
Plot name: Beavercreek Concept Plan - Proposed Zoning
Map name: Beavercreek Concept Plan - Proposed Zoning - 8x10P.mxd

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Item 7e.

GEOGRAPHIC INFORMATION SYSTEM

Beavercreek Concept Plan - Proposed Comprehensive Plan

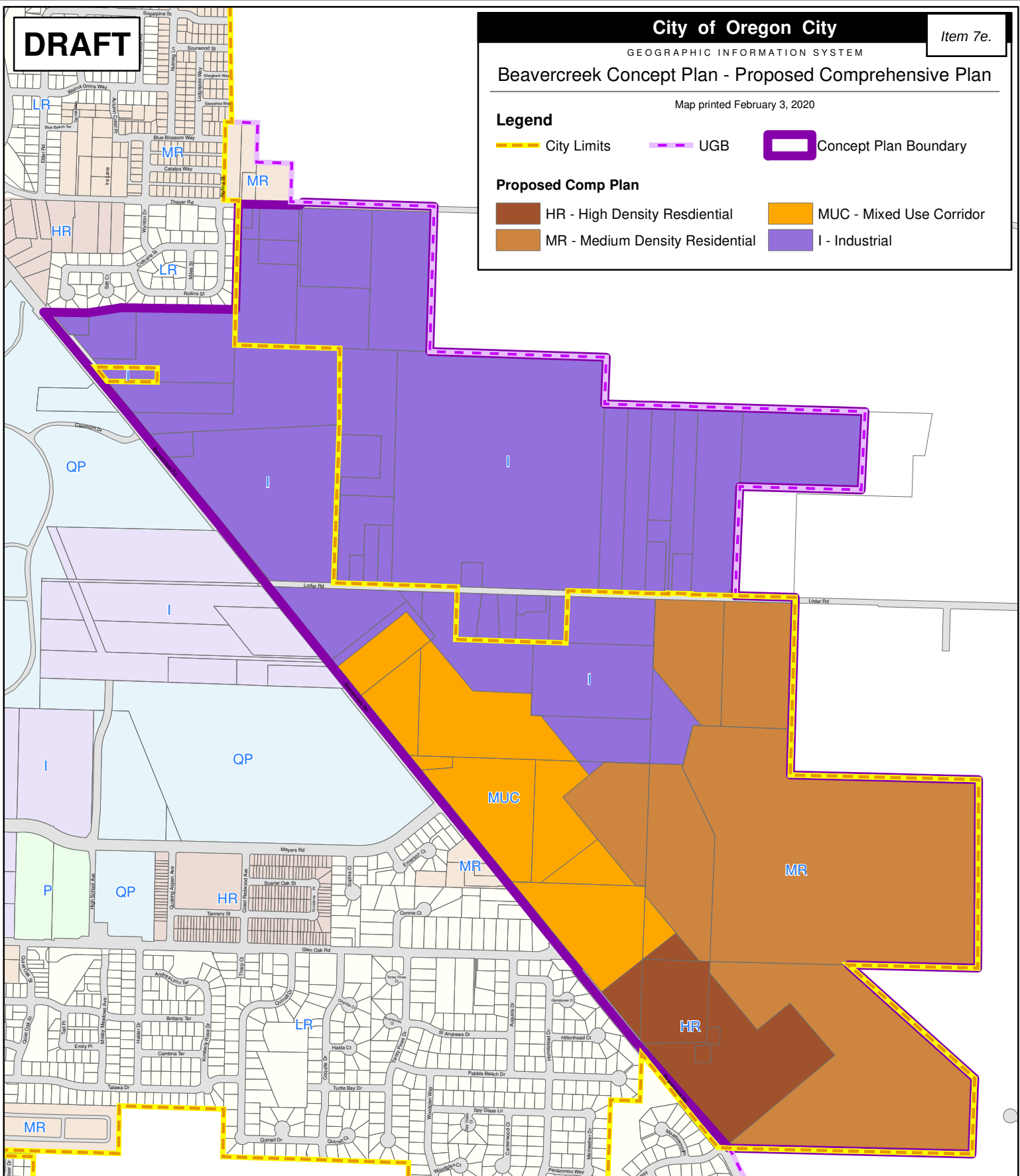
Map printed February 3, 2020

Legend

City Limits UGB Concept Plan Boundary

Proposed Comp Plan

HR - High Density Residential MUC - Mixed Use Corridor
MR - Medium Density Residential I - Industrial



LEG 19-0003

**Beavercreek Road Concept Plan -
Zoning and Code Amendments**

0 450 900
Feet

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City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.orcity.org



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Plot date: February 3, 2020
Plot name: Beavercreek Concept Plan - Proposed Comp Plan
Map name: Beavercreek Concept Plan - Proposed Comp Plan - 8x10P.mxd



THIMBLE CREEK CONCEPT PLAN

Readopted x,xx,2020 ORD 20-xxxx

The Beavercreek Road Concept Plan was renamed Thimble Creek Concept Plan as part of the Zoning and Code adoption process in the spring of 2020. The previously adopted name was geographically confusing to the community. Thimble Creek is located to the east of the Concept Plan area and flows north before it empties into Abernethy Creek. City documents that refer to the Beavercreek Road Concept Plan should now refer to the revised name: Thimble Creek Concept Plan when opportunities arise to update each document.

The following items further refine and replace elements, if conflicting, in the 2008 adopted document:

Master Planning Requirement

Senate Bill 1051, passed in 2017, requires jurisdictions to provide clear and objective standards for housing. Clear and objective standards are metric based and rely on analysis using measurable standards such as height, setback, material selection, window transparency, and other architectural features that can be measured. The 2008 Beavercreek Concept Plan looked at implementation through a more subjective Master Plan process that requires applicants to show how their proposed development is consistent with the adopted plan. This would occur through a Type III Master Plan application reviewed by the Planning Commission at a public hearing. The code amendment package was written to be clear and objective to show consistency and compliance with SP 1051. Therefore, while using the Mastering Planning process to seek development approval will remain an option for applicants to pursue, it will no longer be a requirement for development within the Concept Plan area.

Speed Zones within the Concept Plan

Senate Bill 558 allows all cities and counties the authority to establish, by ordinance, a designated speed for a right of ways under their jurisdiction. The measure specifies that the designated speed must be five miles per hour slower than the statutory speed, the road is located in a residential district and not an arterial street, and that the city provides appropriate signage of the designated speed. Twenty miles per hour signage on residential streets in the Concept Plan boundary and the Glen Oak Commercial Main Street is recommended and an ideal area to test the new option for reduced speed limits. Implementation would occur at the time of road construction/dedication.

Bike Lanes on Collector Streets

The adopted bike lane width for collector streets, including the Center and Ridge Parkways in the Concept Plan area appears to include a 5-foot wide bike lane. This was a standard dimension in 2006 when the plan was designed, but best practices today recommend a wider bike lane of 8-9.5 feet for a more comfortable and safer experience. The need for increased bike safety, green infrastructure and neighborhood identity should be a balanced approach in the final street design of the area. Therefore, instead of adding additional Right of Way to Collector Streets to account for the need for wider protected or buffered bike lanes and potentially impact the neighborhood feel of the area, other elements should be reduced or removed to accommodate wider bike lanes within the adopted ROW.

Collector Streets

The adopted Concept Plan provides for a robust collector street network. Collector Streets are low-to-moderate-capacity roads that serve to move traffic from local streets to arterial roads. Unlike arterials, collector roads are designed to provide access to residential properties. To ensure that the city is not building wider roads where they are not needed, which could impact the neighborhood feel of the community, Collector Street segments should be verified at the time of development review to determine if there are sufficient traffic volumes for the designation and design, especially when abutting single-family residential development. If there is not enough traffic volume to justify construction of a Collector Street, the City can choose to build the street to local street standards.

South-Central Open Space Shared Use Path

As development may happen in phases, the approach for the linear oriented South-Central Open Space park is through a pearl and string approach. The park pearls may vary in size but are connected by a 30-foot-wide string which includes a shared-use path along the east side of Center Parkway as identified in the Transportation System Plan as S16 instead of the abutting sidewalk and planter strip. This shared-use path shall be dedicated and constructed at the time of development as proportional to the proposal.

Beavercreek Road Design

Twelve years after Concept Plan adoption, the City determined that a fresh look was needed to see if the adopted 3-lane design of Beavercreek Road still reflected the community vision compared to a 5-lane section (2 lanes in each direction and a center turn lane) and determine what type of intersection control (roundabouts or traffic lights) along Beavercreek Road was appropriate. After additional study and public outreach, the City Commission determined that the design of Beavercreek Road along the concept plan boundary should be revised to utilize traffic signals at all major intersections and transition from a 5-lane section to a 3-lane section south of the Beavercreek/ Meyers Road intersection and investigate if a city-lead capital improvement project is feasible for this area.

The revised Right-of-way cross-section of Beavercreek Road abutting the Concept Plan boundary shall be 120 feet to accommodate the need for additional vehicular lanes, wider/safer bike lanes, and access control mediums. The Right-of-Way needed to complete the 3-lane section of Beavercreek Road may be reduced at the time of development review if the proposed cross-section meets the goals and intent of the Concept Plan.

Alternative Plan

Per OCMC 16.12.016 - Street design, the adopted Thimble Creek Concept Plan is considered the alternate street plan for the purposes of development review.

Thimble Creek Concept Plan

Amendment to the Trails Master Plan

The following Shared Use paths identified in the 2013 Transportation System Plan (TSP) are also adopted into the Oregon City Trails Master Plan.

Project #	Project Description	Project Extent	Project Elements	Priority
S13	Holly Lane Shared-Use Path	Donovan Road to Maple Lane Road	Add a shared-use path on the east side of the street	Long-term Phase 2
S14	Maple Lane-Thayer Shared-Use Path	Maple Lane Road to Thayer Road	Add a shared-use path on the east side of the Holly Lane extension between Maple Lane and Thayer.	Long-term
S15	Thayer-Loder Shared-Use Path	Thayer Road to Loder Road	Add a shared-use path on the east side of the Holly Lane extension between Thayer and Loder.	Long-term
S16	Loder-Timbersky Shared-Use Path	Loder Road to Timbersky Way	Add a shared-use path on the east side of the Holly Lane extension between Loder and Timbersky.	Long-term Phase 3
S17	Clairmont Drive Shared-Use Path Beavercreek Road to UGB	Beavercreek Road and the UGB	Add a shared-use path on the north side of the Clairmont Drive extension between.	Long-term Phase 3
S18	Loder Road Shared-Use Path	Glen Oak Road to Holly Lane Extension	Add a shared-use path on the south/east side of the Loder Road extension between Glen Oak Road and the Holly Lane extension.	Long-term
S19	Meyers Road Extension Shared-Use Path	Holly Lane Extension to UGB	Add a shared-use path on the north side of the Meyers Road extension between the Holly Lane extension and the UGB.	Long-term Phase 3
S20	Timbersky Extension Shared-Use Path	Pebble Beach Drive to Meadow Lane Extension	Add a shared-use path on the east side of Beavercreek Road and the north side of the Timbersky Way extension between Pebble Beach Drive and the Meadow Lane Extension Shared-use Path	Long-term Phase 3
S21	Meadow Lane Extension Shared-use Path	Old Acres Lane to UGB (north of Loder Road)	Add a shared-use path on the east side of the Meadow Lane extension from Meadow Lane to the Glen Oak Road extension. Between the Glen Oak Road extension and the UGB (north of Loder Road) the shared-use path will run along the west side of the ridge	Long-term Phase 3

Trail Design Standards

Shared Use Paths/Trails Under Power Lines

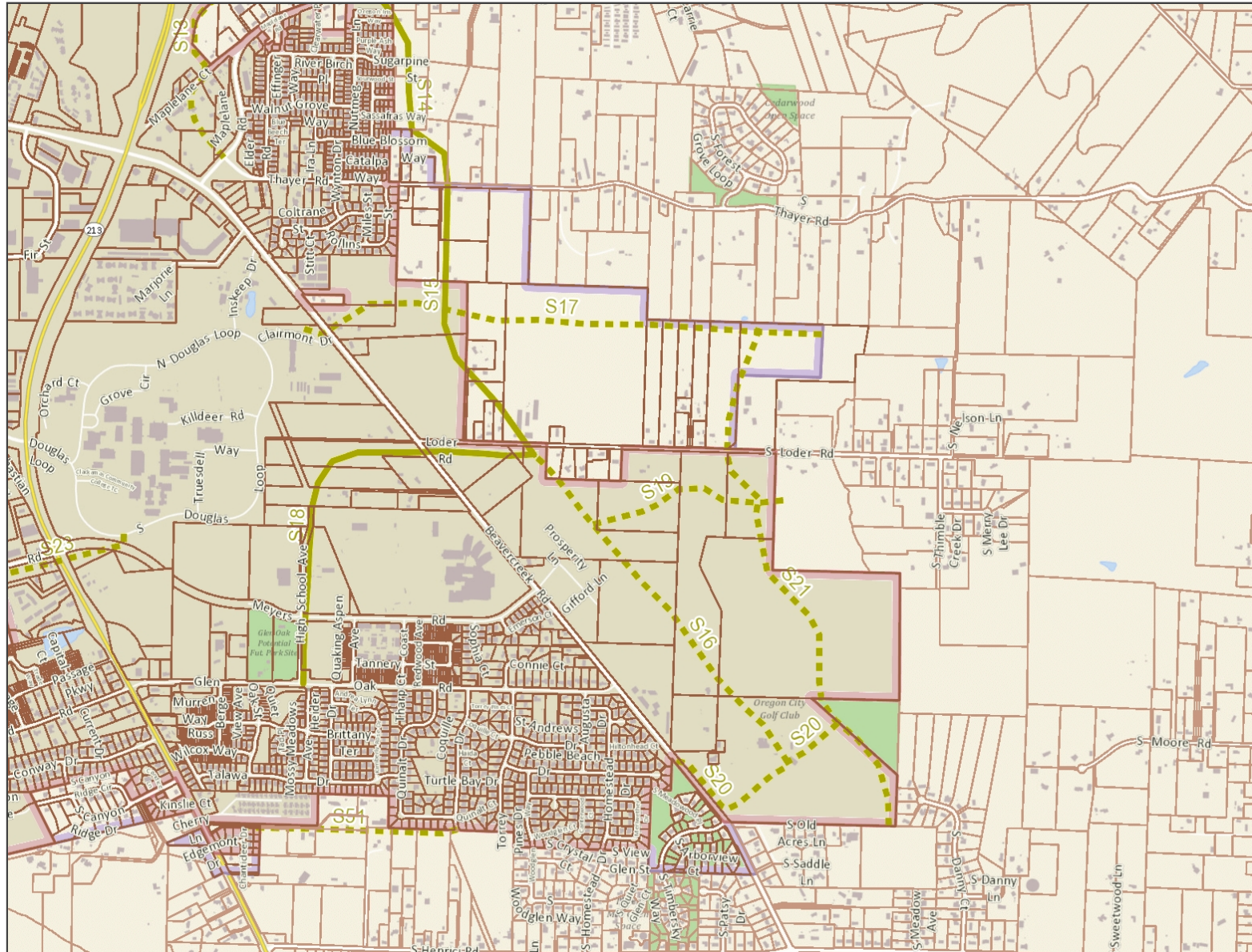
- 30-foot trail width easement or tract
- Ten-foot wide paved path

South-Central Open Space Shared Use Path:

As development may happen in phases, the approach for the linear oriented south-central open space park is through a pearl and string approach. The park peals may vary in size but are connected by a 30-foot-wide string which includes a minimum 12-foot wide shared-use path along the east side of Center Parkway as identified in the Transportation System Plan as S16 in lieu of the abutting sidewalk and planter strip.

Shared Use Paths Added to the Trails Master Plan

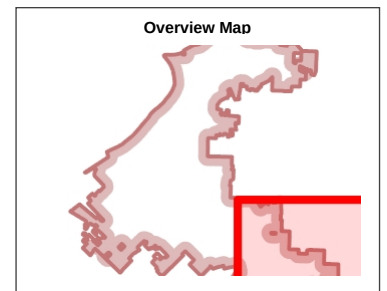
Item 7e.



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- TSP - Shared-Use Path Solutions
 - Likely to be funded
 - Not likely to be funded
- City Limits
- UGB
- Basemap

Notes



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.



0 1,600 3,200 Feet

1: 19,200

Map created 2/12/2020

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



Page 215

Amendment to the Parks Master Plan

The Thimble Creek Concept Plan prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope areas of Thimble Creek on the eastern edge of the district. The South-Central Open Space Network and East Ridge Low Impact Conservation Area through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by also requiring the dedication of easements at the time of development.

Each development within the Thimble Creek Concept Plan area that includes residential development must provide for land or fee in lieu for neighborhood parks and open space during a development application which meets the requirements of the plan. The acquisition code is not for the construction of these elements, only for the dedication of land and potentially some interim surface preparation and use. System Developments Fees would be used for the substantial construction of parkland acquired by this code. Modification to park elements or location are to be processed through a Type III Land use Review process to show that the modified elements meet or exceed the intent and vision of the Thimble Creek Concept Plan. The figures associated with each park space below are general locations, final park location shall be determined at time of development and parkland acquisition

South Central Open Space-Neighborhood Park

As development may happen in phases, the approach for the linear oriented south-central open space park is through a pearl and string approach. The park peals may vary in size but are connected by a 30-foot-wide string which includes a shared-use path. The park includes the following elements:

- 30-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
- Up to 4 pearls of various sizes spread along the open space network
- Min sizes pearl: 2 acres minimum.
- Maximum size pearl: none
- Min combined size of all pearls: 10 acres
- Min average width of each park pearl: 200 feet
- Min average depth of each park pearl: 200 feet
- At least 5 acres to be developed with active recreation components
- The first park pearl dedicated shall be at least 3 acres in size

East Ridge- Thimble Creek Conservation Area

The East Ridge is a beautiful edge to the site that should be planned as a publicly accessible amenity and protected resource area. The natural resource inventory identified important resources and opportunities for habitat restoration in the riparian areas of Thimble Creek. The park is identified

primarily as an open space area with space for habitat restoration, trails, viewpoints, educational and passive recreational opportunities. The park includes the following elements:

- Minimum of $\frac{1}{2}$ of area between the Thimble Creek stream buffer and the 490-foot elevation ridgeline to be open space.
- Two public viewpoints separated by at least 400 feet with a minimum size of .35 acre at less than 10% slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle.
- Minimum 700-foot non-interrupted view corridor along open space from east edge of Ridge Parkway.
- Provide a pedestrian-oriented forest trail from one viewpoint to another along the Ridge Parkway.

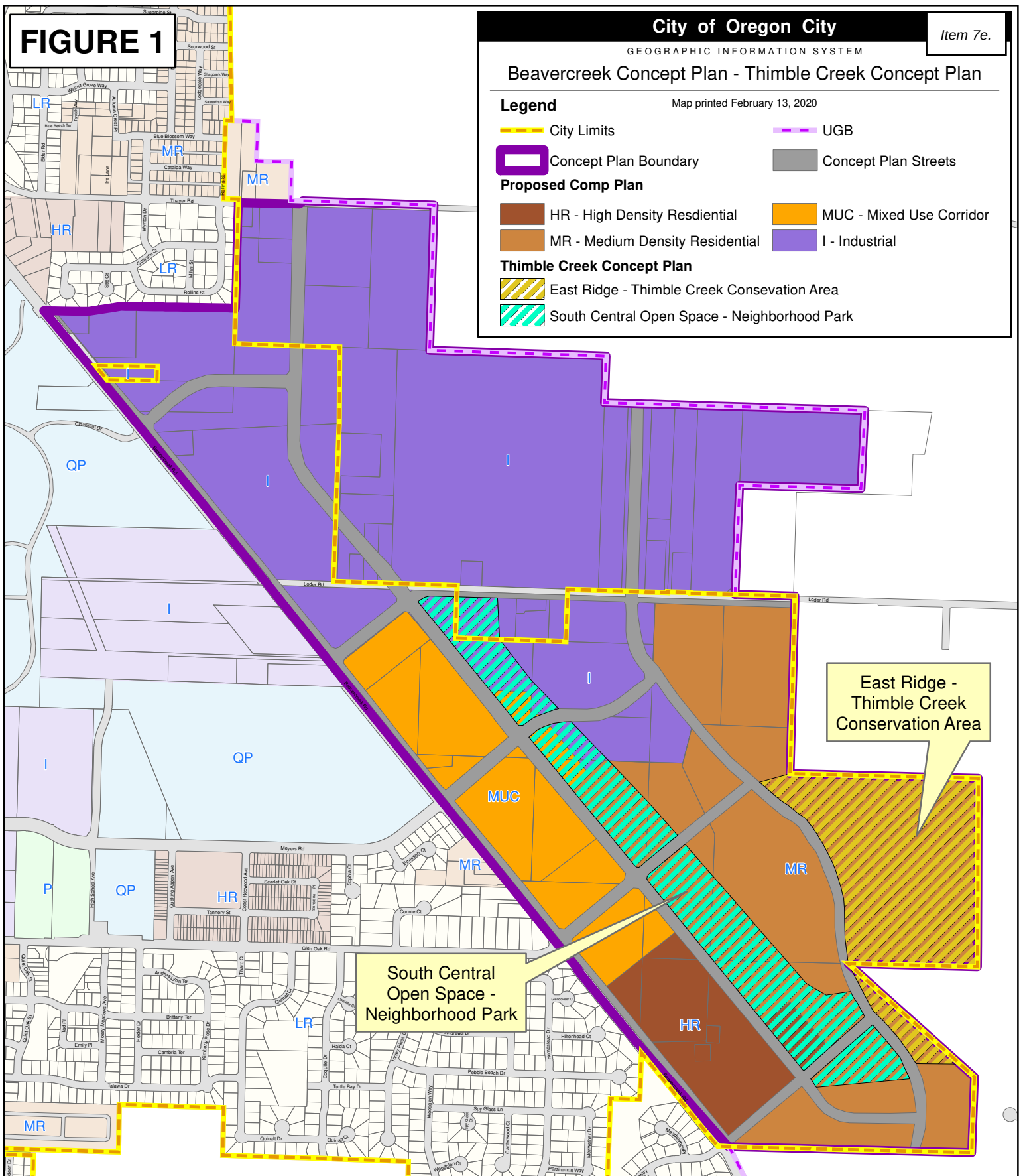
FIGURE 1

Beavercreek Concept Plan - Thimble Creek Concept Plan

Legend

Map printed February 13, 2020

- City Limits
- UGB
- Concept Plan Boundary
- Concept Plan Streets
- Proposed Comp Plan**
- HR - High Density Residential
- MUC - Mixed Use Corridor
- MR - Medium Density Residential
- I - Industrial
- Thimble Creek Concept Plan**
- East Ridge - Thimble Creek Conservation Area
- South Central Open Space - Neighborhood Park



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.



Beavercreek Road Concept Plan -
Thimble Creek Concept Plan

0 450 900 Feet

1 inch = 900 feet

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.orcity.org



Exhibit 1 - DRAFT

Transportation System Plan Project Amendments related to the Thimble Creek Concept Plan Adoption

Project Number	Project Name	Project Extent	Description	Priority	Cost Estimate	Likely to be Funded
D39	Beavercreek Road/Glen Oak Road Operational Enhancement	Beavercreek Road/Glen Oak Road	Install a roundabout traffic signal	Long Term Phase 2	\$505,000	No
D44	Beavercreek Road/Loder Road Extension Operational Enhancement	Beavercreek Road/Loder Road Extension	Install a roundabout traffic signal	Medium Term	\$500,000	Yes
D47	Meyers Road Extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road.	Medium Term	\$2,210,000	Yes
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long Term	\$1,235,000	Yes
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout traffic signal at Beavercreek Road (per project D39).	Long Term	\$2,705,000	Yes
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street,	Long Term	\$1,620,000	Yes

Exhibit 1 - DRAFT

Transportation System Plan Project Amendments related to the Thimble Creek Concept Plan Adoption

			with a shared-use path to be added on north side per project S20.			
D57	Holly Lane South Extension	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium Term	\$3,025,000	Yes
D58	Holly Lane South Extension	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium Term	\$4,390,000	Yes
D59	Holly Lane South Extension	Meyers Road to Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long Term	\$4,785,000	Yes
D60	Meadow Lane Extension	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long Term	\$4,930,000	Yes
D61	Meadow Lane Extension	Meyers Road to UGB (North of Loder)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector.	Medium Term	\$2,220,000	Yes
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section, <u>with a 5-lane cross section.</u>	Medium Term	\$1,350,000 <u>\$17,865,000*</u>	Yes <u>No</u>
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section, <u>with a 3-lane cross section.</u>	Long Term	\$1,745,000 <u>\$11,610,000*</u>	Yes <u>No</u>

Exhibit 1 - DRAFT

Transportation System Plan Project Amendments related to the Thimble Creek Concept Plan Adoption

W25	Loder Road Sidewalk Infill	Beavercreek Road to the Holly Lane Extension	Complete sidewalk gaps on north side of the street. A shared-use path will be added on south side per project S18.	Long Term Phase 2		No
W26	Loder Road Sidewalk Infill	Holly Lane Extension to the UGB	Complete sidewalk gaps on both sides of the street.	Long Term Phase 2		No
B23	Loder Road Bike Lanes	Beavercreek Road and the Holly Lane Extension	Add a bike lane to the north side of the street. A shared-use path will be added on south side per project S18.	Long Term Phase 2		No
B24	Loder Road Bike Lanes	Holly Lane Extension to the UGB	Add bike lanes to both sides of the street.	Long Term Phase 2		No
S16	Loder Road – Timbersky Way Shared Use Path	Loder Road to Timbersky Way	Add a shared-use path on the east side of the Holly Lane extension between Loder and Timbersky.	Long-Term Phase 3	\$846,000	No
S18	Loder Road Shared-Use Path	Glen Oak Road to Holly Lane Extension	Add a shared-use path on the south/east side of the Loder Road extension between Glen Oak Road and the Holly Lane extension.	Long Term	\$1,005,000	Yes
S19	Meyers Road Extension Shared-Use Path	Holly Lane Extension to UGB	Add a shared-use path on the north side of the Meyers Road extension between the Holly Lane extension and the UGB.	Long Term Phase 3	\$430,500	No
S20	Timbersky Extension Shared-Use Path	Pebble Beach Drive to Meadow Lane Extension	Add a shared-use path on the east side of Beavercreek Road and the north side of the Timbersky Way extension between Pebble Beach Drive and the Meadow Lane Extension Shared-use Path.	Long Term Phase 3	\$442,500	No
S21	Meadow Lane Extension Shared Use Path	Old Acres Lane to UGB (north of Loder)	Add a shared-use path on the east side of the Meadow Lane extension from Meadow Lane to the Glen Oak Road extension. Between the Glen Oak Road extension and the UGB (north of Loder Road) the shared-use path will run along the west side of the ridge.	Long Term Phase 4	\$1,180,500	No

Exhibit 1 - DRAFT

Transportation System Plan Project Amendments related to the Thimble Creek Concept Plan Adoption

The City is in the process of reviewing the street names within the Beavercreek Road Concept Plan through the City's Street Naming Policy in coordination with Emergency Services. Revisions to the street names may be needed and will be added before final adoption

If the city changes the name of Holly Lane South, we also need to change it on these in name only: D54, D57, D58, D59, W25, W26, B23, B24, S18, S19

If the city change the name of Meadow Lane, we also need to change it on these in name only: D47, D55, D56, D59, D60, S20, S21

*Revised cost estimate for Beavercreek Road includes full buildout of the 3 and 5-lane segments rather than the initial repaving/sidewalk construction calculation from 2013.



REPORT DATE: February 14, 2020

FILE NO.: Legislative File: LEG-19-00003

APPLICANT: City of Oregon City – Planning Division
698 Warner Parrott Rd, Oregon City, Oregon 97045

CONSULTANTS: 3J Consulting
Steve Faust, Principal

JET Planning
Elizabeth Decker, Principal

REVIEWERS: Christina Robertson-Gardiner, AICP Senior Planner
Laura Terway, AICP, Community Development Director
Carrie Richter, Asst. City Attorney

REQUEST: Amend the Comprehensive Plan Map, Zoning Map, Title 16 and 17 of the Oregon City Municipal Code, Beaver Creek Road Concept Plan, Parks Master Plan, Trails Master Plan and the Transportation System Plan to Implement the Goals and Policies of the Beaver Creek Road Concept Plan.

LOCATION: Beaver Creek Road Concept Plan

RECOMMENDATION: **Adoption of the proposed amendments.** See last page for full recommendation.

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 must 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.

2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

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).

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

EXECUTIVE SUMMARY:

The Beavercreek Road Concept Plan (BRCP) was initially adopted in 2008 and re-adopted in 2016. While approximately half of the district has been annexed to the City, mapping and zoning regulations need to be developed and applied for the annexed areas and the remainder of the district to fully implement the BRCP.

Public outreach in the spring of 2019, nine Planning Commission Hearings and two City Commission work sessions provided guidance on the recommended implementation items. This file proposes amendments to the Comprehensive Plan Map, Zoning Map, Title 16 and 17 of the Oregon City Municipal Code, Beavercreek Road Concept Plan, Parks Master Plan, Trails Master Plan and the Transportation System Plan to Implement the Goals and Policies of the Beavercreek Road Concept Plan.

I. INTRODUCTION

PROPOSAL

The Beavercreek Road Concept Plan (BRCP) establishes the goal of creating a complete and sustainable community in southeast Oregon City within a 453-acre district along Beavercreek Road. The district is intended to provide for a mix of uses including an employment campus north of Loder Road, mixed-use districts along Beavercreek Road, and two mixed-use neighborhoods woven together by open space, trails, a network of green streets, and sustainable development practices. District development is anticipated to provide 1,100 housing options and to realize the City's economic development goals, including creation of up to 5,000 family-wage jobs. The five subdistricts that support these development goals include:

- **North Employment Campus:** The largest subdistrict, located north of Loder Road and is intended for tech flex and campus industrial uses.
- **Mixed Employment Village:** Located along Beavercreek Road between Meyers Road and Glen Oak Road, and intended for mixed-use, 3-5 story building scale, active street life.
- **Main Street:** A node located Beavercreek Road and Glen Oak Road, intended for mixed-use, local shops and services.
- **West Mixed-Use Neighborhood:** Located along Beavercreek Road south of Glen Oak Road and the Main Street subdistrict and intended for medium to high-density housing and limited community uses.
- **East Mixed-Use Neighborhood:** Located in the southeast end of concept plan area and is intended for medium density residential and green space throughout.
- **Parks, Open Spaces and Resource Areas:** Includes a connected system of parks, open spaces and natural areas that link together and link to the environmentally sensitive areas throughout the district, including the undevelopable portion of the powerline overlay.

The Beavercreek Road Concept Plan was initially adopted in 2008 and re-adopted in 2016, following legal and legislative findings that affirmed the plan's consistency with Metro regional employment goals. (See File No. LE-15-0003.) While approximately half of the district has been annexed to the City, mapping and zoning regulations need to be developed and applied for the annexed areas and the remainder of the district to fully implement the BRCP.

Note: the Beavercreek Road Concept Plan will be renamed Thimble Creek Concept Plan as part of the Zoning and Code Amendments process. The previously adopted name was geographically confusing, given the length of Beavercreek Road and the nearby location of the Hamlet of Beavercreek. Thimble Creek is located to the east of the Concept Plan area and flows north before it empties into Abernethy Creek. City documents that refer to the Beavercreek Road Concept Plan should now refer to the revised name: Thimble Creek Concept Plan when opportunities arise to update each document. For the sake of consistency, for the remainder of the staff report, the subject area will be referenced by the current adopted name: Beavercreek Road Concept Plan. Once the code amendments are approved, the Concept Plan will be referenced by with its new name: Thimble Creek Concept Plan.

I.b. IMPLEMENTATION PROJECT SUMMARY

Oregon City aims to further implementation of the Beavercreek Road Concept Plan (BRCP) through comprehensive plan designation and zone mapping, and development code amendments. The specific tasks for this project will be to develop comprehensive plan map and zoning map designations to implement the Beavercreek Road Concept Plan map and supporting development code regulations for each implementing zone. The existing Concept Plan map was the guide for mapping implementation. Existing city zoning, bolstered by recent Equitable Housing code amendments, generally lines up with the desired land use concepts within the plan and will facilitate implementation with minor amendments. Additional plan goals beyond land-use implementation are outside the scope of this project, including infrastructure, transportation and economic development measures that have already been completed or planned for the concept plan area. Additional items will be pursued separately from this land-use implementation project.

The implementation project includes map and text amendments consistent with BRCP including:

1. *Comprehensive plan map amendments:* Proposed amendments to the comprehensive plan map implement the five subdistricts identified in the BRCP consistent with the concept plan maps throughout the concept plan area.
2. *Zoning map amendments:* Proposed amendments to the zoning map implement the five subdistricts consistent with the concept plan and comprehensive plan designations for properties within the concept plan area that have been annexed into the city limits. Zoning for remaining properties will be applied at the time of annexation, consistent with the adopted comprehensive plan map.
3. *Zoning text amendments:* Code amendments to the Oregon City Municipal Code include geographically specific provisions to supplement the base zoning district provisions to fully implement the concept plan goals for each subdistrict. Limited amendments to subdivision and site plan review standards are also proposed to ensure concept plan standards are implemented at the time of development.
4. *Ancillary documents to the Comprehensive Plan:* Ancillary documents that need to be amended to implement the vision of the adopted Concept Plan based on direction from the Planning and City Commissions.

Beavercreek Road Concept Plan

- Amend text to no longer require implementation through the Master Plan process
- Place a note on the front page of the concept plan to refer to its new name: Thimble Creek Concept Plan
- General support for speed reduction efforts on non-arterial streets in the plan area
- Revise Beavercreek Road cross-section per City Commission direction
- Allow wider/safer bike lanes on Collector Streets
- Evaluate specific Collector Street segments at time of development review to verify if development will create sufficient traffic volumes for the designation and design, especially when abutting single-family residential development.

Parks Master Plan

- Include the South-Central Open Space and East Ridge- Thimble Creek Conservation Areas

Trails Master Plan

- Include all trails and shared-use paths identified in concept plan and Transportation System Plan

Transportation System Plan

- Revise Beaver Creek Road cross-section and budget, as needed
- Revise any future street names not meeting current street naming policy

The BRCP subdistricts are proposed to be implemented with existing city comprehensive plan designations and zoning districts for proposed maps, with proposed code amendments building on existing district standards.

<i>Subdistrict</i>	<i>Comprehensive plan designation</i>	<i>Zone</i>
North Employment Campus	Industrial (I)	Campus Industrial (CI)
Mixed Employment Village	Mixed-Use Corridor (MUC)	Mixed-Use Corridor (MUC-2)
Main Street	Mixed-Use Corridor (MUC)	Neighborhood Commercial (NC)
West Mixed-Use Neighborhood	High-Density Residential (HDR)	High-Density Residential (R-2)
East Mixed-Use Neighborhood	Medium-Density Residential (MDR)	Medium-Density Residential (R-5)
Environmentally Sensitive Restoration Area		Natural Resources Overlay District (NROD) Geological Hazard Overlay District (GHOD)

II.b. SUMMARY OF ZONING TEXT AMENDMENTS

The proposed code amendments specific to each subdistrict are described below, and supplement rather than supplant the base zone standards. The proposed redline code can be found as an exhibit to this staff report.

OCMC 16.08, Land Divisions – Process and Standards

- Proposed code amendments include additional public park requirements or fee-in-lieu option to ensure land for the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area are reserved and dedicated to the city at the time of residential subdivisions. This is expected to largely apply to development in the R-5 district.

OCMC 17.04, Definitions

- Cross-reference definition for Beaver Creek Road Concept Plan and Thimble Creek Concept Plan

OCMC 17.10, R-5 Medium Density Residential District (East Mixed-Use Neighborhood subdistrict)

- No changes are proposed to the mix of uses or dimensional standards in the zone beyond those proposed in the Equitable Housing code amendments.
- Standards for the Low-Impact Conservation Area implement the plan goals for the area upslope of Thimble Creek, on the eastern edge of the Beavercreek Road district. The proposed standards limit development to two units per acre, require open space preservation and restoration, and require view corridors to preserve views.
- A 40-foot perimeter buffer is proposed along the southern edge of the district including landscaping, setbacks and fencing, to manage the transition to lower-density residential development outside City limits along Old Acres Lane to the south.

OCMC 17.12, R-2 High-Density Residential District (West Mixed-Use Neighborhood subdistrict)

- Allows additional uses consistent with the Concept Plan include live/work dwellings and limited commercial/mixed-use spaces.
- Provides up to a 20% density bonus for development incorporating sustainability features.
- Additional changes in 17.62 add requirement for additional public park dedication or fee-in-lieu, consistent with requirement for new subdivisions.

OCMC 17.24, NC Neighborhood Commercial District (Main Street subdistrict)

- Limits uses to a 10,000 SF building footprint to encourage pedestrian-scale, main street businesses. Limits residential uses to 50% of the project floor area and prohibits ground-floor residential uses within 150 feet of Glen Oak Road (which will be the “main street.”) Adds a new use category for artisan and specialty goods production to allow limited manufacturing type uses.
- Increase dimensional standards to match scale proposed in the Concept Plan, including a five-story height limit and 0.5 FAR minimum.
- Improves building presence and interaction along the street by requiring parking to be located behind building facades.

OCMC 17.29, MUC Mixed-Use Corridor District (Mixed Employment Village subdistrict)

- Light industrial uses are permitted to implement the employment aspect of the vision for this subdistrict. Retail and service uses, including food service, are limited to 20% of a site to maintain the focus on employment uses generating family-wage jobs. Residential uses are limited to upper stories only.
- One parcel with an in-progress residential development is permitted outright, to avoid creating a nonconforming use.
- An additional dimensional standard implements a minimum 0.35 FAR for new development to ensure efficient use of land.

OCMC 17.31, CI Campus Industrial District (North Employment Campus subdistrict)

- Retail and professional service uses are limited consistent with Metro Title 4 requirements to preserve land for industrial uses. Offices are permitted consistent with uses outlined in the

Concept Plan, whereas distribution and warehouse uses are prohibited because they create relatively few jobs per acre inconsistent with the plan goals.

- Several parcels with existing single-family residential development are permitted outright, to avoid creating nonconforming uses. (These parcels are outside of Title 4 lands, so there is no conflict with employment requirements.)
- Additional standards require landscaping, berms and fences within the required 25-foot transition area between industrial and residential uses.
- Outdoor storage is limited to a maximum of 25% of the developable area to avoid inefficient use of land that does not support employment plan goals.
- A minimum 30-foot open space and trail corridor is required along the powerline corridor. Additional parks, trails, urban agriculture and community garden uses are permitted consistent with the plan goals for uses within the powerline easement.
- Sustainable development features are required for all development to implement the plan's sustainability goals.

OCMC 17.44, US – Geologic Hazards and OCMC 17.49 – Natural Resources Overlay District

- No changes are proposed to the geologic hazard or NROD standards for this district; resource areas within the concept plan area will be protected consistent with existing standards.

OCMC 17.54.120 -Home Occupations/Cottage Industry- Thimble Creek Concept Plan Area

- Home occupations and Cottage Industries within the Concept Plan Area are encouraged and allowed an expanded level of uses to support job creation in Oregon City.

OCMC 17.62, Site Plan and Design Review

Proposed code amendments include additional public park requirements or fee-in-lieu option to ensure land for the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area is reserved and dedicated to the city at the time of residential subdivisions. This is intended to apply to any residential development in the R-2, employment or the mixed-use districts that does not get developed through subdivision.

Planning Commission Hearings

The Planning Commission reviewed the zoning and code amendments for the Beaver Creek Road Concept Plan (BRCP) over multiple meetings during fall and winter of 2019/2020. Each meeting was broken into 2-3 topics to allow the Planning Commission, staff, and the public time to focus their energies. Planning Commission comments and direction, as well as public comments, were tracked throughout the hearings, and topics were added to future meetings if new items were identified or had not been resolved.

Project Schedule

Hearings

August 12, 2019 PC Meeting Background on Project, Open Record

August 26, 2019 PC Meeting: Introduce Tracking Matrices, An Overview Of 8.13.19 City Commission Work Session, Identify Future Topics /Calendar

September 9, 2019 PC Meeting: Beaver Creek Zones & Maps, Home Occupation

September 23, 2019 PC Meeting: Master Planning Requirement, Upland Habitat, Geologic Hazards

October 14, 2019 PC Meeting: Parks, Renaming Concept Plan, Home Occupation/Cottage Industry

November 18, 2019 PC Meeting: Parks Home Occupation/Cottage Industry

November 25, 2019 PC Meeting: Transportation Roadway Width, Roundabout, Holly Lane, Local Street Speed)

January 13, 2020 PC Meeting: Tentative Planning Commission Recommendation (Parks, Upland Habitat, Home Occupation/Cottage Industry)

February 10, 2020 PC Meeting: Collector Street Width

Other Meetings

August 29, 2019 Parks and Recreation Advisory Committee (PRAC): Initial Presentation

October 9, 2019 Natural Resource Committee: Upland Habitat

November 12, 2019 City Commission Beaver Creek Road Design Work Session

November 13, 2019 Natural Resource Committee: Upland Habitat

January 21, 2020- Transportation Advisory Committee (TAC): Protected and Buffered Bike Lanes

January 23, 2020 Parks and Recreation Advisory Committee (PRAC): Recommendation to The Planning Commission

Public Surveys (Project Eblast, City Social Media)

October 2019 Enhanced Home Occupation: Cottage Industry Standards

October 2019 Additional Public Outreach on Transportation Questions

February 2020 Collector Street Width

Summary of Planning Commission Direction on Items Discussed During the Hearings Process.

Bike Lanes on Collector Streets

February 10, 2020 Planning Commission Hearing

At the January 13, 2020 Planning Commission meeting, the Planning Commission directed staff to review the adopted street sections in the Beaver Creek Road Concept Plan to see if the proposed bike infrastructure meets the goals of a green bikeable neighborhood.

The three main ways that people will travel through the neighborhood on bikes are:

1. Local Streets: Typical neighborhood streets where bikes share the travel lanes with cars. In the concept plan area, the recommendation is to reduce the speed limit to 20 mph.
2. Shared Use Path: A wide path, separated from traffic, is proposed along the linear park on the east side of Center Parkway. The path would be wide to allow comfortable bike travel.
3. Collector Streets: There are a few higher traffic volume streets in the concept plan boundary which include bike lanes.

The adopted bike lane width for collector streets in the Concept Plan (below) area appears to include a 5-foot wide bike lane. This was a standard dimension in 2006 when the plan was designed, but best practices today recommend a wider bike lane for more comfortable and safer experience. This would

require the need for additional land to be devoted to the street or a reduction in something else planned within the street (like landscaping or sidewalk) to maintain the adopted street width.

The adopted collector street in the concept plan includes:

- 5-foot sidewalk (both sides of the street)
- 7.5-foot wide planter strip (both sides of the street)
- On-street parking (both sides of the street)
- 5-foot wide bike lane (both sides of the street)
- vehicle travel lane (one in each direction)
- 10-foot-wide landscaped center median

The center medium and the planter strip between the sidewalk and the street are the areas which could potentially be reduced in order to allow for more space to be dedicated to safer bike travel. Best practices call for protected or buffered bike lanes. Protected Bike Lanes are defined as a bike lane with vertical elements that separate the bicyclist from the vehicular travel lane (this could be a planter, a curb or parked car). Buffered Bikes Lanes provide more of a painted buffer between the bike lane and the travel lane/parked cars.

Either option has maintenance and construction considerations, and both can be installed over time in the concept plan area. Protected bike lanes generally need a minimum of 8 feet (5-foot travel lane and 3-foot buffer/vertical element) and buffered bike lanes need 9.5 feet (5-foot bike lane and a 3 foot and 1.5-foot buffer area to account for open doors of parked cars).The exact design does not need to be decided now, both approaches can move forward as bike lane options. What does need to be decided now is if the street needs to be wider or if we should fit the solution within the previously adopted street width.

Wider roads can be more expensive to build and maintain, can be more challenging to cross, and can reduce the neighborhood feel of a place. Conversely, tree canopy both in wider planter strips and planted mediums provides shade and cools the streets for stormwater that flow into streams. Bigger trees over time also improve property values and help create a sense of community. A survey was sent out to eblast contact list and shared on Oregon city's social media. The survey closes Monday, February 10, 2020 and the final results were shared with the Planning Commission Hearing that evening.

Planning Commission: The need for increased bike safety, green infrastructure and neighborhood identity should be a balanced approach in the final street design of the area. Therefore, in lieu of adding additional Right of Way to collector streets to account for the need for wider protected or buffered bike lanes and potentially impact the neighborhood feel of the area, other elements should be reduced or removed to accommodate wider bike lanes within the adopted ROW.

Home Occupation/Cottage Manufacturing

September 9th, September 23rd, November 18th Planning Commission Hearings

As part of the 2016 re-adoption of the plan, the City Commission recommended that as during the process to create implementing code and zoning for the BRCP, staff should further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas. This item was discussed during the two open houses at Oregon City High School and through an online survey in the fall of 2019. The Planning Commission provided staff

clear direction that they supported expanded opportunities for home-based businesses within the concept plan area. Staff worked with the Planning Commission on options creating new opportunities for home-based business in Oregon City. At the November 18, 2019 Meeting, staff received direction on commercial vehicles and hours of operation for employees and sales and type of sales onsite at the November 18, 2019 Planning Commission Meeting. Those changes are reflected in the revised code attached to the January 13, 2020 agenda packet.

Planning Commission: Planning Commission directed staff to create specific cottage industry home occupation business license criteria to implement the Beavercreek Road Concept Plan vision to encourage job creation in the concept plan area.

Upland Habitat regulation under OCMC 17.49 Natural Resource Overlay District (NROD).

September 23, 2019 Planning Commission Hearing

Staff has reviewed the 2008 Beavercreek Road Site Inventory Map and has identified some small areas that are not currently regulated under OCMC 17.49- Natural Resources Overlay District or OCMC 17.44 Geologic Hazards. Staff has determined that a sufficient amount of land identified as habitat is being protected through the city's existing code to show substantial compliance with the goals and policies of the Beavercreek Road Concept Plan. Additional regulation could be adopted to address these areas but, staff believes, would not be required.

Staff presented this analysis to the Natural Resource Committee on October 9, 2019 and November 13, 2019. The Natural Resource Committee submitted a letter with a keyed map into the record requesting the Planning Commission create code to regulate and protect upland habitat areas 3 and 4 as they are of specific interest to the committee and are contiguous to large habitat areas. They support additional protection in Area 2 in locations that abut the identified and protected stream. Area 1 merits additional protection if analysis can show enough tree area located outside of the Natural Resource Overlay District exists. Staff looked for further direction from the Planning Commission on this issue. If the Planning Commission supported additional regulation, staff recommended adding code to either OCMC Chapter 17.49 Natural Resource Overlay District or OCMC 17.41 Tree Protection, Preservation, Removal and Replanting Standards and return at a future meeting with proposed code.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 2019 Planning Commission Meeting and discussed the NRC's recommendation at the January 13, 2019 Planning Commission Meeting. After further deliberation, the Planning Commission retained their initial direction to staff to not pursue additional code amendments for Upland Habitat.

Parks Acquisition Code Amendments

October 14, 2019, November 18, 2019, January 13, 2020 Planning Commission Hearings

The BRCP prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope areas of Thimble Creek on the eastern edge of the district. The proposed code amendments will create the South-Central Open Space Network and Low Impact Conservation Area through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by also requiring the dedication of easements at the time of development. This code is not for the construction of these elements, only for the dedication of land and potentially some interim surface preparation and use. System Developments Fees would be used for the substantial construction of parkland acquired by this code.

Staff met with the Parks and Rec Advisory Committee (PRAC) on August 29, 2019 and September 26, 2019 to discuss the two park concepts. PRAC was supportive of the approach and requested that staff return at a later date with draft park details for the committee to review and make their formal recommendation to the Planning Commission. Staff is working with Don Robertson, Interim Community Services Manager, to get on the next PRAC agenda. In the interim period, staff worked with previous Community Services Manager Phil Lewis on creating minimum and maximum park dimensions, which will be available for Planning Commission review at the January 213, 2020 Planning Commission Meeting.

Planning staff also reviewed the South-Central Open Space-Neighborhood Park dedication formula for residential development created this summer and found that the formula was not correctly or proportionately allocating dedication based on the number of dwelling units. The original formula was $2.6 \text{ persons per dwelling units} \times (\text{total number of dwelling units proposed in the development}) \times (8 \text{ acres}) / (1,000 \text{ persons})$. This would require a 10.4-acre dedication for a 400 lot/dwelling unit development application. If the goal is a formula that requires all development to contribute proportionally to the proposed impacts of their development, the original calculation would not be considered proportional.

The Beavercreek Road Concept Plan anticipates 1100 new dwelling units. This means that the first large development application would be required to site and dedicate the full South-Central Open Space-Neighborhood Park. Based on the proposed minimum park size of 10 acres and the projected residential zoning for 1100 dwelling units, staff recommends a more proportional formula of $2.6 \text{ persons per dwelling units} \times (\text{total number of dwelling units proposed in the development}) \times (4 \text{ acres}) / (1,000 \text{ persons})$. This would require the same 400 dwelling unit development proposal to dedicate 4.2 acres.

Finally, staff heard from the Planning Commission that nonresidential development should also contribute to the acquisition and interim development of parks spaces above and beyond the required Parks SDCs. Staff recommends that this fee should be set for 1,000 dollars per each new 5,000 square feet of non-residential development. A new 50,000 square foot Industrial building would be required to pay \$10,000.

Planning staff presented these proposed changes to the Parks and Rec Advisory Committee on January 23, 2020. PRAC supported the amendments with three suggested minor revisions 1. Remove the minimum number of park pearls. 2. Require the first platted park pearl to be a minimum of 3 acres 3. Ensure at least one of the viewpoints of the conservation area to be viewable from a vehicle. These changes have been incorporated into the final revised code attached to the February 10, 2020 agenda. **Planning Commission recommendation:** Approve proposed revised parks acquisition language and recommends that both parks be added to the Parks Master Plan and the proposed Trail System be added to the Transportation System Plan (TSP) and Trails Master Plan as needed. Planning Commission supported the proposed code approved the PRAC.

Setbacks Differentiation Between the Northern Concept Plan Boundary and the Southern Concept Plan Boundary.

September 9, 2019 Planning Commission Hearing

The northern boundary is zoned CI and has buffering requirements for residential properties. The purpose of the zoning language is to provide a visual buffer for residential uses while maximizing the

development area for campus industrial properties. The additional buffer requirements found in the Beaver Creek CI zone allow for a smaller setback than the residential buffer to the south. The exchange for quality of the buffer over quantity is often applied in non-residential zones as the landscaping installation and maintenance are easier to enforce than with a single-family residence. Moreover, the Campus Industrial Zone is envisioned to attract businesses that contain their uses inside buildings. The off-hour impact would also be substantially less compared to a single-family residence. The southern concept plan boundary along Old Acres Lane is will be zoned R-5 and has the following proposed code language. The purpose of the increased setback of 40 feet is to protect the existing grove of trees at the southern property line. Staff identified two additional revisions for clarification purposes.

Planning Commission Recommendation: Revise 17.37.040 -Dimensional standards to account for the following items in the southern buffering requirements.

- Timbersky/Beaver Creek intersection. There may be a connection to Beaver Creek Road at the Timbersky intersection that could be a right in/right out approach; therefore, a road may need to be allowed within the 20 feet of the southern boundary
- The addition of the clarification for the 40-foot setback at the southern boundary to primary structures indicates that accessory structures would be allowed in the 40-foot setback.

The Planning Commission did not provide any additional code amendment for the northern buffering requirements.

Definition of Warehousing

September 9, 2019 Planning Commission Hearing

Distribution/warehousing is prohibited in the Beaver Creek Road Concept Plan CI zone. There was some concern that ancillary warehousing and distribution would not be allowed. Oregon City views the storage and distribution of materials that are constructed or assembled onsite to be part of the permitted use. No changes to the code are recommended.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments.

Map Change Request

September 9, 2019 Planning Commission Hearing

At the August 12, 2019 Planning Commission Hearing, Paul Edgar requested that the Planning Commission work with Metro to revise the Title 4 Industrial maps to remove a CI zoned parcel owned by Terry Emmert (identified by a red star on the map below) to allow construction of housing for homeless veterans onsite. Portions of the CI area in the BRCP are identified as Title 4 Industrial areas. Any change to the title 4 Map must be adopted by Metro and would need to be completed before the Code amendments are adopted by the City to remain consistent with Title 4.

Planning Commission Recommendation: Planning Commission did not recommend any revisions to the proposed zoning map.

Geologic Hazards

September 23, 2019 Planning Commission Hearing

At the request of the Planning Commission, Josh Wheeler, Assistant City Engineer, provided a presentation on the Geologic Hazards Overlay District. Northwest Clackamas County is more susceptible to landslides than many other locations in the Portland-Metro area. Slides are commonly triggered by heavy rain, rapid snowmelt, earthquakes, grading/removing material from the bottom of the slope or

adding loads to the top of the slope, or concentrating water onto a slope (for example, from landscape irrigation, roof downspouts, or broken water/sewer lines). Slides generally occur on moderate to steep slopes, especially in weak soil.

The City of Oregon City has a digital mapping program; once there, you can access the City's GIS mapping program, OCWebMaps, which includes Oregon City and outlying areas. Oregon City regulates and limits tree removal, grading, and development in areas with steep slopes or historic landslides; more information can be found in Chapter 17.44 of the Oregon City Municipal Code.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments.

Master Planning Requirement- Clear and Objective Standards for Housing

September 23, 2019 Planning Commission Hearing

Senate Bill 1051, passed in 2017, requires jurisdictions to provide clear and objective standards for housing. Clear and objective standards are metric based and rely on analysis using measurable standards such as height, setback, material selection, window transparency, and other architectural features that can be measured. The 2008 Beavercreek Concept Plan looked at implementation through a more subjective Master Plan process that requires applicants to show how their proposed development is consistent with the adopted plan. This would occur through a Type III Master Plan application reviewed by the Planning Commission at a public hearing. The proposed Beavercreek Road Concept Plan code amendment package was written to be clear and objective to show consistency and compliance with SP 1051. The other way to address compliance with SB 1051 will be to amend the Beavercreek Road Concept Plan and remove the master planning requirement from the text

Planning Commission recommendation: Planning Commission recommends amending the Beavercreek Road Concept Plan text to no longer require implementation through the Master Plan process.

Concept Plan Renaming

October 14, 2019 Planning Commission Hearing

One issue that came up over and over again in public outreach conversations and public comments in 2019 was a concern that the name of the concept plan area was geographically confusing and was being confused with the Hamlet of Beavercreek. One way to lessen this concern is to potentially begin referring to the area with a new name as part of the code amendment project. Ideally, the new name should not be geographically confusing. Additional names provided during the public outreach during the spring of 2019 were: Thimble Creek, East Caufield, Loder Road, SE Industrial (Oregon City), Two Creeks, and Thayer Greens. Most of the property is on the Andrew Hood Donation Land Claim. Until the golf course was built, the area was mainly farm fields for people who lived at Maple Lane or lived in the city and kept farms nearby. When the golf course was established, the newspaper reported it going in at "Maple Lane." A survey map for "Skypark" which was the airfield was identified west of the golf course. Google maps show it today as Fairways Airfield. None of the references above create a unique geographic name. As Thimble Creek runs through the site, is not very long and empties into Abernethy Creek soon after it leaves the site, staff found it to be the best alternative name option.

Planning Commission Recommendation: The Planning Commission felt that a renaming of the plan name was warranted and directed staff to ensure that the needed text revisions to rename the plan as the Thimble Creek concept Plan are included in the final Legislative package adopted by the City Commission.

Beavercreek Road Concept Plan- Transportation Analysis

November 25, 2019 Planning Commission Hearing

The Beavercreek Road Zone and Code Amendments project will also rezone properties located within the city limits and Concept Plan boundary. An approval criterion for rezoning property is a facilities analysis. For the transportation system, this is usually done by completing a Transportation Analysis (TA). It was reviewed by John Replinger, the city's contract Transportation Engineer. Once properties are rezoned, additional project-specific analysis will occur during any future development review onsite and specific and proportional conditions of approval for transportation system upgrades, such as abutting street improvements or signal installations will be required as part of a development's approval.

The focus of the analysis was to demonstrate that the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the Beavercreek Road Concept Plan. Mr. Replinger found that the proposal provides an adequate basis upon which the impacts of the development can be assessed. The TA provides documentation that the key intersections will meet adopted mobility standards and that the proposed changes comply with the TPR. He also concurs with DKS's findings that all study area intersections meet operational standards regardless of whether Holly Lane was included or excluded in the system and that Beavercreek Road would meet mobility standards with the 3-lane configuration specified in the TSP. Additionally, the mobility standards would also be met if Beavercreek Road were to widened to five lanes in sections where three lanes had been specified.

Planning Commission Recommendation: The Planning Commission did not request any additional information on the transportation analysis and concurred with staff's transportation analysis findings.

Speed Zones within the Concept Plan

November 25, 2019 Planning Commission Hearing

At the request of the Planning Commission, staff presented information on new legislation that allows the city to set lower speed limits on local roads. Senate Bill 558-Allows all cities and counties the authority to establish, by ordinance, a designated speed for a right of ways under their jurisdiction. The measure specifies that the designated speed must be five miles per hour slower than the statutory speed, the road is located in a residential district and not an arterial street, and that the city provides appropriate signage of the designated speed. Senate Bill 558 passed the Legislature and was signed by the Governor on June 27, 2019. It goes into effect on January 1, 2020. If the Planning Commission wishes to pursue 20 miles per hour signage on local residential streets in the Beavercreek Road Concept Plan boundary and the Glen Oak Commercial Main Street, they should include it in the formal recommendation to the City Commission. Implementation would occur at the time of road construction. The City Commission could adopt the support for reduced speeds in the implementing Ordinance or adopt a separate resolution at the time of code adoption.

Planning Commission Recommendation: The Planning Commission found that the Concept Plan envisions strong pedestrian and bike connections to adjacent jobs centers and Clackamas Community College/Oregon City High School; and as the area will be built as a brand new neighborhood, this area would benefit as a test case for reduced vehicular speeds limits on local streets.

Beavercreek Road Design

November 25, 2019 Planning Commission Hearing

At the November 12, 2019 City Commission Work session, staff presented additional information on potential design options for Beavercreek Road and looked for broad direction from the City Commission. Staff also shared the results of the Public Survey. The purpose for holding the City Commission work session during the Planning Commission Hearings process is to provide the City Commission the ability to provide their initial direction on the design of Beavercreek Road, which allows the Planning Commission an opportunity to review the recommendation and provide comments to the City Commission on this topic as the full code amendment package moves forward to City Commission Hearings. If the Planning Commission has a different recommendation than the City Commission on the following questions, its c be included in the formal recommendation to the City Commission. The City Commission provided direction on the following questions:

How many lanes should Beavercreek Road be within the Concept Plan corridor? A transitional section extending the existing 5-lane section near Maple Lane and transitioning to a 3-lane section after the Meyers Road intersection.

What type of intersections should Beavercreek Road have within the Concept Plan corridor? Traffic signals

Should the City renegotiate with ODOT to revise the Alternate Mobility Standard by removing Holly Lane connection projects from the Transportation System Plan (TSP)? No

Should Beavercreek Road along the Concept Plan corridor be constructed by developers incrementally as development is built or pursued as a capital improvement project all at once? The city should investigate if a city-lead capital improvement project is feasible. Staff should return to a future meeting to review funding opportunities.

Planning Commission Recommendation: The Planning Commission concurred with City Commission's direction on the design for Beavercreek Road.

II.E. SUMMARY OF PUBLIC OUTREACH

The BRCP implementation project engaged a range of stakeholders in multiple venues and formats over eight months prior to the commencement of Planning Commission Hearing, with each successive round of engagement used to inform project refinements in subsequent phases.

An introductory letter was sent in December 2018 to all property owners located in or within 300 feet of the Concept Plan boundary.

The first round of engagement consisted of four stakeholder interviews with property owners, economic development representatives, and local educational institutions to understand current conditions and priorities for the implementation project. This initial round also included three presentations to the following community groups to update them on the status of the BRCP concept plan and hear their priorities for the implementation process:

- Caulfield Neighborhood Association- January 22, 2019
- The Hamlet of Beavercreek- January 23, 2019
- Beavercreek Blue Ribbon Committee- January 17, 2019

Three public meetings were held at the Oregon City High School, near the concept plan area, and at City Hall during the project to provide information and discussion opportunities on the evolving maps and code amendments:

- Tuesday, January 29, 2019- Oregon City High School Library- 7:00-8:30 PM
- Tuesday, April 9, 2019- Oregon City High School Library- 7:00-8:30 PM
- Monday, June 10, 2019- City Hall Commission Chambers - 5:00-7:00 PM

For all meetings, materials were also available online including comment forms to allow community members to participate virtually if they were not able to attend the meetings in person.

Additional presentations were held at the following City meetings to detail the implementation project elements:

- Citizen Involvement Committee- January 7, 2019
- Transportation Advisory Committee- March 19, 2019
- Parks and Recreation Advisory Committee- April 25, 2019
- Beavercreek Blue Ribbon Committee- July 17, 2019

The proposed map and code amendments were discussed at the two work sessions this spring:

- Planning Commission Work Session- May 13, 2019
- City Commission Work Session- June 11, 2019

Throughout the project, ongoing methods used to engage citizens in the process have included:

- Project website with regular updates (<https://www.orcity.org/Beavercreekconceptplan>)
- Email updates announcing upcoming meetings and events
- Email List (more than 180 contacts)
- Public comment tracker, compiling feedback from all engagements with responses from staff, updated throughout the project-
- Online comment forms
- Naming survey for renaming the concept plan area
- Notice board posted within the concept plan area

The Legislative fill (LEG 19-0003) was formally noticed to all property owners located in or within 300 feet of the Concept Plan boundary in July 2019 and the project was added to the Development Projects page of the city website. <https://www.orcity.org/planning/project/leg-19-00003>

A new Public Comment Tracker Matrix was utilized for the public hearings portion of the project and will track comments/ issues, staff recommendation and Planning/City Commission direction. It is attached as an exhibit to the staff report.

III. DECISION-MAKING CRITERIA:

The remainder of this report details compliance of the proposed code amendments with the applicable state, regional and local requirements.

Oregon City Comprehensive Plan

Comprehensive Plan

Beavercreek Road Concept Plan- Ancillary Document to Comprehensive Plan – Adopted 2008/2016

Parks Master Plan

Trail Master Plan

Transportation System Plan

Considerations

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 by regional, state and federal governmental agencies.*

Most of the 453-acre site along Beavercreek Road was added to the regional urban growth boundary by Metro in 2002 and 2004, and the city adopted the Beavercreek Road Concept Plan in 2008. The City's approval was appealed to the Land Use Board of Appeals (LUBA), which remanded the decision back to the City to address an issue associated with industrial land designations which included a separate process by Metro. After resolution, the City Commission voted unanimously to re-adopt the Concept Plan in March 2016. The readoption decision was again appealed to LUBA and subsequently to the Court of Appeals whom both upheld the City's approval of the Beavercreek Road Concept Plan. As of March 2017, the city was able to move forward with plan implementation.

While the plan was formally adopted, it does not include all the tools necessary to implement the vision of the plan such as the assignment of Comprehensive Plan map or zoning designations to properties or changes to uses or design standards in the Oregon City Municipal Code (OCMC) to implement the requirements of the plan.

The purpose of this project is to update the Comprehensive Plan and Oregon City Municipal Code (OCMC) to allow planned housing and mixed-use development to occur, including applying mapping and

zoning designations for properties within the Concept Plan Area. Additional plan goals beyond land-use implementation are outside the scope of this project, including infrastructure, transportation and economic development measures that have already been completed or planned for the concept plan area. Additional items will be pursued separately from this land-use implementation project.

III.A DECISION-MAKING CRITERIA - CONTINUED:

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission.

Response: This request is for amendments to the zoning map, amendments to the comprehensive plan map, and text amendments to the Oregon City Municipal Code and was initiated by the Planning Division.

17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

Response: Consistency with the Oregon City Comprehensive Plan (OCCP) Goals and Policies follow starting on page 11.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Response: The capacity of the respective public facilities and services to support the proposal is addressed below.

Water and Sewer Capacity

Please refer to the attached memorandum from 3J Consulting. The memorandum provides an assessment of the water and sanitary sewer system implications of the map and code amendments proposed with the BRCP implementation project. Wastewater treatment is provided by the Tri-City Sewer District, which has provided separate comments.

The 3J memorandum concludes that development of 1,105 dwelling units and 5,734 jobs within the BRCP area have been adequately planned for in infrastructure master plans and sufficient capacity will

be available to serve development. The Sanitary Sewer (2014) and Water Distribution (2012) Master Plans were all created subsequent to initial adoption of the Beavercreek Road Concept Plan (2008). Each master plan incorporated the BRCP area into future capital improvement projections and will ensure adequate water and sewer capacity is developed.

South Fork Water Board (SFWB), Oregon City's water provider, has indicated that SFWB will be able to provide water service to the planned development within the BRCP area.

Schools

The proposal was sent to the Oregon City School District (OCSD) for comment. OCSD responded that.

Police and Fire Protection

Oregon City Police Department and Clackamas Fire District capacity would not be affected by the proposal, since the proposal does not change existing service areas.

Wastewater Treatment

Tri-City Sewer District indicates that the proposal does not conflict with their interests.

Storm Drainage

This proposal does not change the city's adopted policies and technical documents related to stormwater management and erosion control. The Draft 2019 Oregon City Stormwater Master Plan includes the BRCP area, which is part of the Newell Creek Basin, but does not identify any capital improvement projects specifically needed to serve the BRCP district. The Plan states that the eventual layout of the stormwater conveyance systems and management facilities will be crafted through the preliminary and final design process for development projects within the BRCP district.

Transportation

Impacts to the transportation system are addressed under (C) below.

Economic, Social, Environmental and Energy (ESEE) Analysis

As part of a Zone Change analysis, the city requires substantial evidence that the possibility of land use development activities allowed under the new zoning (MUC, NC, CI, R-5 and R-2) will not result in a greater impact on the Goal 5 resources mapped on the site over the existing Future Urban (FU-10) land use development activities.

The ESEE analysis involves evaluating the potential tradeoffs associated with different levels of natural resource protection that could be established by the City. As required by the Goal 5 rule (OAR 660-015-0000(5)), the evaluation process involves identifying the consequences of allowing, limiting or prohibiting conflicting uses in areas containing significant natural resources. The rule requires that this analysis be completed before actions are taken to protect or not protect natural resources that are identified in inventory and determined to be significant. Specifically, the rule requires the following steps:

1. Identify conflicting uses – A conflicting use is a land use or activity that may negatively impact natural resources.

2. Determine impact area – The impact area represents the extent to which land uses or activities in areas adjacent to natural resources could negatively impact those resources. The impact area identifies the geographic limits within which to conduct the ESEE analysis.
3. Analyze the ESEE consequences – The ESEE analysis considers the consequences of a decision to either fully protect natural resources; fully allow conflicting uses; or limit the conflicting uses. The analysis looks at the consequences of these options for both development and natural resources.
4. Develop a program – The results of the ESEE analysis are used to generate recommendations or an “ESEE decision.” The ESEE decision sets the direction for how and under what circumstances the local program will protect significant natural resources.

Based on information provided in the Economic, Social, Environmental and Energy (ESEE) Phase 1 Analysis of Metro’s April 2005 UGB Growth Management Functional Plan ordinance, the section below describes the potential conflicting uses associated with the proposed zone designations could have the greater potential to have an adverse effect on the functions and values of the Goal 5 resource mapped on properties located within the Beavercreek Road Concept Plan area which include Thimble Creek and an unnamed tributary to Thimble Creek. Note the zoning themselves are not conflicting uses.

It is the development activities and other disturbances permitted under the zoning that potentially conflicts with the functions and values associated with the Goal 5 resource. The City of Oregon City developed their Chapter 17.49 Title 13 regulations based on Metro’s UGB Management Function Plan. Therefore, the ESEE analysis provided below is consistent with Oregon City’s Goal 5 ordinance.

Economic Consequences

FU-10 – May provide increased adjacent property value. Large Lots associated with FU 10 zoning will retain more vegetation and tree cover than the new zones associated with the Beavercreek Road Concept Plan activities; however, does not provide an overall economic value to the community.

R-5 & R-2- These medium densities and high-density zones can provide a response to the known regional problem of limited housing supply and skyrocketing housing prices affecting the Portland Metro Area and Oregon City. There is a mismatch between supply and demand of housing that is leading to limited availability and affordability challenges for many households. Looking at the latest census data, in Oregon City, 71% of residential units are single-family detached homes, dominating the housing market. All other housing types make up 29% of the housing options, combined, ranging from manufactured homes and floating homes to 20-unit apartment complexes.

Housing prices are increasingly unaffordable, which is typically defined as spending more than 35% of household income on housing. Almost 24% of homeowners with a mortgage have unaffordable costs, and over 40% of renters can’t afford housing costs. Overall, one in four households are struggling to pay for housing. Single-family detached homes, a traditional free-standing house with a yard and space for 3.2 children, dominate the supply but comes at a high cost that is increasingly out of reach, leading to homelessness in some cases. With smaller households more and more common, the city’s needs don’t match the homes available. Additional housing choices that include duplexes, tri-plexes, townhomes, apartments and cluster housing can provide alternatives to the predominate single family housing model found in Oregon City.

MUC, NC and CI – Enhances the potential for local economic development. The zone change supports Metro’s Growth Concept Plan underlying goals to provide employment, income, and related tax benefits to local community.

Summary: While FU-10 may result in less vegetation removal, the MUC, ND, CI, R-2 and R-5 land uses provides a greater economic benefit to the community through increased housing options, employment and educational opportunities and reduced transportation facilities and utilities. These zones promote more efficient use of land, minimizing urban sprawl.

Therefore, the conflicting uses associated with MUC, NC, CI, R-5 and R-2 development activities provides a greater economic benefit, outweighing the FU-10 conflicting uses.

Social Consequences

FU-10 —Goal 5 resource provides natural stress relief to employment occupants. The R-2, R-5, ND, CI and MUC-2 land uses may also provide potential public educational and recreational benefit though passive open space viewing and the ability to dedicate future park space as development occurs within the Beavercreek Concept Plan Area.; however, there is a potential to reduce the scenic value.

Summary- Change in conflicting use zoning from FU-10 may provide an increased social benefit to Oregon City.

Environmental Consequences

FU-10—Impacts to Goal 5 resources and associated Impact Area (buffer) for FU-10 development may require: removal of native vegetation; non-native landscaping; pesticide and fertilizer use; and pets which tend to degrade habitat and water quality.

MUC, NC, CI, R-5 and R-2 can create larger building footprints than FU-10 which may result in increased vegetation removal; however, MUC, NC and CI offers decreased VMT (vehicle miles traveled) which reduces overall water quality impacts in the local watershed. Minimal light and glare into Goal 5 resource and buffer. Provides overall moderate to high imperviousness, low infrastructure requirements, and low to moderate overall natural landcover.

Summary: Due to smaller development footprints, disturbance activities associated with FU-10 conflicting uses may provide a lesser degree of impact to the Goal 5 resource and associated buffer than MUC, NC, CI, R-5 and R-2 conflicting use development activities. However, MUC, NC, CI, R-5 and R-2 stricter water quality standards, providing potential for overall lesser amounts of impact to the local watershed.

Energy Consequences

FU-10- Tends to retain more trees than other zoning, reducing air quality and temperature impacts. However, tends to create more infrastructure (utilities and roads) and greater travel distances which can have a negative energy consequence.

MUC, NC, CI, R-5 and R-2 - Energy efficient zoning because it decreases VMT (vehicle miles traveled) and overall infrastructure requirements. Potential to reduces the amount of overall development through

shared parking. Shared parking areas have vegetated islands reducing imperviousness and negative energy consequences associated with temperature regulation.

Summary: MUC, NC, CI, R-5 and R-2 conflicting use development activities for energy consequences may result in lesser impact on the Goal 5 resource and associated buffer over FU-10 development activities.

Overall Summary Conclusion

In summary, the ESEE consequences that can occur within the proposed MUC, NC, CI, R-5 and R-2 zoning will not result in a greater conflict to the Goal 5 resource mapped on the site over the current FU-10 zoning. The change in zoning from FU-10 to MUC, NC, CI, R-5 and R-2 may result in lesser amounts of environmental and energy consequences; however, MUC, NC, CI, R-5 and R-2 has opportunity to provide increased economic and social benefits. Mixed use centers allow City residents to live near their work, which tends to reduce vehicle use, which minimizes potential air, water and energy quality impacts.

The Goal 5 resources mapped on the site is protected under Chapter 17.49 Natural Resource Overlay District of the City's code of ordinances, regardless of site zoning. Chapter 17.49 of Oregon City code is compliant with Metro's Title 3 and 13 lands and the Statewide Planning Goal 5. Therefore, the potential for increased levels of impervious surfaces and vegetation loss associated with MUC, NC, CI, R-5 and R-2 development activities will be protected and if necessary mitigated through local permitting compliant with Chapter 17.49.

Based on the various analyses provided, public facilities and services are presently capable of supporting the uses allowed by the proposal or can be made available prior to issuing a certificate of occupancy.

This criterion is met.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Response: The impacts of the proposal on the transportation system were reviewed by a transportation consultant, DKS. Please refer to the DLS analysis and memorandum which is attached to this narrative. The memorandum provides an assessment of the transportation implications of the project proposal. The memorandum assesses whether the proposed amendments trigger a finding of significant effect that would require further analysis to determine transportation impacts under OAR 660-12-0060 (Transportation Planning Rule or "TPR").

The memo concludes that the proposed map and code amendments do not result in a significant change in the number of trips resulting from the dwelling units and jobs anticipated within the BRCP district compared to the traffic anticipated and planned for in Oregon City's Transportation System Plan (TSP) adopted in 2013.

In his November 18, 2019 Letter, John Replinger, the City's consulting Transportation Engineer, reviewed the Transportation Analysis (TA) submitted in support of the Beavercreek Concept Plan and proposed legislative amendments. The TA, dated June 21, 2019, was prepared under the direction of Kevin Chewuk and Amanda Deering of DKS Associates.

He found the Transportation Analysis addresses the city's requirements and provides an adequate basis to demonstrate compliance with the TPR.

He concurs with the authors' conclusion that the proposal is consistent with the TPR. The proposed plan designation changes and rezoning do not change the functional classification of any existing or planned transportation facility; do not degrade the performance of existing or planned facilities such that mobility standards are not met; and do not cause a significant effect as defined under the Transportation Planning Rule.

Therefore, the proposed amendments do not have a significant effect on the transportation system and that the city may adopt findings to that effect when adopting the proposed amendments. **This criterion is met.**

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Response: The acknowledged Oregon City Comprehensive Plan (OCCP) addresses all the applicable Statewide Planning goals unless the Statewide Goal is inapplicable. The relevant sections of the OCCP implemented by this proposal, and the applicable Statewide Goals, is indicated below.

Statewide Planning Goal	OCCP Section / Goal(s) Implemented by this Proposal
1: Citizen Involvement	1. Citizen Involvement / Goals 1.2, 1.4
2: Land Use Planning	2. Land Use Planning / Goals 2.1, 2.3, 2.4, 2.5, 2.6, 2.7
3: Agricultural Lands	3. Not applicable within UGB
4: Forest Lands	4. Not applicable within UGB
5: Natural Resources, Scenic and Historic Areas, and Open Spaces	5. Open Spaces, Scenic and Historic Areas, and Natural Resources / Goals 5.1, 5.4
6: Air, Water and Land Resources Quality	6. Quality of Air, Water, and Land Resources / Goals 6.1, 6.2
7: Areas Subject to Natural Hazards	7. Natural Hazards
8: Recreation Needs	8. Parks and Recreation / Goal 8.1,
9: Economic Development	9. Economic Development / Goals 9.1, 9.3, 9.5, 9.7, 9.8
10: Housing	10. Housing / Goals 10.1, 10.2
11: Public Facilities and Services.	11. Public Facilities and Services Goals 10.1
12: Transportation	12: Transportation Goal 12.1
13: Energy Conservation	12 Energy Conservation Goals 12.01, 12.02, 12.03, 12.04
14: Urbanization	14. Urbanization / Goal 14.3
15: Willamette River Greenway	Not affected by this proposal.
16: Estuarine Resources	Not applicable.
17: Coastal Shorelands	Not applicable.
18: Beaches and Dunes	Not applicable.
19: Ocean Resources	Not applicable.

Detailed responses to the OCCP goals and policies are provided in Section III.b below.

III.b. OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1.2 Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

Policy 1.2.1

Encourage citizens to participate in appropriate government functions and land-use planning.

Goal 1.4 Community Involvement

Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1

Notify citizens about community involvement opportunities when they occur.

Response: The proposal is consistent with these Goals and Policies. The project provided numerous opportunities for citizen involvement, including engagement with the Citizen Involvement Committee, the East Caufield Neighborhood Association, property owners, and other stakeholders through multiple avenues throughout the eight-month project planning process with multiple notification and participation options provided. See Section I.c for full summary of citizen involvement efforts.

2.1 Efficient Use of Land

Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently, and that land is developed following principles of sustainable development.

Response: The proposal maps and supplements existing zoning district standards for the R-5, R-2, NC, MUC-II, and CI zones that have been found to support efficient and sustainable development. The BRCP envisions the area developed with vibrant, walkable, amenity-rich neighborhoods with active community centers, as mapped and implemented by this proposal. The proposed code amendments further support efficient land use by providing residential density bonuses, FAR minimums for mixed-use development, and requiring sustainable design features for industrial development. **The proposal is consistent with this Goal.**

Policy 2.1.1

Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

Response: The proposed code amendments create additional incentives for efficient land use in the BRCP district beyond the existing code standards, including higher minimum FARs for development in the two mixed-use zones and reduced setbacks and landscaping area for the NC zone applied to the

Main Street subdistrict. The OCMC already includes parking maximums in OCMC 17.52.020. **The proposal is consistent with this Policy.**

Policy 2.1.2

Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

Response: The proposed map amendments apply two existing mixed-use zones with the BRCP area, the MUC-II and NC zones. In addition to the mix of office, commercial and residential uses allowed in the base zones, the proposed code amendments expand the mix of uses including allowing light manufacturing uses in the MUC-II zone. The proposed code amendments limit the scale and percentages of different categories of uses, including limiting residential uses to upper stories or ground-floor uses set back a minimum distance from the main roadways, to provide for a greater mix of uses. The proposed code amendments also introduce opportunities for small-scale commercial uses in the R-2 zone for additional opportunities for mixed-use development. **The proposal is consistent with this Policy.**

Goal 2.3 Corridors

Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.

Response: The proposed map amendments apply two existing mixed-use zones with the BRCP area, the MUC-II and NC zones, along Beaver Creek Road, which has potential to be a future transit corridor as development increases potential ridership numbers. The higher-intensity residential development zoned R-2 is also located along Beaver Creek Road, compared to medium-density residential areas zoned R-5 located further east away from major roads. **The proposal is consistent with this Goal.**

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.

Response: The essence of the BRCP is to establish a district with interconnected, vibrant neighborhoods. The proposed map amendments support a mix of uses throughout the district, included a district focal point in the Main Street subdistrict zoned NC that will serve as the hub for the district's neighborhoods. The proposed code amendments also support development of smaller-scale activity centers throughout the district, such as permitting small-scale commercial uses with the East Mixed-Use Neighborhood Zoned R-2 and supporting creation of the South-Central Open Space Network through required parkland dedications. **The proposal is consistent with this Policy.**

Policy 2.4.3

Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Response: The BRCP plans for multimodal transportation networks throughout the district, as supported by the proposed map and code amendments. The proposed code amendments support creation of the

South-Central Open Space Network through required parkland dedications, which will form a linear park and multimodal trail connecting multiple subdistricts. **The proposal is consistent with this Policy.**

Goal 2.5 Retail and Neighborhood Commercial

Encourage the provision of appropriately scaled services to neighborhoods.

Response: The map amendments, consistent with the BRCP map, provide for a Main Street subdistrict zoned NC near the residential East and West Mixed-Use Neighborhoods. In addition, the proposed code amendments add opportunities to integrate small-scale commercial uses in the West Mixed-Use Neighborhood Zoned R-2. **The proposal is consistent with this Goal.**

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 medium density housing.

Response: The map amendments, consistent with the BRCP map, provide for a Main Street subdistrict zoned NC near the higher-density West Mixed-Use Neighborhood Zoned R-2 and the Mixed Employment Village subdistrict zoned MUC-II that will support office uses. There are no commercial strips proposed adjacent to lower-density housing in the East Mixed-Use Neighborhood Zoned R-5. **The proposal is consistent with this Policy.**

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.

Response: The proposed code amendments include requirements for sustainable design features for industrial development within the North Employment Campus zoned CI; the menu of features includes LEEDTM-certified buildings and use of native vegetation. The proposed code amendments also provide for an enhanced landscaping buffer incorporating berms and fencing between the industrial subdistrict and adjacent residential development in the East Mixed-Use Neighborhood. The BRCP includes plans for a multimodal transportation network that will be built out as development occurs. **The proposal is consistent with this Policy.**

Goal 2.6 Industrial Land Development

Ensure an adequate supply of land for major industrial employers with family-wage jobs.

Response: The map amendments designate 153.9 gross acres, estimated at 135.1 net acres for Industrial designation and Campus Industrial zoning; the North Employment Campus is the largest of all the BRCP subdistricts. All Metro Title 4 land protected for employment use has been designated and zoned CI. The existing CI zone allows a range of uses that support family-wage jobs, such as light manufacturing; the proposed code amendments further protect job generation potential by limiting the amount of site area that can be used for outdoor storage areas and prohibiting distribution and warehouse uses, which typically do not generate significant job opportunities. **The proposal is consistent with this Goal.**

Policy 2.6.2

Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

Response: The map amendments ensure that land planned for industrial use is protected for industrial purposes by zoning it CI. The CI zoning code standards limit non-industrial uses, and the proposed code amendments further limit the size of any supporting retail or office to 5,000 SF per establishment or 20,000 per development. Existing residential uses on a handful parcels within the North Employment Campus are permitted outright, rather than rendered nonconforming uses, but no new residential uses are permitted. **The proposal is consistent with this Policy.**

Policy 2.6.3

Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.

Response: The CI zoning code standards already prohibit schools and churches; parks, trails and urban agriculture uses are proposed as permitted uses in the code amendments for the North Employment Campus subdistrict, intended to apply within the powerline easement areas that would otherwise be undevelopable for industrial use. The proposed code amendments limit the size of any supporting commercial use to 5,000 SF per establishment or 20,000 per development. **The proposal is consistent with this Policy.**

Policy 2.6.4

Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses and minimize deterrents to desired industrial development.

Response: Much of the North Employment Campus industrial lands are currently undeveloped. The map amendments applying the CI zone will protect these lands from incompatible development through existing CI use standards. The CI zoning code standards limit non-industrial uses, and the proposed code amendments further limit the size of any supporting retail or office to 5,000 SF per establishment or 20,000 per development. Existing residential uses on a handful parcels within the North Employment Campus are permitted outright, rather than rendered nonconforming uses, but no new residential uses are permitted. The CI zoning code standards also prohibit schools and churches; parks, trails and urban agriculture uses are proposed as permitted uses in the code amendments for the North Employment Campus subdistrict, intended to apply within the powerline easement areas that would otherwise be undevelopable for industrial use. **The proposal is consistent with this Policy.**

Policy 2.6.5

Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.

Response: A central feature of the BRCP is the integration of residential and employment opportunities to create possibilities to live, work and play in the district. The proposed map amendments will create residential and employment districts in proximity, including two mixed-use districts with both residential and employment opportunities. **The proposal is consistent with this Policy.**

Policy 2.6.6

Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.

Response: CCC was identified as a stakeholder in the implementation project and was engaged in the map and code development. The proximity of the North Employment Campus and the CCC campus create an exciting opportunity for future industrial developments in the BRCP area that partner with CCC as training centers and future employers. The existing CI use standards permit a wide range of industrial uses, including light manufacturing and research and development, that could accommodate future industrial uses within the BRCP district. **The proposal is consistent with this Policy.**

Policy 2.6.7

Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

Response: Public facility master planning has been completed for the district, and planned water, sewer, stormwater, and transportation facilities have been shown to support the full 5,734 jobs projected with this implementation project. See response to approval criteria 17.68.020.B and C in Section III.a. All proposed industrial development will be reviewed through the Site Plan and Design Review process in OCMC 17.62 that includes a criterion for approval for any new development that public facilities are adequate to support the proposal. **The proposal is consistent with this Policy.**

Policy 2.6.8

Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, would guide zoning designations. The majority of these lands should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the city's employment goals.

Response: The lands east of CCC have been incorporated into the BRCP and envisioned for industrial development that encourages family-wage jobs. The proposed map amendments, guided by the approved concept plan, designate this area for Industrial designation and Campus Industrial zoning. The existing CI zone allows a range of uses that support family-wage jobs, such as light manufacturing; the proposed code amendments further protect job generation potential by limiting the amount of site area that can be used for outdoor storage areas and prohibiting distribution and warehouse uses, which typically do not generate significant job opportunities. **The proposal is consistent with this Policy.**

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.

Response: The proposal includes amendments to the official Comprehensive Plan Land-Use Map as part of on-going maintenance to update designations for the BRCP area. **The proposal is consistent with this Goal.**

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:

- *Medium density Residential (LR)*
- *Medium Density Residential (MR)*
- *High-Density Residential (HR)*
- *Commercial (C)*
- *Mixed-Use Corridor (MUC)*
- *Mixed-Use Employment (MUE)*
- *Mixed-Use Downtown (MUD)*
- *Industrial (I)*
- *Public and Quasi-Public (QP)*
- *Parks (P)*
- *Future Urban Holding (FUH)*

Response: The proposed comprehensive plan map amendments apply the Medium Density Residential, High-Density Residential, Mixed-Use Corridor, and Industrial designations to the BRCP area, with zoning classifications that are consistent with these designations. **The proposal is consistent with this Policy.**

Goal 5.1 Open Space

Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.

Response: The BRCP prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope of Thimble Creek on the eastern edge of the district. The map amendments will include mapping and applying the Natural Resources Overlay District (NROD)—OCMC 17.49 and Geologic Hazards—OCMC 17.44 to habitat areas. The proposed code amendments will create the South-Central Open Space Network through required parkland dedication at the time of development, protect trail corridors throughout the district's open space system by requiring dedication of easements at the time of development, and protect the Low Impact Conservation Area by limiting development to two units per acre and protecting view corridors. **The proposal is consistent with this Goal.**

Policy 5.1.1

Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

Response: The existing Natural Resources Overlay District (NROD) will be applied to all riparian corridors and the Geologic Hazards standards will be applied to all steep hillsides to conserve those areas. **The proposal is consistent with this Policy.**

Policy 5.1.2

Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

Response: Open space areas will be managed consistent with the City's adopted Parks Master Plan; land acquisition supported by the proposed code amendments will ensure that areas with significant views are preserved and trail corridors acquired for future exercise opportunities. Any built features within the NROD or Geologic Hazards will be reviewed consistent with standards for those overlays that limit development scale and visual impacts for harmony with natural surroundings. **The proposal is consistent with this Policy.**

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Response: The proposed amendments do not include any changes to OCMC 17.44, Natural Resources Overlay District, or to OCMC 17.49 – Geologic Hazards. These acknowledged codes are intended to conserve, protect and restore inventoried natural resources within the City's Urban Growth Boundary. **The proposal is consistent with this policy.**

Policy 5.4.16

Protect surface water quality by:

- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*
- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation*

Response: The proposed amendments do not include any changes to OCMC 17.44, Natural Resources Overlay District, which provides for a vegetated corridor and shading along street corridors, or to the City's recently adopted stormwater and erosion control standards, design manuals or review processes. **The proposal is consistent with this policy.**

Goal 6.1 Air Quality

Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Response: The proposed amendments will not affect any codes or policies that implement Goal 6. The City's overlay districts, such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. All engineering standards and building code standards for storm drainage, grading, erosion control, water quality facilities will continue to apply to development. Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. **The proposal is consistent with this Goal.**

Policy 6.1.2

Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.

Response: Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is consistent with this Policy.**

Goal 6.2 Water Quality

Control erosion and sedimentation associated with construction and development activities to protect water quality.

Response: Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is consistent with this Policy.**

Policy 6.2.1

Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

Response: All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development. **The proposal is consistent with this Policy.**

Policy 6.2.2

Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Response: All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development. **The proposal is consistent with this policy.**

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Response: Development located within the Geologic Hazards Overlay District will be reviewed for compliance with OCMC 17.44 Geologic Hazards, which can restrict or condition the location and size of development in or near identified geologic hazard areas. **The proposal is consistent with this Policy.**

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Response: Development located within the Geologic Hazards Overlay District will be reviewed for compliance with OCMC 17.44 Geologic Hazards, which can restrict or condition the location and size of development in or near identified geologic hazard areas. **The proposal is consistent with this Policy.**

Policy 7.1.8

Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Response: Development located within the Geologic Hazards Overlay District will be reviewed for compliance with OCMC 17.44 Geologic Hazards, which can restrict or condition the location and size of development in or near identified geologic hazard areas. **The proposal is consistent with this Policy.**

8.1 Developing Oregon City's Park and Recreation System

Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.

Response: The BRCP prioritizes a network of parks, trails, and open spaces, including the South-Central Open Space Network and the East ridge Conservation Open Space. The proposed code amendments will support creation of the South-Central Open Space Network through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by requiring dedication of easements at the time of development. **The proposal is consistent with this Goal.**

Policy 8.1.1

Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance from residences, as defined by the Oregon City Park and Recreation Master Plan, to residents of Oregon City.

Response: The South-Central Open Space Network will create park facilities within proposed neighborhoods; all residences will be within approximately 1/4 mile of the network, which will include multiple elements including features similar to a neighborhood park-type facility and a multipurpose trail. The proposed code amendments will create the South-Central Open Space Network through required parkland dedication at the time of development. **The proposal is consistent with this Policy.**

Policy 8.1.2

When property adjacent to an existing neighborhood or community park becomes available, consider adding property to the park and developing it to meet the current needs of existing neighborhoods.

Response: There are no existing parks in the BRCP area, however, future park facilities in the South-Central Open Space Network and the East Ridge-Thimble Creek Conservation Area will be expanded over time as the properties in the district are developed. The proposed code amendments will create parks through required parkland dedication at the time of development and include provisions for dedication of land within the mapped South-Central Open Space Network to allow the facility to expand over time and maintain connectivity throughout the district. **The proposal is consistent with this Policy.**

Policy 8.1.5

Identify and construct a network of off-street trails throughout the city for walking and jogging.

Response: The BRCP identifies a network of off-street trails including regional trails throughout the district. The proposed code amendments will protect identified trail corridors by requiring dedication of easements at the time of development. **The proposal is consistent with this Goal.**

Policy 8.1.9

Emphasize retaining natural conditions and the natural environment in proposed passive recreation areas.

Response: Passive recreation areas will include open space areas and environmental resource areas. The Natural Resources Overlay District (NROD)—OCMC 17.49 and Geologic Hazards—OCMC 17.44 will be applied to habitat areas which promote retention of natural conditions. In addition, the proposed code amendments include provisions for acquiring portions of the East Ridge-Thimble Creek Conservation Area that require environmental restoration as a condition of any adjacent development. **The proposal is consistent with this Policy.**

Policy 8.1.12

Identify and protect land for parks and recreation within the Urban Growth Boundary.

Response: The BRCP identifies and prioritizes a network of parks, trails, and open spaces, including the South-Central Open Space Network. The proposed code amendments will support creation of the South-Central Open Space Network and the East Ridge-Thimble Creek Conservation Area through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by requiring dedication of easements at the time of development. **The proposal is consistent with this Policy.**

Policy 8.1.14

Require or encourage developers to dedicate park sites as part of the subdivision review process. When possible, require or encourage developers to build parks to City standards and give them to the City to operate and maintain.

Response: The proposed code amendments will require parkland dedication to create the South-Central Open Space Network and the East Ridge-Thimble Creek Conservation Area as part of subdivision review process. **The proposal is consistent with this Policy.**

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Response: A core aspect of the BRCP is to create economic opportunities, and the proposed map and code amendments implement three distinct subdistricts focused on employment opportunities. The North Employment Campus, proposed for CI zoning, will provide family-wage employment opportunities. The two mixed-use subdistricts in the Mixed Employment Village and Main Street will provide goods and services, and additional jobs in those sectors. In total, the proposal is estimated to support up to 5,734 jobs, exceeding the BRCP goal of 5,000 jobs. The proposed code amendments include provisions such as sustainable design elements for industrial development and the inherent

efficiencies of mixing uses within the district and individual subdistricts to reduce distances traveled to live, work, shop and eat, which will support ecologically sound economic growth. **The proposal is consistent with this Goal.**

Policy 9.1.1

Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.

Response: Three of the BRCP subdistricts, proposed to be implemented through map and code amendments, will support commercial and industrial development. The North Employment Campus, proposed for CI zoning, will support primarily industrial development with family-wage employment opportunities. The Mixed Employment Village subdistrict will provide support high-quality commercial and office employment, with similar opportunities in the Main Street subdistrict. In total, the proposal is estimated to support up to 5,734 jobs, exceeding the BRCP goal of 5,000 jobs. The proposed code amendments include provisions such as sustainable design elements for industrial development and the inherent efficiencies of mixing uses within the district and individual subdistricts to reduce distances traveled to live, work, shop and eat, which will support ecologically sound economic growth. Natural resources will be protected through the Natural Resources Overlay District (NROD)—OCMC 17.49 and Geologic Hazards—OCMC 17.44 to habitat areas to ensure development does not compromise the quality of the environment. As discussed in response to Goals 6.1 and 6.2 above, compliance with existing state and local air and water standards will ensure protection of those resources at the time of future development. **The proposal is consistent with this Policy.**

Policy 9.1.2

Contribute to the health of the regional and state economy by supporting efforts to attract “traded sector industries” such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state’s economy by bringing money in from sales of goods and services outside of the state.)

Response: The BRCP prioritizes recruitment of sustainable industries, which could include traded sector industries. The proposed map and code amendments support this goal by creating development opportunities for such industries within the proposed North Employment Campus and Mixed Employment Village subdistrict. Additional recruitment efforts will be led by the City’s Economic Development Department. **The proposal is consistent with this Policy.**

Goal 9.3 Retention of Existing Employers

Retain existing employers, both public and private, and encourage them to expand their operations within the City.

Response: The proposed map and code amendments will create significant new acreage for industrial and employment growth, which could be acquired and developed by existing employers looking to expand their operations. **The proposal is consistent with this Policy.**

Policy 9.3.1

Protect existing industries from encroachment by incompatible land uses and ensure that expansion options are available to them wherever possible.

Response: The proposed map amendments will not create any incompatible land uses near existing industries. The proposed map and code amendments will create significant new acreage for industrial and employment growth, which could be acquired and developed by existing employers looking to expand their operations. **The proposal is consistent with this Policy.**

Goal 9.5 Retail Service

Allow a variety of retail outlets and shopping areas to meet the needs of the community and nearby rural areas.

Response: The proposed map and code amendments will support the creation of the Main Street subdistrict along Glen Oak Road providing retail and shopping opportunities for the immediate BRCP district and nearby areas. The code amendments specifically support retail development by limiting residential uses to upper stories and the rear portion of sites, to ensure commercial development remains the priority. Limited retail outlets are also permitted under the proposed code amendments for the Mixed Employment Village to support those who work and live in the subdistrict. **The proposal is consistent with this Goal.**

Policy 9.5.1

Develop local neighborhood or specific plans, when appropriate, to blend infill development along linear commercial areas into existing neighborhoods.

Response: The BRCP district is undeveloped and as such, does not have existing commercial or existing neighborhoods; the plan as implemented by the proposed map and code amendments proactively creates opportunities to blend commercial development within neighborhoods. The proposed map and code amendments create opportunities for retail and commercial development primarily within the Main Street subdistrict, which is located along Glen Oak Road interior to the district, rather than strung out as a linear commercial development along Beavercreek Road. The proposed code amendments also allow small-scale retail and commercial development within the West Mixed-Use Neighborhood to the south of the Main Street subdistrict. **The proposal is consistent with this Policy.**

Policy 9.5.2

Develop plans to provide necessary public services to surrounding rural industrial lands for future development.

Response: No changes are proposed to adopted infrastructure master plans for water, sewer and stormwater and the Transportation System Plan (TSP) which will ensure provision of necessary services to industrial lands within and outside of the BRCP district. **The proposal is consistent with this Policy.**

Goal 9.7 Home-Based Businesses

Provide a supportive climate for home-based businesses.

Response: As part of the 2016 re-adoption of the plan, the City Commission recommended that as during the process to create implementing code and zoning for the BRCP, staff should further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas. This item was discussed during the two open houses at Oregon City High School and through an online survey in the fall of 2019. The Planning Commission provided staff clear direction that they supported expanded opportunities for home-based businesses

within the concept plan area such as allowing employees and limited retail onsite. Staff worked with the Planning Commission on options creating new opportunities for home-based business in Oregon City. Amendments to the home occupation license code in OCMC 17.54 have been created for additional option with this concept plan area. **The proposal is consistent with this Goal.**

Policy 9.7.1

Encourage home-based businesses that are low impact and do not disrupt the residential character of the neighborhoods in which they are located.

Response: As part of the 2016 re-adoption of the plan, the City Commission recommended that as during the process to create implementing code and zoning for the BRCP, staff should further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas. This item was discussed during the two open houses at Oregon City High School and through an online survey in the fall of 2019. The Planning Commission provided staff clear direction that they supported expanded opportunities for home-based businesses within the concept plan area such as allowing employees and limited retail onsite. Staff worked with the Planning Commission on options creating new opportunities for home-based business in Oregon City. Amendments to the home occupation license code in OCMC 17.54 have been created for additional option with this concept plan area. **The proposal is consistent with this Goal.**

Policy 9.7.2

Encourage the support services that home-based businesses need.

Response: As part of the 2016 re-adoption of the plan, the City Commission recommended that as during the process to create implementing code and zoning for the BRCP, staff should further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas. This item was discussed during the two open houses at Oregon City High School and through an online survey in the fall of 2019. The Planning Commission provided staff clear direction that they supported expanded opportunities for home-based businesses within the concept plan area such as allowing employees and limited retail onsite. Staff worked with the Planning Commission on options creating new opportunities for home-based business in Oregon City. Amendments to the home occupation license code in OCMC 17.54 have been created for additional option with this concept plan area. **The proposal is consistent with this Goal.**

Goal 9.8 Transportation System

Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.

Response: The adopted BRCP transportation strategy includes elements such as planning a mixed-use community that will increase options for internal trip making, developing a framework of collector streets, improving Beaver Creek Road itself to accommodate trips within and through the district, and developing off-site transportation connections guided by the Transportation System Plan; the transportation strategy was developed to serve the intended industrial and commercial development in each subdistrict. The proposed map and code amendments provide for the intended types of

development in each subdistrict, that will be served by existing and planned transportation elements.

The proposal is consistent with this Goal.

Policy 9.8.1

Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.

Response: The adopted BRCP sets the stage for future transit by providing transit-attractive destinations, such as high-density employment and residential nodes, and a logical network of roadways that would support future transit routes. The proposed map and code amendments support future transit improvements by implementing the plan subdistricts that concentrate job and housing densities near Beaver Creek Road. **The proposal is consistent with this Policy.**

Policy 9.8.4

Promote “shared parking” and transportation demand management techniques such as transit vouchers, car or vanpooling, and flexible schedules and telecommuting options to reduce peak hour trips.

Response: The adopted parking standards permit shared parking facilities per OCMC 17.52.020.B.2 and will apply to development within the BRCP area. Additional transportation demand management techniques are more appropriate for individual businesses to develop and can be implemented at the time of development. **The proposal is consistent with this Policy.**

Policy 9.8.6

Encourage the provision of multi-modal transportation to support major existing employers.

Response: There are no existing employers within the BRCP area that will be affected by the proposed map and code amendments. However, the amendments will support development of a multimodal transportation system throughout the BRCP area consistent with adopted transportation strategies, including transit, sidewalks, bike routes, and off-street trail network that will serve future employers in the North Employment Campus and throughout the district. **The proposal is consistent with this Policy.**

Policy 9.8.7

Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.

Response: The adopted transportation strategies in the BRCP include development of on and off-street pedestrian and bicycle facilities throughout the district; an elevator mode is not proposed because it is not suitable for the district’s topography. The proposed map and code amendments support future development of these facilities by requiring facilities to be constructed at the time of site development. **The proposal is consistent with this Policy.**

Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Response: The BRCP prioritizes a variety of housing types for a range of income levels across the different subdistricts. The proposed map and code amendments support these goals by implementing

the West and East Mixed-Use Neighborhoods, with additional residential opportunities in the mixed-use Main Street and Mixed Employment Village subdistricts. The proposed zoning districts for the West and East Mixed-Use Neighborhoods are R-2 and R-5, respectively; these districts were significantly revised as part of the Equitable Housing Code Amendments earlier in 2019 to better meet this goal. The recent housing code amendments allow for a broad range of housing options collectively referred to as “missing middle housing,” defined as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods, encouraging a more diverse housing stock in residential zones that are currently dominated by single-family residential homes. The proposed map and code changes with this proposal implement these zones and will guide planning and development of a variety of housing types and lot sizes. **The proposal is consistent with this Goal.**

Policy 10.1.1

Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

Response: There are no established older neighborhoods in the BRCP area, however, there are a handful of existing residences. The proposed code amendments will permit existing homes with proposed CI zoning to remain permitted uses rather than making them nonconforming uses. **The proposal is consistent with this Policy.**

Policy 10.1.2

Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.

Response: No changes are proposed to the code enforcement standards or policies with this proposal. As neighborhoods are developed in the BRCP area, code enforcement will ensure housing and neighborhoods are maintained in good condition. **The proposal is consistent with this Policy.**

Policy 10.1.3

Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Response: The proposed map amendments designate land for a variety of densities and types of housing as follows: 13.3 gross acres of High-Density Residential with R-2 zoning, 86.5 gross acres of Medium Density Residential with R-5 zoning, and 7.2 gross acres of Mixed-Use Corridor with NC zoning for mixed-use residential development. The existing zoning standards for these districts permit a range of densities for different housing types ranging from a minimum of 7.0 units per net acre for single-family detached homes in the R-5 zone to a maximum of 21.8 units per net acre for townhouse and multifamily development in the R-2 zone, or up to 26.2 units per net acre for projects that incorporate sustainability features in the proposed code amendments. **The proposal is consistent with this Policy.**

Policy 10.1.4

Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

Response: The proposed map and code amendments apply the revised R-5 and R-2 zoning district standards that were developed as part of the Equitable Housing Project specifically to provide greater variety of affordable housing options, both regulated, income-restricted housing options and market-rate housing options that are lower priced and thus affordable to housing with lower household incomes. The variety of housing types allowed in both zones will provide opportunities to integrate affordable housing into the BRCP neighborhoods as they are developed. **The proposal is consistent with this Policy.**

Policy 10.1.5

Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.

Response: Accessory Dwelling Units (ADUs) are permitted in both the R-5 and R-2 zoning districts proposed for the BRCP neighborhoods with this proposal; no further changes to the ADU regulations are included with this proposal. Code revisions adopted with the recent Equitable Housing Code Amendments included a provision in OCMC 16.08.095 that restricts new subdivisions from applying code, covenants, and restrictions (CC&Rs) that prohibit ADUs, which will ensure that new developments within the BRCP are not restricted by public zoning code or private CC&Rs from developing ADUs. **The proposal is consistent with this Policy.**

Policy 10.1.6

Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)

Response: The Oregon City Municipal Code does not differentiate between manufactured housing and other housing types on individual lots and the proposed code amendments do not propose to change this; an individual manufactured house is permitted on any lot where a single-family detached, site-built house would be permitted in the BRCP neighborhoods under the proposed R-5 and R-2 zoning. **The proposal is consistent with this Policy.**

Policy 10.1.7

Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Response: The proposed map amendments apply the R-2 and R-5 zoning districts within the BRCP, which already incorporate numerous incentives and development standards to support livability and stability. The proposed code amendments further support livable neighborhoods by requiring parkland dedication or fee-in-lieu for all new subdivisions and multifamily developments, to create the South-Central Open Space Network and East ridge Thimble Creek Conservation Area with park and trail facilities serving the BRCP neighborhoods. The proposed amendments also include a density bonus option as an incentive for multifamily development to incorporate sustainability features. **The proposal is consistent with this Policy.**

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Response: The proposed map amendments add significant buildable residential land to the City's inventory, including 12.1 net acres of buildable land zoned R-2 in the West Mixed Use Neighborhood and 64.5 net acres of buildable land plus 15.9 acres of constrained land zoned R-5 in the East Mixed Use Neighborhood and additional opportunities in the two mixed-use subdistricts with a combined estimated potential for 1,105 new housing units. Maintaining an adequate supply of buildable land will help keep housing prices affordable by reducing land scarcity. These areas will be developed under the R-5 and R-2 zoning district standards recently amended with the recent Equitable Housing Code Amendments project that expand the range of housing types permitted, decrease minimum lot sizes for many types, and increase density for some missing middle housing types. Together, these standards create opportunities to build market-rate housing that is more affordable than traditional single-family detached, large-lot subdivisions. **The proposal is consistent with this Policy.**

Policy 10.2.1

Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.

Response: The proposed map amendments commit a total of 99.8 gross acres of land for residential use, consistent with the BRCP map; no existing residential land or affordable housing will be lost with this proposal. **The proposal is consistent with this Policy.**

Policy 10.2.2

Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.

Response: The proposed map amendments apply the R-2 zone to the West Mixed-Use Neighborhood, and existing R-2 code standards provide up to a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years for apartment projects. No further changes to the affordable housing density bonus are proposed with this project. **The proposal is therefore consistent with this policy.**

Policy 10.2.3

Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

Response: (From Comprehensive Plan, P. 77):

In 2001, Metro adopted amendments to Title 7 of the Urban Growth Management Functional Plan to implement the Regional Affordable Housing Strategy (2000), which identifies measures to provide adequate affordable housing in the Metro region. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as one that requires no more than 30 percent of household income for people earning 50 percent of the median household income in their jurisdiction. By that definition, an affordable housing unit in Oregon City in 2000 would cost \$570 per month or less. The 2002 housing inventory and analysis showed that the number of lower-cost units in Oregon City was inadequate to meet both the

current (2002) and projected housing needs of the city's lower-income residents. Title 7 tools and strategies have been adopted as Goal 10.2 and Policies 10.2.1 through 10.2.4.

The proposed map and code amendments support affordable housing creation consistent with Title 7 through compliance with Goal 10.2 and Policies 10.2.1 through 10.2.4, as demonstrated in this section.

The proposal is consistent with this Policy.

Policy 10.2.4

Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).

Response: As mentioned in Policy 10.1.4, the West Mixed-Use Neighborhood will be zoned R-2 under the proposed map amendments and the R-2 standards include a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years. The West Mixed-Use Neighborhood is located along Beaver Creek Road and the future Center Parkway which have been identified as potential future public transportation routes. **The proposal is consistent with this Policy.**

Goal 11.1 Provision of Public Facilities

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

Policy 11.1.1

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

- *Transportation infrastructure*
- *Wastewater collection*
- *Stormwater management*
- *Water distribution*

Response: The proposed uses and density planned for in the concept plan area are consistent with the protected loads identified in the city's various utilities master plans. Moreover, the expanded capacity achieved through the redesign of Beaver Creek Road from a 3-lane section to a partial 5-lane section Beaver Creek Road exceeds the requirements of the Transportation System Plan. **The proposal is consistent with this Policy.**

Goal 11.6

Transportation Infrastructure

Optimize the City's investment in transportation infrastructure. Policy 11.6.1 Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.

Response: Build out for the concept plan area will provide the community with increased options for bike lanes, sidewalks and a concentration of residential and employment near each other, which increases the likelihood of better transit services in the area. **The proposal is consistent with this Policy.**

Goal 12.1 Land Use-Transportation Connection

Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Response: The adopted BRCP includes interconnected land use and transportation elements that ensure appropriately scaled multimodal facilities will serve future development. The plan establishes a variety of interconnected subdistricts with a mix of uses that increase opportunities for local trips while decreasing total trips utilizing the broader transportation network. The proposed map and code amendments implement this vision to balance land use and transportation goals; the proposal is supported by a transportation memo prepared by DKS that concludes that development associated with the proposal can be served by the planned City-wide transportation system. Moreover, the expanded capacity achieved through the redesign of Beavercreek Road from a 3-lane section to a partial 5-lane section Beavercreek Road exceeds the requirements of the Transportation System Plan. **The proposal is consistent with this Goal.**

Policy 12.1.1

Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Response: The adopted BRCP includes multimodal transportation provisions. As development occurs, on-street and off-street pedestrian and bicycle facilities will be required to be constructed as outlined in the plan. The proposed map and code amendments are consistent with the BRCP and will support expanded multimodal facilities throughout the district serving all the different land uses from industrial to residential. **The proposal is consistent with this Policy.**

Policy 12.1.3

Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

Response: The proposed map and code amendments create mixed-use subdistricts including the NC-zoned Main Street and MUC-II-zoned Mixed Employment Village that permit high-density residential development, as well as a mix of uses within the district across the five subdistricts. The map and code amendments will facilitate a mix of uses at higher residential densities along Beavercreek Road, including the two aforementioned mixed-use districts and the R-2-zoned West Mixed-Use Neighborhood. There are no significant existing buildings within the BRCP area affected by this policy. **The proposal is consistent with this Policy.**

Policy 12.1.4

Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Response: Walkability is a central goal of all the BRCP neighborhoods and is supported by the proposed map and code amendments. Neighborhoods will be built around blocks with a maximum block length of 530 feet, except for the industrial areas in the North Employment Campus, consistent with zoning standards in OCMC 16.12.030 for implementing districts that create easily walkable neighborhoods that minimize out-of-direction travel by pedestrians. On-street pedestrian facilities will be required

consistent with green street cross-sections which create a desirable walking environment, in addition to an off-street trail network. The proposed code amendments support a compelling, walkable Main Street subdistrict along Glen Oak road by requiring building presence along a minimum percentage of the site and limiting parking areas to the rear of the site. **The proposal is consistent with this Policy.**

Goal 13.1 Energy Sources

Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Response: The Beavercreek Road Concept Plan (BRCP) establishes the goal of creating a complete and sustainable community in southeast Oregon City within a 453-acre district along Beavercreek Road. The district is intended to provide for a mix of uses including an employment campus north of Loder Road, mixed-use districts along Beavercreek Road, and two mixed-use neighborhoods woven together by open space, trails, a network of green streets, and sustainable development practices. District development will help to provide a minimum of 1,100 housing options and to realize the City's economic development goals, including creation of up to 5,000 family-wage jobs. This efficient land use pattern provides residential density of more than 10 units per net developable acre adjacent to employment areas which aims to reduce single-occupancy vehicle trips and encourage transit, biker and walking. **The proposal is consistent with this Policy.**

Policy 13.1.2

Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.

Response: The block layouts for the Beavercreek Road Concept Plan do affect the rood pitch and orientation of individual houses to better orientate for passive and active solar uses. Additionally, the colocation of employment and housing provides the best opportunity for the extension of transit access.

Policy 13.1.3

Enable development to use alternative energy sources such as solar through appropriate design standards and incentives

Response: As part of the proposed code amendments, industrial development in the NEC subdistrict will be required to incorporate sustainable design features; one option is to propose a LEED-certified building. (See proposed OCMC 17.37.060.G.8.) Similarly, WMU development may elect to build to LEED standards as one option to qualify for a density bonus. (See proposed OCMC 17.12.060.D.12.) The existing site development standards in OCMC 17.62 that apply to all new development except medium density residential already include green building standards and guidelines that supports sustainability. For example, 15% site landscaping is required along with conservation of natural resource areas which, along with adopted LID stormwater standards, minimizes impervious surface and treats stormwater runoff. Mandatory green building standards for all development, beyond the sustainable features for industrial and high-density residential, are not recommended. Requiring compliance with a third-party set of standards, such as LEED, is inherently problematic because it outsources City decision-making to a third party, with standards that are updated more frequently than City code is updated. **The proposal is consistent with this Policy.**

Goal 13.2 Energy Conservation

Plan public and private development to conserve energy.

Policy 13.2.1 Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

Response: The greatest strength of the BRCP, as implemented by the proposed map and code changes, is the mix of uses that will support a vibrant, interconnected district. The proposed code amendments include site-specific sustainable design features required in the NEC subdistrict through the implementing CI standards and incentivized in the WMU subdistrict through the implementing R-2 standards in the form of a density bonus. Future implementation efforts will continue building partnerships with private and institutional stakeholders to further support sustainable development and economic development. **The proposal is consistent with this Policy.**

Policy 13.2.2

Create commercial nodes in neighborhoods that are underserved to reduce vehicle miles traveled.

Response: The MC subdistrict will be implemented with the Mixed-Use Corridor comprehensive plan designation and the Neighborhood Commercial (NC) zoning district. The permitted uses in OCMC 17.24.020, with refinements in proposed OCMC 17.24.050.C, include a range of retail, service and residential uses, capped at 10,000 square feet per establishment to create a small-scale character for the subdistrict. Proposed dimensional standards include a minimum height of two stories, maximum five-foot front setbacks to ensure that development engages with the street, minimum FAR of 0.5 to create more intensive development, requirement for parking areas to be located behind buildings, standards for planter boxes and urban plazas as part of required landscaping, and prohibition on ground floor residential uses to support active ground floor uses. (See existing OCMC 17.24 and proposed 17.24.050.) Additional building and site development standards in OCMC 17.62.050 will apply at the time of development. **The proposal is consistent with this Policy.**

Policy 13.2.3

Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.

Response: The greatest strength of the BRCP, as implemented by the proposed map and code changes, is the mix of uses that will support a vibrant, interconnected district. The proposed code amendments include site-specific sustainable design features required in the NEC subdistrict through the implementing CI standards and incentivized in the WMU subdistrict through the implementing R-2 standards in the form of a density bonus. Future implementation efforts will continue building partnerships with private and institutional stakeholders to further support sustainable development and economic development. **The proposal is consistent with this Policy.**

Policy 13.2.4

Encourage use of carpools and transit in cooperation with TriMet and other state and regional transportation agencies.

Response: The adopted BRCP sets the stage for future transit by providing transit-attractive destinations, such as high-density employment and residential nodes, and a logical network of roadways that would support future transit routes. The proposed map and code amendments support future transit improvements by implementing the plan subdistricts that concentrate job and housing densities near Beaver Creek Road. **The proposal is consistent with this Policy.**

Policy 13.2.5

Construct bikeways and sidewalks and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

Response: All new development will be required to construct or improve all identified streets abutting the development proposal, which include sidewalks and bikes lanes, where identified in the plan. **The proposal is consistent with this Policy.**

Policy 13.2.6

Support the concept of sustainability over the long term by:

- encouraging education efforts such as developing and/or distributing educational materials to the public about energy efficiency and sustainability encouraging designs that achieve a minimum Leadership in Energy and Environmental Design (LEED) certification implementing sustainable concepts within the Oregon City government facilities that receive a minimum “Platinum” LEED rating implementing design guidelines that address sustainability for private sector development taking advantage of up-to-date technology to reduce energy use developing incentive programs to apply to private sector development, where feasible

Response: As part of the proposed code amendments, industrial development in the NEC subdistrict will be required to incorporate sustainable design features; one option is to propose a LEED-certified building. (See proposed OCMC 17.37.060.G.8.) Similarly, WMU development may elect to build to LEED standards as one option to qualify for a density bonus. (See proposed OCMC 17.12.060.D.12.) The existing site development standards in OCMC 17.62 that apply to all new development except medium density residential already include green building standards and guidelines that supports sustainability. For example, 15% site landscaping is required along with conservation of natural resource areas which, along with adopted LID stormwater standards, minimizes impervious surface and treats stormwater runoff. Mandatory green building standards for all development, beyond the sustainable features for industrial and high-density residential, are not recommended. Requiring compliance with a third-party set of standards, such as LEED, is inherently problematic because it outsources City decision-making to a third party, with standards that are updated more frequently than City code is updated. **The proposal is consistent with this Policy.**

Goal 14.3 Orderly Provision of Services to Growth Areas

Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.

Response: The proposed map and code amendments implement an adopted concept plan for Beaver Creek Road. The Sanitary Sewer Master Plan (2014), Water Distribution Master Plan (2012), Stormwater Master Plan (2019 Draft), and Transportation System Plan (2013) were all created subsequent to initial adoption of the BRCP in 2008 and plan for public services to serve residential and employment growth forecasted for the concept plan area. The proposed map and code amendments are estimated to support 1,105 dwellings and 5,734 jobs, consistent with demand forecasted and planned for in adopted capital improvements plans. **The proposal is consistent with this Goal.**

Policy 14.3.1

Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.

Response: The proposed map and code amendments provide for higher densities in the BRCP area to maximize utility of new public facilities developed to serve the area. Residential development will be subject to high and medium-density residential standards in the R-2 and R-5 districts respectively. Both zones have minimum density standards equal to 80% of the maximum allowed density, to ensure higher density development, as well as opportunities for types like cluster housing, duplexes, and 3-4 plexes in the R-5 zone that allow higher densities than would otherwise be permitted for single-family detached residential uses. Employment development in the two mixed-use districts will be subject to FAR minimums under the proposed code amendments to ensure efficient use of land and public facilities.

The proposal is consistent with this Policy.

Policy 14.3.2

Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.

Response: The adopted Sanitary Sewer Master Plan (2014), Water Distribution Master Plan (2012), Stormwater Master Plan (2019 Draft), and Transportation System Plan (2013) ensure that public facilities are extended to new areas, including the BRCP area and development anticipated through the proposed map and code amendments, without compromising the ability to provide services to existing areas and residents of the city that meet adopted service standards. **The proposal is consistent with this Policy.**

Policy 14.3.3

Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.

Response: The BRCP area is within the future service area of city utility providers and no new urban service districts or utility districts are proposed. **The proposal is consistent with this Policy.**

Policy 14.3.4

Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent possible.

Response: All development proposed with the BRCP area under the proposed map and code amendments will be subject to development review, which requires that new development provide for

on-site and off-site public services needed to serve the development. The City has also adopted System Development Charges (SDCs) that are assessed at the time of development to pay for the costs of expanding public services. **The proposal is consistent with this Policy.**

III.c. BEAVERCREEK ROAD CONCEPT PLAN GOALS AND POLICIES

Goal 1 Complete and Sustainable Community

Create a complete and sustainable community, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center.

Response: The proposal implements the plan vision for a mix of uses within the district and within individual subdistricts, notably the Mixed Employment Village and the Main Street subdistricts. Housing is provided for in all subdistricts except the North Employment Campus. Services are permitted through proposed zoning standards in all subdistricts except the East Mixed-Use Neighborhood. Public spaces are provided for consistency with the BRCP, including the South-Central Open Space Network, powerline corridor and trail network. Many of the zoning standards, particularly the expanded residential zones, support compact development, coupled with resource protection standards for sensitive environmental areas. Much of the sustainable infrastructure planning, including LID stormwater and green street designs, was done with the BRCP and can be implemented at the time of site development. **The proposal is consistent with this Goal.**

Policy 1.1

Adopt new comprehensive plan and zone designations, and development code, that implement the Beaver Creek Concept Plan. Require all development to be consistent with the Concept Plan and implementing code.

Response: The proposal applies comprehensive plan and zone designations to implement the BRCP, with development code amendments that supplement existing zoning district standards for each subdistrict to fully implement the BRCP vision for those subdistricts. Development will be reviewed for conformity with the implementing code through the development review process; discretionary development applications, such as master plans, will be required to comply with the Concept Plan as well. **The proposal is consistent with this Policy.**

Policy 1.2

Establish sub-districts to implement the Concept Plan. The sub-districts are:

North Employment Campus – NEC

The purpose of the North Employment Campus is to provide for the location of family-wage employment that strengthens and diversifies the economy. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of sites for employment by limiting incompatible uses. The sub-district is intended to comply with Metro's Title 4 regulations. Site and building design will create pedestrian-friendly areas and utilize cost-effective green development

practices. Business^[SEP] and program connections to Clackamas Community College (CCC) are encouraged to help establish a positive identity for the area and support synergistic activity between CCC and NEC properties. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beaver Creek Road area.

Response: The NEC subdistrict will be implemented with the Industrial comprehensive plan designation and the Campus Industrial (CI) zoning district. The permitted uses in OCMC 17.37.020 include a range of industrial, light manufacturing, research and development, and corporate headquarters uses that support family-wage employment. The proposed additional code standards for the NEC include limitations on retail and service uses to 5,000 SF per use or 20,000 SF total per site to limit incompatible uses. The proposed code standards and subdistrict boundaries have been reviewed against Metro Title 4 maps and code requirements. Site and building design for development in the subdistrict will be required to implement green design features from a menu proposed in OCMC 17.37.060.G. Outside of the code and map implementation projects, supporting efforts to build relationships with CCC and to recruit businesses with sustainable practices will be led by the City's Economic Development department. **The proposal is consistent with this Policy.**

Mixed Employment Village – MEV

The purpose of the Mixed Employment Village is to provide employment opportunities in an urban, pedestrian-friendly, and mixed-use setting.^[SEP] The MEV is intended to be transit supportive in its use mix, density, and design so that transit remains an attractive and feasible option. The MEV allows a mix of retail, office, civic and residential uses that make up an active urban district and serve the daily needs of adjacent neighborhoods and Beaver Creek Road sub-districts. Site and building design will create pedestrian-friendly areas and utilize cost-effective green development practices. Business and program connections to Clackamas Community College and Oregon City High School are encouraged. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beaver Creek Road area.

Response: The MEV subdistrict will be implemented with the Mixed-Use Corridor comprehensive plan designation and the Mixed-Use Corridor-2 (MUC-2) zoning district. The permitted uses in OCMC 17.29.020, with refinements in proposed OCMC 17.29.080.C, include a range of retail, office, civic and residential uses. Proposed use standards also limit the percentage of building area that can be used for retail, service, and residential uses, to ensure that employment uses are also integrated into site development. Minimum FAR standards will support higher intensity development that will support future transit service. Site and building design for development in the subdistrict will be support an urban, pedestrian-friendly setting through a height limit of 60 feet to permit multistory construction, maximum setbacks to bring development up to the street, and prohibition on ground floor residential uses to support active ground floor uses. (See existing OCMC 17.29 and proposed 17.29.080.) Additional building and site development standards in OCMC 17.62.050 will apply at the time of development. Outside of the code and map implementation projects, supporting efforts to build relationships with CCC and to recruit businesses with sustainable practices will be led by the City's Economic Development department. **The proposal is consistent with this Policy.**

Main Street – MS

The purpose of this small mixed-use center is to provide a focal point of pedestrian activity. The MS

allows small scale commercial, mixed-use and services that serve the daily needs of the surrounding area. “Main Street” design will include buildings oriented to the street, and minimum of 2 story building scale, attractive streetscape, active ground floor uses and other elements that reinforce pedestrian-oriented character and vitality of the area.

Response: The MC subdistrict will be implemented with the Mixed-Use Corridor comprehensive plan designation and the Neighborhood Commercial (NC) zoning district. The permitted uses in OCMC 17.24.020, with refinements in proposed OCMC 17.24.050.C, include a range of retail, service and residential uses, capped at 10,000 square feet per establishment to create a small-scale character for the subdistrict. Proposed dimensional standards include a minimum height of two stories, maximum five-foot front setbacks to ensure that development engages with the street, minimum FAR of 0.5 to create more intensive development, requirement for parking areas to be located behind buildings, standards for planter boxes and urban plazas as part of required landscaping, and prohibition on ground floor residential uses to support active ground floor uses. (See existing OCMC 17.24 and proposed 17.24.050.) Additional building and site development standards in OCMC 17.62.050 will apply at the time of development. **The proposal is consistent with this Policy.**

West Mixed-Use Neighborhood – WMU

The West Mixed-Use Neighborhood will be a walkable, transit-oriented neighborhood. This area allows a transit-supportive mix of housing, live/ work units, mixed-use buildings and limited commercial uses. A variety^[SEP] of housing and building forms is required, with the overall average of residential uses not exceeding 22 dwelling units per acre. The WMU area’s uses, density and design will support the multi-modal transportation system and provide good access for pedestrians, bicycles, transit and vehicles. Site and building design will create a walkable area and utilize cost-effective green development practices.

Response: The WMU subdistrict will be implemented with the High-Density Residential comprehensive plan designation and the R-2 High-Density Residential (R-2) zoning district. Permitted residential uses, as recently expanded in the Equitable Housing Code Amendments, provide for a variety of multifamily residential, single-family attached, cluster housing, duplexes, triplexes and quadplexes. (See OCMC 17.12.020.) The proposed code amendments add live/work units as conditional uses and permit small-scale commercial and mixed-use development as part of a master plan. (See proposed OCMC 17.12.060.C.) The minimum and maximum density permitted in the R-2 district is 17.4 to 21.8 units per acre. (See OCMC 17.12.050) Up to a 20% density bonus can be earned for affordable housing or, in the WMU, for projects incorporating sustainable design features. (See proposed OCMC 17.12.D.) The base density and density bonuses together will not exceed an overall average of 22 units per acre. The density of development will support transit use, and site design will integrate pedestrian and bicycle facilities at the time of development. **The proposal is consistent with this Policy.**

East Mixed-Use Neighborhood – EMU

The East Mixed-Use Neighborhood will be a walkable and tree-lined neighborhood with a variety of housing types. The EMU allows for a variety of housing types while maintaining a medium density residential average not exceeding the densities permitted in the R-5 zone. Limited non- residential uses are permitted to encourage a unique identity, sustainable community, and in-home work options. The neighborhood’s design will celebrate open space, trees, and relationships to public open spaces. The central open space, ridge open space scenic viewpoints, and a linked system of open spaces and trails are key features of the EMU. Residential developments will provide housing for a range of income levels,

sustainable building design, and green development practices.

Response: The EMU subdistrict will be implemented with the Medium-Density Residential comprehensive plan designation and the R-5 Medium-Density Residential (R-5) zoning district. Streets will be developed with sidewalks and street trees per adopted street standards and may not exceed a maximum block length of 530 feet to ensure a robust, connected street network supporting walkability. (See OCMC 12.08, Street Trees; OCMC Table 16.12.016 for sidewalk widths; OCMC 16.12.030 for block spacing.) Permitted residential uses, as recently expanded in the Equitable Housing Code Amendments, provide for a variety of single-family detached, single-family attached, accessory dwelling units, cluster housing, duplexes, triplexes and quadplexes. (See OCMC 17.10.020.) The R-5 density standards will apply in the EMU zone. (See OCMC 17.10.050.) The variety of residential uses, including smaller lot sizes for selected types, will support housing for a wider range of income levels. The smaller lot sizes and home sizes will inherently increase the efficiency and sustainability of residential development, for example, reducing heating and cooling needs, and the mix of uses in the BRCP district will support green living by reducing the need for vehicle trips. Home occupations will be permitted to provide in-home work options; see response to OCCP Policy 9.7.1 for further discussion. New development will be required to dedicate parkland for the South-Central Open Space, and viewpoints will be created along the ridgeline through view corridor standards. (See proposed OCMC 16.12.042 and 17.10.070.C, respectively.) Trail corridors will be identified and reserved through the subdivision review process. (See OCMC 16.08.025.E.) **The proposal is consistent with this Policy.**

Policy 1.3

Within the Northern Employment Campus sub-district, support the attraction of family-wage jobs and connections with Clackamas Community College.

Response: Under the proposed code amendments, the NEC subdistrict permits a range of industrial, light manufacturing, research and development, and corporate headquarters uses that support family-wage employment. Outside of the code and map implementation projects, supporting efforts to build relationships with CCC and to recruit businesses with family-wage jobs will be led by the City's Economic Development department. **The proposal is consistent with this Policy.**

Policy 1.4

Within the Mixed Employment Village and Main Street sub-districts, promote job creation, mixed-use and transit-oriented development. Adopt minimum densities, limitations on stand-alone residential developments, and other standards that implement this policy.

Response: Under the proposed code amendments, the MEV and MS subdistricts permit a range of employment opportunities including light manufacturing (MEV only), office, retail and service uses. Proposed code standards require that residential uses be proposed as part of a mixed-use project, rather than stand-alone residential developments, and limit residential uses to upper stories in both the MS and MEV subdistricts. (See proposed OCMC 17.24.050.E and 17.29.080.E.) In the MS subdistrict, ground-floor residential uses may also be permitted on the rear of sites, set back a minimum of 150 feet from the front property line and not to exceed 50% of the total building site area, with a minimum density of 17.4 units per acre. (See proposed OCMC 17.24.050.E.) **The proposal is consistent with this Policy.**

Policy 1.5

The Main Street sub-district may be located along the extension of Glen Oak Road and not exceed 10 gross acres. The specific configuration of the MS sub-district may be established as part of a master plan.

Response: The proposed map amendments designate the MS subdistrict along Glen Oak Road, totaling 7.2 gross acres or 6.6 net acres. **The proposal is consistent with this Policy.**

Policy 1.6

Within the West and East Mixed-Use Neighborhoods, require a variety^[11]_{SEP} of housing types. Allow lot size averaging and other techniques that help create housing variety while maintaining overall average density.

Response: Permitted residential uses in R-5 and R-2 zoning districts, proposed to implement the EMU and WMU subdistricts, provide for a variety of single-family detached, single-family attached, accessory dwelling units, multifamily, cluster housing, duplexes, triplexes and quadplexes. (See OCMC 17.10.020 and 17.12.020.) Lot size averaging is permitted per OCMC 16.08.065. **The proposal is consistent with this Policy.**

Policy 1.7

Within the MEV, MS, WMU and EMU sub-districts, require master plans to ensure coordinated planning and excellent design for relatively large areas (e.g. 40 acres per master plan). Master plans are optional in the NEC due to the larger lot and campus industrial nature of the area.

Response: Master planning is permitted in all subdistricts as a discretionary review alternative. (OCMC 17.65.) Mandatory master planning is not proposed considering state standards requiring clear and objective residential development standards and revisions to the Concept plan to address this issue are included in the adopted package. Since 2008 when the BRCP was developed, state law has been strengthened to require a clear and objective review option for all residential and mixed-use development to provide greater certainty for housing development. (ORS 197.303, 197.307.) Master planning provisions are generally discretionary, and so should not be made mandatory for residential or mixed-use areas. Many of the concept plan provisions, such as green streets and LID stormwater development, can be implemented by existing or proposed code standards and thereby meet the master planning intent. Master planning can provide an alternative review path, with incentives such as higher densities or modifications to base zone standards like minimum lot sizes. **The proposal is consistent with this Policy.**

Goal 2 Model of Sustainable Design

Be a model of sustainable design, development practices, planning, and innovative thinking.

Response: The greatest strength of the BRCP, as implemented by the proposed map and code changes, is the mix of uses that will support a vibrant, interconnected district. Much of the sustainable infrastructure planning, including LID stormwater and green street designs, was done with the BRCP and subsequent utility master planning, will can be implemented at the time of site development. Many of the zoning standards, particularly the expanded uses in the residential zones, support compact development, coupled with resource protection standards for sensitive environmental areas. The proposed code amendments include site-specific sustainable design features required in the NEC subdistrict through the implementing CI standards and incentivized in the WMU subdistrict through the

implementing R-2 standards in the form of a density bonus. Future implementation efforts will continue building partnerships with private and institutional stakeholders to further support sustainable development and economic development. **The proposal is consistent with this Goal.**

Policy 2.1

Implement the Sustainable Storm Water plan recommended in the Concept Plan. During site-specific design, encourage innovative system design and require low impact development practices that manage water at the site, street and neighborhood scales.

Response: Since the BRCP was initially written in 2008, the City has adopted the Stormwater and Grading Design Standards (2015), emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Some of the LID techniques permitted include porous pavement, green roofs, filtration planters, infiltration planters, swales, and rain gardens. (See <https://www.orcity.org/publicworks/stormwater-and-grading-design-standards>) **The proposal is consistent with this Policy.**

Policy 2.2

Stormwater facilities will be designed so they are amenities and integrated into the overall community design.

Response: LID techniques such as green roofs, filtration planters, infiltration planters, swales, and rain gardens, consistent with the 2015 Stormwater and Grading Design Standards, will serve as amenities integrated into the community. **The proposal is consistent with this Policy.**

Policy 2.3

Support public and private sector initiatives to promote sustainable design, development practices and programs, including but not limited to:

- Energy efficiency
- Water conservation
- Compact development
- Solar orientation
- Green streets/infrastructure
- Adaptive reuse of existing buildings/infrastructure
- Alternative transportation
- Pedestrian/Cyclist friendly developments
- Natural drainage systems
- Tree preservation and planting to “re-establish” a tree canopy
- Minimizing impervious surfaces
- Sustainability education (builder, residents, businesses and visitors)

- Collaboration with “local” institutional and economic partners, particularly Clackamas Community College and Oregon City High School
- Community based sustainable programs and activities

Response: Many of these initiatives are ongoing and involve multiple stakeholders, which the City will continue to support. The proposed map and code amendments will directly and indirectly support a number of them. The proposed residential standards in particular support compact development by allowing a variety of residential units at higher density than permitted density for single-family detached residential uses. The City has adopted green street standards with the 2013 Transportation System Plan and the low impact development stormwater and grading design standards that will be applied to all new development. Sidewalks and bicycle lanes will be built with new roadways at the time of development to provide alternative transportation infrastructure, as well as off-street trails. Bicycle parking will be required in new developments per OCMC 17.52.040. Tree protection, preservation, removal and replanting is regulated per OCMC 17.41 to support tree preservation. Impervious surfaces can be minimized through application of the low impact development stormwater standards and supported by recent reductions to off-street parking required for residential uses in OCMC 17.52 with the Equitable Housing Code Amendments. **The proposal is consistent with this Policy.**

Policy 2.4

Work with stakeholders and the community to develop LEED or equivalent green building standards and guidelines to apply in the Concept Plan area.

Response: As part of the proposed code amendments, industrial development in the NEC subdistrict will be required to incorporate sustainable design features; one option is to propose a LEED-certified building. (See proposed OCMC 17.37.060.G.8.) Similarly, WMU development may elect to build to LEED standards as one option to qualify for a density bonus. (See proposed OCMC 17.12.060.D.12.) The existing site development standards in OCMC 17.62 that apply to all new development except medium density residential already include green building standards and guidelines that supports sustainability. For example, 15% site landscaping is required along with conservation of natural resource areas which, along with adopted LID stormwater standards, minimizes impervious surface and treats stormwater runoff. Mandatory green building standards for all development, beyond the sustainable features for industrial and high-density residential, are not recommended. Requiring compliance with a third-party set of standards, such as LEED, is inherently problematic because it outsources City decision-making to a third party, with standards that are updated more frequently than City code is updated. **The proposal is consistent with this Policy.**

Goal 3 Green Jobs

Attract “green” jobs that pay a living wage.

Response: The proposed map and code amendments lay the foundation for future “green” job and green industry recruitment by designating 135.1 net acres for industrial development under the CI standards, and permitting a wide range of industrial, research and development, and corporate headquarters uses. Further business recruitment efforts will be led by the City’s Economic Development

department and community partners to promote the BRCP area, building off the existing Beaver Creek Employment Area efforts that already include a portion of the BRCP area. (See <https://www.orcity.org/economicdevelopment/beavercreek-employment-area>) **The proposal is consistent with this Goal.**

Policy 3.1

Coordinate with county, regional and state economic development representatives to recruit green industry to the Concept Plan area.

Response: The proposed map and code amendments will support business recruitment efforts for the BRCP area that will be led by the City's Economic Development department and county, regional and state economic development representatives. The City can expand current partnerships such as the Beaver Creek Employment Area Blue Ribbon Committee that include city, county and regional representatives. (See https://www.orcity.org/sites/default/files/fileattachments/economic_development/page/11230/beavercreek_employment_area_-_marketing_and_recruitment_strategy.pdf) The Committee was identified as a stakeholder in this implementation project and provided their input at a meeting held January 17, 2019. **The proposal is consistent with this Policy.**

Policy 3.2

Promote the Concept Plan area as a place for green industry.

Response: The proposed map and code amendments will support business promotion efforts for the BRCP area that will be led by the City's Economic Development department. The City can promote the BRCP area, building off the existing Beaver Creek Employment Area efforts that already include a portion of the BRCP area. (See <https://www.orcity.org/economicdevelopment/beavercreek-employment-area>) **The proposal is consistent with this Policy.**

Policy 3.3

Work with Clackamas Community College to establish programs and education that will promote green development within the Concept Plan area.

Response: Clackamas Community College was identified as a stakeholder in this implementation project and interviewed early in the process to incorporate their ideas into the map and code amendments. The College has participated in the Beaver Creek Employment Area efforts to date as a member of the Blue-Ribbon Committee and the City will continue working with the College. **The proposal is consistent with this Policy.**

Goal 4 Sustainable Industries

Maximize opportunities for sustainable industries that serve markets beyond the Portland region and are compatible with the site's unique characteristics.

Response: The proposed map and code amendments lay the foundation for sustainable industries by designating 135.1 net acres for industrial development under the CI standards, and permitting a wide

range of industrial, research and development, and corporate headquarters uses. Further business recruitment efforts will be led by the City's Economic Development department and community partners to promote the BRCP area, building off the existing Beaver Creek Employment Area efforts that already include a portion of the BRCP area. (See

<https://www.orcity.org/economicdevelopment/beaver-creek-employment-area>) **The proposal is consistent with this Goal.**

Policy 4.1

As master plans are approved, ensure there is no net loss of land designated North Employment Campus.

Response: The proposed map amendments designate 153.9 gross acres with an estimated 135.1 net acres with the Industrial comprehensive plan designation and CI zoning district. Any rezoning proposal will have to show compliance with the BRCP, including this policy, which will prevent any net loss of NEC land. Much of the NEC land is designated Industrial land consistent with Metro Title 4 regulations and is further protected from conversion to non-industrial uses by Metro standards. (See https://www.orcity.org/sites/default/files/fileattachments/planning/page/12700/title_4_map_-_employment_and_industrial_land.pdf) **The proposal is consistent with this Policy.**

Policy 4.2

Coordinate with County, regional and state economic development representatives to recruit sustainable industries that serve markets beyond the Portland region.

Response: The proposed map and code amendments will support business recruitment efforts for the BRCP area that will be led by the City's Economic Development department and county, regional and state economic development representatives. The City can expand current partnerships such as the Beaver Creek Employment Area Blue Ribbon Committee that include city, county and regional representatives. (See https://www.orcity.org/sites/default/files/fileattachments/economic_development/page/11230/beaver-creek-employment-area_-_marketing_and_recruitment_strategy.pdf) The Committee was identified as a stakeholder in this implementation project and provided their input at a meeting held January 17, 2019. **The proposal is consistent with this Policy.**

Goal 5 Natural Beauty

Incorporate the area's natural beauty into an ecologically compatible built environment.

Response: The proposed map and code amendments will protect natural resources within the future built environment of the district by requiring dedication of parkland to create the South-Central Open Space Network, requiring dedication of trail corridors identified in the BRCP, protecting trees per OCMC 17.41, and protecting riparian habitat and geologic hazard areas from development through application of the Natural Resources Overlay District in OCMC 17.49 and the Geologic Hazards Overlay Zone in OCMC 17.44. **The proposal is consistent with this Goal.**

Policy 5.1

Incorporate significant trees into master plans and site-specific designs. Plant new trees to establish an

extensive tree canopy as part of the creation of an urban community.

Response: All future development in the areas affected by this proposal will be required to comply with tree protection standards in OCMC 17.41, which include replanting standards. **The proposal is consistent with this Policy.**

Policy 5.2

Provide scenic viewpoints and public access along the east ridge.

Response: Per the revised Site Plan and Design Review and Subdivision code, the East Ridge- Thimble Creek Conservation Area will be dedicated as a public park with requirements for two viewpoints, one of which is to be viewable from the road. **The proposal is consistent with this Policy.**

Policy 5.3

Protect views of Mt Hood and locate trails and public areas so Mt Hood can be viewed within the community.

Response: Under the proposed map and code amendment, trails and public areas identified in the BRCP will be acquired by the City and protected from development, which will protect views of Mt Hood from those facilities. Parkland within the South-Central Open Space Network East Ridge- Thimble Creek Conservation Area will be required to be dedicated at the time of residential development. (See proposed OCMC 16.12.042 and 17.62.058.) Trail corridors as identified in the Trails Master Plan will be identified and reserved through the development review process, including a 30-foot corridor through the powerline easement area identified in the BRCP as providing Mt Hood views. (See OCMC 16.08.025.E and proposed 17.37.060.F.) **The proposal is consistent with this Policy.**

Policy 5.4

Establish open space throughout the community consistent with the Open Space Framework Plan. Allow flexibility in site-specific design of open space, with no net loss of total open space area.

Response: Under the proposed map and code amendment, open spaces identified in the BRCP will be protected from development and/or acquired by the City. Parkland within the South-Central Open Space Network East Ridge- Thimble Creek Conservation Area will be required to be dedicated at the time of residential development. (See proposed OCMC 16.12.042 and 17.62.058.) Trail corridors as identified in the Trails Master Plan will be identified and reserved through the development review process. (See OCMC 16.08.025.E.) Additional natural, undeveloped open space will be protected through application of the Natural Resources Overlay District in OCMC 17.49 and the Geologic Hazards Overlay Zone in OCMC 17.44 which restrict development in sensitive areas. **The proposal is consistent with this Policy.**

Policy 5.5

Protect steeply sloped and geologically sensitive areas along the east ridge from development.

Response: Through the proposed code amendments, the steeply sloped areas along the east ridge will be protected through the application of the Geologic Hazards Overlay Zone in OCMC 17.44, which limits development on slopes 25 to 35% and prohibits all development on slopes over 35% and the dedication of the East Ridge- Thimble Creek Conservation Area to the city. **The proposal is consistent with this Policy.**

Goal 6 Multi-modal Transportation

Provide multi-modal transportation links (such as bus routes, trails, bikeways, etc.) that are connected within the site as well as to the surrounding areas.

Response: The proposed map and code amendments will support the provision of multi-modal transportation links within the site and to surrounding areas at the time of development. The transportation network of major arterials and collectors within the BRCP area have been adopted in the City's Transportation System Plan (2013); the projects must be complete or completed by the developer at the time of development. Improvement of these major rights-of-way will meet green street standards with multimodal elements. The trails network, as part of the Trails Master Plan, will be required to be built prior to or as a condition of development as well. Bus routes will be planned with Tri-Met as part of ongoing coordination efforts. **The proposal is consistent with this Goal.**

Policy 6.1

Work with Tri-Met and stakeholders to provide bus service and other alternatives to the Concept Plan area.

Response: Bus service will be planned with Tri-Met as part of ongoing coordination efforts outside of the proposed map and code amendments. **The proposal is consistent with this Policy.**

Policy 6.2

As land use reviews and development occur prior to extension of bus service, ensure that the mix of land uses, density and design help retain transit as an attractive and feasible option in the future.

Response: The proposed map and code amendments support development of a mix of uses both across the district and within individual subdistricts that include employment, commercial and residential uses that can support future transit service. Minimum densities will be applied to residential development in the EMU and WMU subdistricts, at 7.0 units per acre and 17.4 units per acre respectively; any ground-floor residential uses in the MS subdistrict will also be required to meet a minimum density of 17.4 units per acre. Minimum FARs are also proposed for the MEV and MS subdistricts to guide intensive design supportive of future transit options. **The proposal is consistent with this Policy.**

Policy 6.3

Ensure that local street connectivity and off-street pedestrian routes link together into a highly connected pedestrian system that is safe, direct, convenient, and attractive to walking.

Response: The proposed map and code amendments will require local street connectivity and off-street pedestrian routes to be developed with all new development. OCMC 16.12, which applies to new subdivisions and site plan reviews, requires a maximum block length of 530 feet to maintain connectivity except in the CI zone, discourages cul-de-sacs and dead ends, and requires public off-street pedestrian and bicycle accessways when through streets cannot be provided; together these provisions provide for a highly connected pedestrian system. (See OCMC 16.12.025, 16.12.030, 16.12.032.) Additionally, development under the proposed map and code amendments will be required to reserve trail corridors supporting completion of the off-street trails network established in the Trails Master Plan. **The proposal is consistent with this Policy.**

Policy 6.4

The “walkability” of the Concept Plan area will be one of its distinctive qualities. The density of walking routes and connectivity should mirror the urban form – the higher the density and larger the building form, the “finer” the network of pedestrian connections.

Response: The proposed map and code amendments will require pedestrian connectivity that mirrors the urban form. A maximum block length of 530 feet applies in all proposed zones except the CI-zoned NEC subdistrict, where greater spacing between streets is appropriate for industrial campus development. (See OCMC 16.12.030.) Within the “finer” grained residential and mixed-use subdistricts, code standards to be applied through these proposed map amendments will also require a well-marked, continuous and protected on-site pedestrian circulation system within development sites per OCMC 17.62.050.C. **The proposal is consistent with this Policy.**

Policy 6.5

Require trails to be provided consistent with the Concept Plan Circulation Framework.

Response: Development under the proposed map and code amendments will be required to reserve trail corridors supporting completion of the off-street trails network established in the Trails Master Plan. **The proposal is consistent with this Policy.**

Policy 6.6

Provide bike lanes on Beavercreek Road and all collector streets, except for Main Street. The City may consider off-street multi-use paths and similar measures in meeting this policy. Bike routes will be coordinated with the trails shown on the Circulation Framework.

Response: Streets, including Beavercreek Road, will be built prior to or as a condition of development, and will be required to be constructed to the City’s adopted green street standards that include bike lanes except on Glen Oak Road which will serve as the Main Street. Off-street multiuse paths may be developed along Center Parkway within an expanded right-of-way as part of the South-Central Open Space Network. An amendment to the Concept Plan will be added to emphasize the need for safer and wider bike lanes and direction that other street elements could be reduced to accommodate the needs for bike lanes wide than the initial 5-foot sections adopted in 2008. **The proposal is consistent with this Policy.**

Goal 7 Safety Along Beavercreek Road

Implement design solutions along Beavercreek Road that promote pedestrian safety, control traffic speeds and access, and accommodate projected vehicular demand.

Response: The Planning and City Commission reviewed the existing cross-section and intersection control for the section of Beavercreek Road that abuts the Concept Plan boundary to see if additional capacity could be added to this section that did not adversely impact pedestrian and bike use along the corridor. The Planning and City Commission directed staff to revise the Transportation System Plan by utilizing signals at all major intersections and transitioning from a 5-lane road section to a 3-lane road section south of Meyers Road **The proposal is consistent with this Goal.**

Policy 7.1

Design Beaver Creek Road to be a green street boulevard that maximizes pedestrian safety.

Response: The Planning and City Commission reviewed the existing cross-section and intersection control for the section of Beaver Creek Road that abuts the Concept Plan boundary to see if additional capacity could be added to this section that did not adversely impact pedestrian and bike use along the corridor. The Planning and City Commission directed staff to revise the Transportation System Plan by utilizing signals at all major intersections and transitioning from a 5-lane road section to a 3-lane road section south of Meyers Road. The road revisions will rely on a crown street approach to stormwater rather than the initial inverted crown center medium approach. Low-impact stormwater facilities will be added the planter strips on the outside of the street rather than the internal medium. **The proposal is consistent with this Policy.**

Policy 7.2

Work with the County and State to establish posted speeds that are safe for pedestrians and reinforce the pedestrian-oriented character of the area.

Response: Future coordination with the County and the State about the posted speeds is outside of the scope of the proposed map and code amendments. **The proposal is consistent with this Policy.**

Policy 7.3

Control access along the east side of Beaver Creek Road so that full access points are limited to the intersections shown on the Circulation Framework. Right in-Right-out access points may be considered as part of development review.

Response: The proposed map and code amendments will support limited access along the east side of Beaver Creek Road. At the time of development, driveway spacing and access limitations will be applied to individual lots including standards that require a minimum of 175 feet per driveway along an arterial like Beaver Creek Road, that limit access to one driveway per frontage, and that require access to be provided from the lowest classification street. (See OCMC 16.12.035.) The City may adopt additional access limitations specific to Beaver Creek Road. **The proposal is consistent with this Policy.**

Goal 8 Oregon City High School and Clackamas Community College

Promote connections and relationships with Oregon City High School and Clackamas Community College.

Response: Both OCHS and CCC were identified as stakeholders in this implementation project and engaged through initial interviews and invitations to all public meetings throughout the project; OCHS hosted two public open houses on January 29 and April 9, 2019. Future implementation efforts will continue to engage OCHS and CCC. **The proposal is consistent with this Goal.**

Policy 8.1

Coordinate with OCHS and CCC when recruiting businesses and promoting sustainability. Within one year of adoption of the Concept Plan, the City will convene dialogue with OCHS, CCC and other relevant partners to identify target industries and economic development strategies that are compatible with the vision for the Concept Plan. Encourage curricula that are synergistic with employment and sustainability in the Concept Plan area.

Response: Both OCHS and CCC are members of the Beavercreek Employment Area Blue Ribbon Committee that includes city, county and regional representatives to discuss economic development strategies for the area incorporating the two institutions and portions of the BRCP area. (See https://www.orcity.org/sites/default/files/fileattachments/economic_development/page/11230/beavercreek_employment_area_-_marketing_and_recruitment_strategy.pdf) Future implementation efforts will continue to engage OCHS and CCC. **The proposal is consistent with this Policy.**

Policy 8.2

Prior to application submittal, require applicants to contact OCHS and CCC to inform them and obtain early comment for master plans and design review applications.

Response: The City will develop internal policies to ensure that OCHS and CCC are engaged at the time of pre-application conferences required before all subdivision, master plan, and site plan review applications are submitted, to inform OCHS and CCC and provide opportunity for early comment. **The proposal is consistent with this Policy.**

Policy 8.3

Improving the level-of-service and investing in the Highway 213 corridor improves the freight mobility along Highway 213, which provides access^[1] to Beavercreek Road and the Concept Plan area. Protecting the corridor and intersections for freight furthers the City goal of providing living-wage employment opportunities in the educational, and research opportunities to be created with CCC and OCHS.

Response: Alternative Mobility Targets were adopted for Highway 213 in 2018, including the Highway 213 and Beavercreek Road intersection, which will support freight mobility along Highway 213 to support employment opportunities in the BRCP area in partnership with CCC and OHCS. **The proposal is consistent with this Policy.**

Goal 9 Unique Sense of Place

Have a unique sense of place created by the mix of uses, human-scale design, and commitment to sustainability.

Response: The essence of the BRCP area is the mix of uses both across the district as a whole and within individual subdistricts, which will be fully implemented by the proposed map and code amendments to create the five subdistricts including mixed-use zoning for the MEV and MS subdistricts. Design elements implemented through the proposed code amendments include maximum square footages for individual business establishments, minimum FARs, and maximum setbacks in the MS and MEV subdistricts; pedestrian connectivity within sites, subdistricts, the district and beyond; and building design standards, as discussed elsewhere in this narrative. Sustainability will be integrated into the fabric of the district as discussed in response to Goal 2 and related policies, including sustainable infrastructure, mix of uses, natural resources protection, and sustainable building and site design elements for industrial development and multifamily development in the R-2 zoned WMU zone. **The proposal is consistent with this Goal.**

Policy 9.1

Utilize master plans and design review to ensure detailed and coordinated design. Allow flexibility in development standards and the configuration of land uses when they are consistent with the comprehensive plan, development code, and vision to create a complete and sustainable community.

Response: Under the proposed map and code amendments, new development will be reviewed through site plan design review, subdivision, and/or master plans. Development standards can be modified through minor and major variances if they are consistent with the comprehensive plan including the BRCP vision. (See OCMC 17.60.) The configuration of land uses will be established by the proposed map amendments and can be modified through future map amendments consistent with OCMC 17.68, though the range of uses allowed in each subdistrict through the proposed code amendments is intended to be flexible and potentially reduce the need for map amendments, such as the R-2 standards for small-scale commercial and mixed-use in the primarily residential EMU subdistrict. **The proposal is consistent with this Policy.**

Policy 9.2

Implement human-scale design through building orientation, attractive streetscapes, building form/architecture that is matched to the purpose of the sub-district, location of parking, and other techniques. The design qualities of the community should mirror the urban form – the higher the density and larger the buildings, the higher the expectation for urban amenities and architectural details.

Response: Design elements implemented through the proposed code amendments that support human-scale design include maximum square footages for individual business establishments, minimum FARs, and maximum setbacks in the MS and MEV subdistricts; pedestrian connectivity within sites, subdistricts, the district and beyond; and requirements for parking to be located at the rear of sites. The proposed code amendments also apply the building design standards in OCMC 17.62.055 for all development, except industrial development, requiring quality building materials, siting of structures along the front property line, buildings oriented towards the street, entryways, façade modulation and articulation, and fenestration. The proposed code amendments will support attractive streetscapes through both design standards for private development along the street, such as maximum setbacks and provisions for pedestrian plazas and outdoor café seating within the setbacks, and the green street standards for the public right-of-way development. **The proposal is consistent with this Policy.**

Policy 9.3

Density should generally transition from highest on the west to lowest in the eastern part of the site.

Response: Generally, the proposed map and code amendments support graduated density across the district from west to east. Density transitions from highest in the west along Beaver Creek Road, with the R-2 zoning for the WMU subdistrict that allows development up to 21.8 units an acre, transitioning to medium density at a maximum density of 8.7 units per acre for single-family detached homes in the east with the R-5 zoning for the EMU subdistrict. **The proposal is consistent with this Policy.**

Policy 9.4

Promote compatibility with existing residential areas at the north and south end of the Concept Plan area. Transition to lower densities, setbacks, buffers and other techniques shall be used.

Response: The proposed code amendments support compatibility with existing residential areas to the north and south of the BRCP area by requiring buffers and setbacks. Under the proposed map and code amendments, the northern edge of the district is zoned CI and industrial development within the zone that is adjacent to residential is required to provide a 25-foot-wide buffer including landscaping, trees, berms, and fencing. (See proposed OCMC 17.37.060.D.) At the southern edge of the district, the proposed code requires a perimeter transition requiring larger 6,000 square foot lots restricted to single-family detached uses, a 40-foot setback from the edge of the district, and a combination of landscaping, trees and fencing. (See proposed OCMC 17.10.070.D.) **The proposal is consistent with this Policy.**

Goal 10 Ecological Health

Manage water resources on-site to eliminate pollution to watersheds and lesson impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health.

Response: The City has adopted the Stormwater and Grading Design Standards (2015) that emphasize low-impact development (LID) practices, which will be applied to new development within the BRCP area under the proposed map and code amendments. The Natural Resources Overlay District (NROD) in OCMC 17.49 will also be applied to stream corridors and riparian habitat through the proposed map and code amendments to protect water resources on site. **The proposal is consistent with this Goal.**

Policy 10.1

Utilize low impact development practices and stormwater system designs that mimic natural hydrologic processes, minimize impacts to natural resources and eliminate pollution to watersheds.

Response: Since the BRCP was initially written in 2008, the City has adopted the Stormwater and Grading Design Standards (2015), emphasize low-impact development (LID) practices, source controls for higher pollutant generating activities, erosion prevention and sediment controls, and operation and maintenance practices designed to properly manage stormwater runoff and protect our water resources. Some of the permitted LID techniques, some of which mimic natural hydrologic processes, include porous pavement, green roofs, filtration planters, infiltration planters, swales, and rain gardens. (See <https://www.orcity.org/publicworks/stormwater-and-grading-design-standards>) **The proposal is consistent with this Policy.**

Policy 10.2

Prepare the Environmentally Sensitive Resource Area overlay to protect, conserve and enhance natural areas identified on the Concept Plan. Apply medium density base zoning that allows property owners to cluster density outside the ESRA and transfer to other sites.

Response: Areas identified within the Environmentally Sensitive Resource Area will be protected by a variety of strategies through the proposed map and code amendments. Most importantly, the Natural Resources Overlay District (NROD) in OCMC 17.49 will be applied to stream corridors and riparian habitat, including Thimble Creek on the eastern edge of the site. The Geologic Hazards Overlay District will be applied to steep slopes per OCMC 17.44, limiting development on slopes 25 to 35% to two units per acre and prohibiting development on slopes above 35%. The key ESRAs identified on page 1 of the

BRCP are generally protected through the combination of these two overlays, however, there are minor discrepancies in the extent of individual nodes. In 2008 when the BRCP was being drafted, there was discussion that upland habitat areas could be protected through the NROD as well, however, subsequent development of the NROD standards elected to exclude upland habitat areas because there is no mechanism for such in Metro's Title 13. The exclusion of the upland habitat areas slightly reduces the extent of some of the identified ESRA nodes, but the NROD and geologic hazard overlays together protect the core of each resource area. The NROD includes density transfer provisions in OCMC 17.49.240. **The proposal is consistent with this Policy.**

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.

Finding: Complies as Proposed. The proposed Legislative application is being reviewed pursuant to the Type IV process. Notice was posted online and posted in the paper.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. This is a citywide application; no specific neighborhood association was identified and is not required with the code that is in effect on in July 2019. However, the project was presented to the CIC as well as the Caufield Neighborhood Association.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This is a Legislative Decision, there is no 120-day deadline for making a final city decision.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. This land-use application was submitted on

17.50.090 Public Notices.

Finding: Complies as Proposed. A Measure 56 Notice was sent to all property owners within the concept plan boundary and general Land Use Notice was sent to all property owners within 300 feet of the Concept Plan boundary. The Land Use Notice was posted on the Oregon City website and in a general circulation newspaper. Staff provided an email transmittal of the application and notice to affected agencies, and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. No signs were posted as there was not a limited number of affected properties for this proposed Legislative amendment.

III. STAFF RECOMMENDATION:

Based on the findings identified above, the proposal to amend the Comprehensive Plan Map, Zoning Map, Title 16 and 17 of the Oregon City Municipal Code, Beaver Creek Road Concept Plan, Parks Master Plan, Trails Master Plan and the Transportation System Plan to implement the Goals and Policies of the Beaver Creek Road Concept Plan is consistent with the Oregon City Comprehensive Plan and State Land Use Goals. Staff recommends approval of Planning file LEG 19-00003

Exhibits

1. Vicinity Map
2. Proposed amendments to the Comprehensive Plan Map
3. Proposed amendments to the Oregon City Zoning Map
4. Proposed amendments to Title 16 and 17 of the Oregon City Municipal Code
5. Proposed amendments to the Beaver Creek Road Concept Plan
6. Proposed amendments Parks Master Plan
7. Proposed amendments to the Trails Master Plan
8. Proposed amendments to the Transportation System Plan
9. Beaver Creek Road Concept Plan Adopted 2008 (readopted 2016)
10. Planning Commission Hearings Public Comment Matrix -Revised February 3, 2020
11. Applicant's Submittal
12. June 7, 2019 Draft Zoning Code Amendments
13. June 7, 2019 Revised Draft Zoning Map (with and without major streets)
14. June 7, 2019 Zoning Code Memo
15. June 7, 2019 Zoning Map Memo
16. Beaver Creek Road Concept Plan Implementation Acreage Estimate
17. Economic/Jobs Analysis Memo
18. Infrastructure Memo
19. Transportation Memo (TPR)
20. Transportation Memo- Beaver Creek Road Design
21. Transportation Memo- Beaver Creek Road Design- Appendix
22. Public Comment Tracker January 2019-June 2019
23. Planning Commission Memo -February 10, 2020 Hearing
 - a. Staff Presentation
 - b. Collector Width Survey Results
 - c. Email from Mike Mitchell
24. Planning Commission Memo January 13, 2020 Hearing
 - a. Staff Presentation
 - b. Natural Resource Committee- Letter to Planning Commission- Upland Habitat
 - c. Home Occupations Cottage Industry- Revised Code

- d. Public Park and Open Space Requirements in Beaver Creek Road Concept Plan - Revised Code
- e. Todd Mobley Email- Collector Streets
- f. Todd Mobley Memo- Collector Streets
- g. Upland Habitat vs GEO-NROD Overlay Map
- 25. Planning Commission Memo- November 25, 2019 Hearing
 - a. Staff Presentation
 - b. FAQ- Transportation Planning Rule (TPR)
 - c. John Replinger Comment
 - d. November 18, 2019 ODOT Comment
 - e. Staff Memo- November 12, 2019 City Commission Work Session
 - f. Staff Presentation - November 12, 2019 City Commission Work session
 - g. Roundabout Conceptual Study- November 12, 2019 City Commission Work Session
 - h. November 4, 2019 ODOT Comments
 - i. Survey Results- Transportation Options
- 26. Planning Commission Memo- November 18, 2019 Hearing
 - a. Staff Presentation
- 27. Planning Commission Memo- October 14, 2019 Hearing
 - a. Staff Presentation
 - b. Beaver Creek Road Concept Plan- Cottage Industry- Expanded Home Occupation Options Survey Results
- 28. Planning Commission Memo- September 23, 2019 Hearing
 - a. Staff Presentation
 - b. Development Services Presentation
 - c. OCMC 17.44 Geologic Hazards
 - d. Metro Title 13 Compliance Letter
- 29. Planning Commission Memo- September 9, 2019 Hearing
 - a. Staff Presentation
 - b. City Wide Home Occupation License Worksheet
- 30. Staff Presentation- August 26, 2019
- 31. Staff Presentation- August 12, 2019
- 32. Draft Minutes, Agendas and Video the Following City Meetings (on file)
 - a. August 13, 2020 City Commission Work Session -Beaver Creek Road Design
 - b. August 29, 2019 Parks and Recreation Advisory Committee (PRAC)- Initial Presentation
 - c. October 9, 2019 Natural Resource Committee- Upland Habitat
 - d. November 12, 2019 - City Commission Work Session- Beaver Creek Road Design
 - e. November 13, 2019 Natural Resource Committee- Upland Habitat
 - f. January 21, 2020- Transportation Advisory Committee (TAC)- Protected and Buffered Bike Lanes
 - g. January 23, 2020 Parks and Recreation Advisory Committee (PRAC) Recommendation to The Planning Commission



To: City Commission
From: Laura Terway, Community Development Director
Christina Robertson-Gardiner, Senior Planner
Josh Wheeler, Assistant City Engineer
Carrie Richter, Bateman Seidel, Assistant City Attorney
RE: LEG 19-0003-Beavercreek Road (Thimble Creek) Concept Plan Zoning and Code Amendments
Date: June 9, 2020

Staff offers the following findings of approval responding to questions about the adequacy of infrastructure in the Concept Plan area. By way of introduction, it is important to remember that the adoption of urban zoning within the Thimble Creek area is just one step in a multi-step process necessary for development to occur. These steps include: adoption of a concept plan – the comprehensive plan for this specific area, the amendment of various utility / transportation master plans as necessary to implement the concept plan, the identification of funding mechanisms including revisions to system development charge assessments and capital improvement plans, and the development review - such a land division or site plan approval - that authorize a particular proposal. Until an application for development is received, land use and infrastructure planning for this area is an iterative process that is impacted by many factors such as funding priorities and how development in this area occur. In other words, this is not the last opportunity that the City will have to review and identify infrastructure solutions and funding priorities in the future.

The Applicable Approval Standard

OCMC 17.68.020(B), one of the criteria to be satisfied when considering a zone change, provides:

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed in the zone.

Finding this criterion is met does not require that utility facilities already exist but rather, whether they “can be made available.” A demonstration that public facilities “can be made available” means only that it must be feasible and does not require that they must exist or otherwise somehow be assured. The words “can be made available” requires a determination of the feasibility of extending utility facilities and services to the property. If it is feasible to extend utilities to the site, this standard is satisfied.

Testimony was presented that this criterion requires that facilities “will be available”

– along with a claim that this imposes a “higher standard.” However, the meaning of “can be made available” does not involve such a demanding interpretation. Had the intent been to require greater certainty about the provision of services, the terms “shall be available” or “will be available” might have

been used. The word “can,” unlike the words ‘will’ or ‘shall,’ requires a subjective determination of the ‘ability to’ provide, or the ‘feasibility of’ providing utility infrastructure.

To further this end, the City has adopted public facility plans to identify the water, sewer, and transportation facilities that are needed to support the designated land uses and to assure that this infrastructure is available for approved uses. The adopted Sanitary Sewer Master Plan (2014), Water Distribution Master Plan (2012), Stormwater Master Plan (2020) and Transportation System Plan (2013) provide direction on how public facilities can extend to new areas, including the Beaver Creek/Thimble Creek Concept Plan area and development anticipated through the proposed map and code amendments, without compromising the ability to provide services to existing areas and residents of the City that meet adopted service standards.

Planning for the Provision of Water

In 2012, the City adopted the Citywide Water Distribution System Master Plan (WMP). The WMP was written for the entirety of the City’s distribution system for both existing and future demands within the Urban Growth Boundary (UGB), inclusive of the Beaver Creek Road (Thimble Creek) Concept Area. The WMP projected a water storage deficiency to serve the Beaver Creek Concept Area and identified the need for a new reservoir located beyond the City’s existing Henrici Reservoir, at a higher elevation along with a new pump station and transmission main. The 2019 Water Capital Improvement Plan (CIP) update confirmed this need.

In 2014, the City, Clackamas River Water (CRW), and the South Fork Water Board (SFWB) entered into a Settlement Agreement. The Agreement required the City and CRW to engage in discussions regarding the potential adjustment of service area boundaries, including possible withdrawal and annexation of certain lands, to better reflect the appropriate entity to serve certain areas based on which entity is most able to serve future development lands. In November 2016, CRW and the City entered into a Memorandum of Understanding (MOU) authorizing a Joint Engineering Study (Study) to meet the terms of the Agreement. The Study was presented in a joint work session to the City Commission and Clackamas River Water Board on March 13, 2018, and the Study was finalized June 11, 2018.

In the Beaver Creek Area, the Study identified a concept providing service with shared infrastructure, including a pump station, transmission main, and reservoirs. This approach reduces the City capital costs to serve the area, since major infrastructure costs are shared with CRW. The study found that in both the joint approach or the “go it alone approach” the City provides service to all residents within the City and UGB long term, therefore, the customer base remains the same, and both options show compliance with the zoning requirements in OCMC 17.68 to show how utilities serve or can be shown to serve the Beaver Creek/Thimble Creek Concept Plan area. The two primary differences are water supply and capital improvements required to serve the area, both in scope and cost. The 2019 CIP reflects Oregon City as the long-term service provider of the Beaver Creek Concept Area, including water supplied by SFWB. The Joint Engineering option includes water supply from SFWB and CRW.

The Commission desires to plan for and provide water supplied by South Fork Water Board or other City-owned water supply sources, as its primary source of water for its water distribution system. Resolution 20-15, Passed on June 3, 2020 “directs staff to proceed with an amendment of the 2012 Water Distribution Plan, inclusive of the 2019 Capital Improvement Plan that reflects planned City service to current and future citizens of Oregon City, including the Beaver Creek Road (Thimble Creek) Concept Plan area with City-owned and operated facilities, and not pursue the joint engineering option identified in the Study.”

Public Works staff is tasked with siting a reservoir and pursuing an Intergovernmental Agreement with Clackamas River Water that provides a Master Meter to the City as an interim solution while the City plans and builds the infrastructure and ultimately withdraw Clackamas River water from the Beaver Creek/Thimble Creek Concept Plan Area.

Planning for the Provision of Sanitary Sewer

The Sanitary Sewer Master Plan (2014) was created subsequent to initial adoption of the Beaver Creek Road Concept Plan (2008 and incorporated the Beaver Creek/Thimble Creek Concept Plan area into future capital improvement projections and will ensure adequate water and sewer capacity is developed. An Infrastructure Analysis completed by 3J consulting indicated that the population and development projects are consistent with the 2014 sewer analysis and can be found on Figure 5-8 on page 5-11 of the 2014 Sanitary Sewer Master Plan refers specifically to the projected Housing and Employment Estimates on page 42 of the adopted Beaver Creek Road Concept Plan (2008/2016). Development consistent with these plans will ensure adequate treatment capacity throughout the system – including the treatment plant – even should other areas, such as Happy Valley or Damascus, develop first.

Planning for Adequate Transportation

Zone Changes in Oregon must show compliance with the requirements of Oregon Administrative Rule (OAR) 660- 012-0060, the Transportation Planning Rule (TPR), are met. DKS and Associates were contracted to provide this analysis, which was further reviewed by the city contract Transportation Engineer, John Replinger. The Study found that the current TSP includes adequate transportation system projects for the Beaver Creek Concept Plan area to comply with the Transportation Planning Rule (TPR). Moreover, all transportation impacts as a result of the additional housing units and employees in the Beaver Creek Concept Plan area are addressed by current Transportation System Plan projects, which include the recently adopted alternate mobility projects and standards.

It is incorrect to say that Beaver Creek Road / Highway 213 intersection is not “up-to-standard.” The City made a decision to adopt alternative mobility standards which will be satisfied when traffic generated from Thimble Creek development occurs. Although there may be a preference for the more expensive grade-separated interchange to alleviate congestion, this was not the policy choice that the City selected. Thimble Creek development can satisfy the alternate mobility standards.

Development will occur in the concept plan area iteratively based on market conditions. Each development will be required to build abutting new connecting streets and provide upgrades offsite if proportionally triggered. Projects identified in the Transportation System Plan, such as the unrestricted

right turn lane at Beavercreek/213, will be closer to being built with SDCs paid by new development, as contemplated in the concept plan.

Public comments are often concentrated in the desire to see all improvements be built before development can be approved. This approach only works if development is large enough that their proportional impact legally allows a jurisdiction the ability to exact large offsite improvement during the land use process. These types of large development have not been built to date in Oregon City. Another option not generally pursued is the use of municipal bonding, urban renewal or other upfront funding mechanisms that are paid back over time through development generated monies. What has occurred and will occur in the Concept Plan area, unless there is further direction given by the City Commission, is piecemeal improvements implemented over time proportional to the proposed development coupled with directed city-led capital improvement projects identified in the TSP, such as the unrestricted right turn lane on Highway 213.

The Transportation System Plan identified projects that are unlikely to be funded or likely be funded by the public entity. Unlikely to be funded projects are infrastructure improvements that are the direct result of development. When private development occurs, those that most directly benefit from the streets become responsible for their construction. For example, the City has not prioritized Holly Lane for improvement to serve existing development and for that reason, it is not identified for funding in the capital improvement plan (CIP). However, when development occurs that triggers the need for Holly Lane, a condition of approval requiring its improvement may be imposed. The alternative, if it turns out that Holly Lane is needed, the CIP could be amended to provide some level of public funding.

The burden the City has in reviewing zone changes is to verify that there is an adequate plan adopted that identifies the needed transportation projects for an area to be able to meet the adopted mobility targets. How adopted projects are prioritized, or how future private/public partnerships are created, or grants pursued are implementation measures at the policy discretion of the City Commission.

Urban-Level Development Cannot Occur Without Urban Infrastructure

Finally, it is important to remember that all urban development – whether a land division or a site plan approval – requires utility infrastructure and services necessary to serve that development. For example, in order to divide land in Thimble Creek, as with anywhere else in the City:

The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. OCMC 16.12.095(D).

The same is true for transportation, sanitary sewer, stormwater and other utilities. The site plan design review standards cross-reference the same OCMC 16.12 obligations. OCMC 17.62.050(B), (D) and (E). In

other words, a development that cannot connect their development to services at standards identified or provide connecting roads as set forth in the applicable master plan will be denied until such time as the infrastructure is available.

Conclusion

Based on the foregoing, along with all of the other evidence such as the June 19, 2019 memo from 3-J Consulting (Exhibit 18) contained in the record, it would be reasonable for the City Commission to conclude that the public facilities and services can be made available at the time they are needed, when development is proposed in the future.

Exhibits:

1. Resolution No. 20-15, Declaring Oregon City's Position to Provide Water Service with Water Supplied by South Fork Water Board to Current and Future Citizens of Oregon City
 - a. June 3, 2020 City Commission Work Session Agenda and Video <https://oregon-city.legistar.com/Calendar.aspx>
 - b. Staff Report
 - c. Resolution No. 20-15
 - d. Attachment 1 BC Service 2019 CIP vs Joint Eng Solution
 - e. Attachment 2 Beavercreek 2019 CIP vs Joint Solution CIP
 - f. Attachment 3 CRW Backbone Projects Map



To: City Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: LEG 19-0003-Beavercreek Road (Thimble Creek) Concept Plan Zoning and Code Amendments – Draft Planning Commission Recommendations
Date: March 11, 2020

The purpose of this memo is to provide additional background information on items identified by the City Commission at the March 10, 2020 City Commission Work Session on the Beavercreek Road (Thimble Creek) Concept Plan.

1. Live/Work Regulations and Review

Live/work dwellings provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. The standards for live/work are identified in OCMC 17.20.040. The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage, or one thousand square feet, whichever is the smaller number. The standards also include a variety of requirements such as a business entrance facing the street and a minimum amount of windows, a limitation of employees, a prohibition of outdoor storage, and a limitation of the hours the business may be open to clients or to the public. Given the size limitation of the business portion, coupled with the limits on employees and hours, the code prioritizes living over the business. No adjustment to the live/work code was proposed with the implementation of the Beavercreek Road (Thimble Creek) Concept Plan.

The City Commission expressed concern about the interplay between the zoning requirements for live/work and the Building Division requirements. Live/work units are reviewed by the Planning and Building Divisions. Prior to the release of any permits, approval is required from both divisions, ensuring the respective requirements have been met. Mike Roberts, Building Official, has provided the attached memorandum with additional information.

2. Marijuana Regulations in Oregon City

In 2015, the City of Oregon City adopted Ordinance 15-1017, banning the establishment and operation of marijuana businesses for both recreational and medical use. On November 8, 2016, voters lifted the ban. All marijuana businesses are required to comply with OCMC 17.54.110 (Ord. No. 16-1008). The proposed amendments to the Thimble Creek/Beavercreek Road Concept Plan aim to follow the city-wide approach for marijuana regulation and has provided additional clarity when needed. Specifically, not allowing marijuana retail in the enhanced home occupation/cottage industry code and clarifying that marijuana retail is allowed within size-restrictions subsections of the Concept Plan code for both the Mixed-Use Corridor and Neighborhood Commercial Districts. The separation requirements from schools and other adopted regulations would continue to apply within the Concept Plan boundary. More information can be found at the following link: www.oregoncity.org/planning/marijuana-regulation-oregon-city or in OCMC 17.54.110.

3. Low-Density Reference in Staff Report

Sections of the staff report incorrectly identify the R-5 Zone as being categorized as low density. The R-5 District is located within the Medium Density Residential District. The staff report has been revised to correct this error.

4. Home Occupation/Cottage Manufacturing

Discussed at: Two Open Houses, Online Survey and at the September 9, September 23, November 18th Planning Commission Hearings

As part of the 2016 re-adoption of the plan, the City Commission recommended that during the process to create implementing code and zoning for the BRCP, staff should further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas. As much of the urban growth boundary expansion was related to jobs, expanding the types of business and how they operate within the Concept Plan boundary would be appropriate. This item was discussed during the two open houses at Oregon City High School and through an online survey in the fall of 2019. The Planning Commission provided staff clear direction that they supported expanded opportunities for home-based businesses within the concept plan area. Staff worked with the Planning Commission on options to create new opportunities for home-based businesses in Oregon City.

Background

As part of the 2016 re-adoption of the plan, the City Commission direct staff to further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas during the future code implementation process.

"In 2008, the City Commission specifically considered amending the plan to include cottage manufacturing within the mixed-use area, consistent with the instructions on remand, and decided the details of cottage housing are more appropriately addressed when the code language was created "Additionally, live-work units and home occupations, that may include cottage industries, are supported by the mixed-use approach. Adoption of the BRCP does not preclude the provision of cottage manufacturing or a greater variety of home occupations within the mixed-use and residential areas. The proposed land use mix, combined with the improved transportation network, will guide the future development of the area in a manner that supports this policy. Finally, as part of creating the implementing zoning for the BRCP, the City Commission directs staff to further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing, within the mixed-use and residential areas." Cottage industry was not added to the text of the Beavercreek Road Concept Plan in 2008 or in 2016. ¹

As the term cottage industry or cottage manufacturing was not incorporated into the adopted plan, it is neither encouraged nor discouraged. As part of the code implementation process, the Planning Commission should make findings relating to this issue and how it was addressed as part of the adoption process.

The Merriam Webster Dictionary definition defines cottage industry as:

- 1: an industry whose labor force consists of family units or individuals working at home with their own equipment
- 2: a small and often informally organized industry
- 3: a limited but enthusiastically pursued activity or subject

In Oregon City, a home occupation is a business carried on by the resident of a dwelling as a secondary use, with the activity conducted so that there is no audible, visual, or other appearance of a business. The primary use must continue to be a residence. Partners or employees are not allowed on site for business purposes. This means that the business must be conducted by the resident(s) and family members who live at the dwelling. In order to renew your business license, your home occupation statement must be

¹ Response Brief of Respondent City of Oregon City -LUBA No. 2016-044 Page 8

reviewed annually. All of this is shorthand for – do your work inside a building and make sure it is not adversely affecting your neighbors.

17.04.580 -Home occupation. "Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use in accordance with 17.54.120.

17.54.120 -Home Occupations

Home occupations shall comply with all of the following:

- A. No employees reporting to work onsite who are not residents unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;*
- B. All business conducted on sites shall be conducted within the home or accessory structure;*
- C. No outdoor storage of materials or commercial vehicles associated with the business shall occur onsite; and*
- D. Not more than one-half of the square footage of the primary dwelling is devoted to such use*

The following question was discussed at the April 9, 2019 BRCP Meeting #2, which was also available through an online survey.

11. East Mixed-Use Neighborhood- Should home occupations and/or live/work units be broadened to allow "cottage industries" that manufacture and sell goods? What additional compatibility standards should apply, such as use limitations, impacts, size, storage, or customer visits? Are there other ideas to integrate live-work opportunities in these neighborhoods, and the district generally?

There was very little feedback on this question from either in person comments or through online comments. At the April 9, 2019 meeting, the question asked to those assembled if there should be additional allowances for offsite employees, retail customers, outside storage, or outside activities in the R-2 or R-5 residential zones within the BRCP. Very few people expressed support verbally. The few people who commented online supported adding additional elements to the home occupation definition.

Online comments from the open house worksheets from the spring of 2016 can be found below:

- 1. Limit cottage industries to those w/o traffic impact*
- 2. Because in 2002 and 2004 Metro and Oregon City brought the Beavercreek Road Concept Plan Urban Growth Boundary Expansion (most of the BRCP area) into the UGB specifically for industrial use due to the need for family-wage jobs in Oregon City and because this need remains, all Residential Densities should allow employment in the BRCP area.*
 - o Oregon City has a very poor job: housing ratio which leads to poor city finances – since business generates more tax revenues and residential costs more services.*
 - o The lack of family wage jobs in Oregon City makes the City a bedroom city with excessive commuting and with multiple roads over capacity already before projected growth occurs and with road subject to alternative mobility standards because the previous higher, more livable standards could not be met without roadway improvements that the City did not budget for. More jobs at home will lessen the increase in road congestion and loss of livability.*
 - o New businesses need to develop in a low risk, low cost environment such as the entrepreneur's home until it begins to be successful and can move to a mature business location.*

As there was no clear direction given during the public outreach meetings during the spring of 2019 and there are existing provisions for many types of home occupation allowed city-wide, staff did not recommend any changes to the Home Occupation Code for the Beavercreek Road Concept Plan area.

At the September 9, 2019 Planning Commission Hearing, the Planning Commission directed staff to look at options to increase employment opportunities in the Residential Districts of the Beaver Creek Road Concept Plan. An initial survey was sent out to over 200 people participating in the Beaver Creek Road Concept Plan email listserve, and the combined response can be found attached to the City Commission agenda.

The survey looked at different ways the home occupation license could be enhanced within the Beaver Creek Road Concept Plan area to allow more intense employment options. Survey results show that there are varied opinions for these options and staff requested further direction on the following items at the October 14, 2014 PC Hearing:

- Retail (picking up goods for sale)
- Outdoor storage associated with a business (landscaping equipment, construction materials)
- Parking commercial vehicles (landscape trucks, 5th wheel cabs)
- Work performed outdoors (welding, outdoor yoga)
- Offsite employees working at the residence (1-3 employees checking in at residence or working at the house)
- Using a majority of a residence for business (more than 50% of the residence devoted to business use)

The Planning Commission provided staff clear direction that they supported expanded opportunities for home-based businesses within the concept plan area. Staff worked with the Planning Commission on options creating new opportunities for home-based business in Oregon City, these include allowing vehicles associated with the business to be allowed to park outside of buildings, limited retail opportunities, and up to 3 employees allowed during normal business hours.

Staff recommendation: As there was no clear direction given during the public outreach meetings in the spring of 2019 and there are existing provisions for many types of home occupation allowed city-wide, staff did not recommend any changes to the Home Occupation code for the Beaver Creek Concept Plan area.

Planning Commission: Planning Commission directed staff to create specific cottage industry home occupation business license criteria to implement the Beaver Creek Road Concept Plan vision to encourage job creation in this district.

Implementation of Goal 5 Resources in the Concept Plan through OCMC 17.49 Natural Resources Overlay District.

Natural resources subject to Goal 5 are addressed in detail in the Natural Resource Inventory which was part of the existing conditions analysis required by Metro Title 11 during the 2008 Concept Plan adoption. A detailed review of the Goal 5 resources within the study area was conducted, including wetlands, streams, riparian area, wildlife habitat and historic and cultural resources. The inventory consisted of two parts:

- 1) An examination of existing resource information for the Plan area; and
- 2) A field study to verify the location and evaluate resource habitat quality.

The first phase of the inventory included review of existing documents, such as Metro Goal 5 Inventory Maps, National Wetland Inventory maps, Natural Resource Conservation Service Soils Survey of Clackamas County, Stream Net fisheries data and other sources. Phase two consisted of a field verification of the BRCP area by a team of biologists. The team visited each of the previously mapped natural resource areas to confirm the location, size and quality. The natural areas determined to be of high resource value were

distinguished from natural areas of lesser resource value and the lower quality natural areas were given a designation of enhancement potential in order to identify both the highest quality natural resource and provide a determination of the feasibility of enhancement.

The Natural Resources Inventory that was conducted as part of the existing conditions analysis for the BRCP consisted of examination of existing resource information for the area and a field study. This inventory was part of the part of the 2008 record. The inventory identified and summarized 19 natural areas within the BRCP area and were assigned values for their condition and enhancement potential. Of those 19 areas, the majority were consistent with Metro's Goal 5 mapping. The city's initial GIS analysis of the NROD areas for the entire urban growth boundary was completed in 2008. The Natural Resource Overlay District was adopted in 2008 and replaced the old Water Resources Overlay District with a combined overlay district, which regulates both Metro Title 13 habitat and Metro Title 3 water resources. In particular Trimble Creek is an identified Goal 5 resource that runs from south to north through the site crossing Loder Road. The concept plan envisions this protected resource being combined within a linear park feature.

The BRCP will protect Goal 5 natural resource areas by guiding the designation of Natural Resource Overlay District areas and the restriction of development in those areas pursuant to OCMC 17.49. The code requires that further on-site analysis be conducted to determine the current extent of the protected resources which initially was done with the concept plan. More detailed, site specific delineations of the resources and the required associated vegetated corridors is required prior to development, along with impact analysis and mitigation for impacts. Though, as with all inventories, there may have been features which were missed, these existing restrictions will adequately protect natural resource areas and to the extent necessary serve as a natural resource protection plan.

6. Upland Habitat regulation under OCMC 17.49 Natural Resource Overlay District (NROD).

Discussed at: September 23, 2019, January 13, 2020 and February 10, 2020 Planning Commission Hearings October 9, 2020 and November 13, 2020 Natural Resource Committee Meetings

This item was not discussed during the Spring open houses or through a survey.

The 2008 Beaver Creek Road Site Inventory Map identified habitat areas which may be protected. A majority of the habitat is regulated under OCMC 17.49 Natural Resources Overlay District or OCMC 17.44 Geologic Hazards, though there are locations which are not. Additional regulations could be adopted to address these areas but would not be required. Staff determined that a sufficient amount of land identified as habitat is being protected through the City's existing code or through the tree requirements identified citywide in OCMC 17.41 to show substantial compliance with the goals and policies of the Beaver Creek Road Concept Plan.

Background

In 2008, the City was in the middle of the design and adoption of the Beaver Creek Road Concept Plan and was beginning reviewing code amendments to implement Metro Title 13, which conserves and protects streamside corridor system integrated with upland wildlife habitat. The aim of Title 13 is to combine the ecological needs of wetlands and streams with habitat protection. Oregon City adopted a stream protection code in 1999, which placed a 50-foot buffer from break-in 25% slope (up to 200 feet) along a perennial stream and 15 feet protection from a seasonal stream. Anadromous or fish-bearing streams such as the Willamette River and Abernethy Creek received a 200-foot buffer.

In 2008 and 2009, Oregon City worked with Metro to identify habitat areas within Oregon City. A majority of the areas identified as conservation habitat areas were located within the existing stream buffers or were further regulated by the Geologic Hazards Overlay District. The City requested compliance with this approach and included any city-owned parks and open spaces habitat areas if located outside of the existing stream buffer into the newly revised Natural Resource Overlay District (NROD). A June 3, 2009 letter to Pete Walter from Brian Harper, Metro Assistant Regional Planner confirming compliance with Title 13, can be found attached to this memo.

Staff has reviewed the 2008 Site Inventory Map and has identified some areas that are not currently regulated under OCMC 17.49- Natural Resources Overlay District or OCMC 17.44 Geologic Hazards. Staff presented this analysis to the Natural Resource Committee (NRC) on October 9, 2019, and November 13, 2019. The Natural Resource Committee submitted a letter with a keyed map into the record requesting the Planning Commission create code to regulate and protect upland habitat areas 3 and 4 as they are of specific interest to the committee and are contiguous to large habitat areas. They supported additional protection in Area 2 in locations that abut the identified and protected stream. Area 1 merits additional protection if analysis can show enough tree area located outside of the Natural Resource Overlay District exists. Staff requested further direction from the Planning Commission on this issue.

Nancy Brochot, NRC Chair, speaking on behalf of herself, provided additional testimony about the benefit of protecting large habitat areas. Her letter can be found attached to the public comment matrix. "Forest fragmentation is one of the major documented negative impacts of urbanization and is an insidious threat to natural areas. Large intact areas of forest contribute to species diversity (both plant and animal), help remove pollutants from the air, mitigate climate change, and protect water quality. Development chips away at forests edges, reducing interior habitat until the land no longer functions ecologically as forest habitat." She recognizes the importance of additional housing in our area, but felt the need to balance development with protection of important natural resources that, once gone, cannot be replaced. She recommended protection of Areas 3 and 4.

Below are four maps that further described this issue. The 1st map- Figure 1, looked at streams, wetlands and habitat areas during the Concept Plan design process prior to the adoption of the revised Title 13 code amendments. The areas identified in orange are labeled as habitat areas.

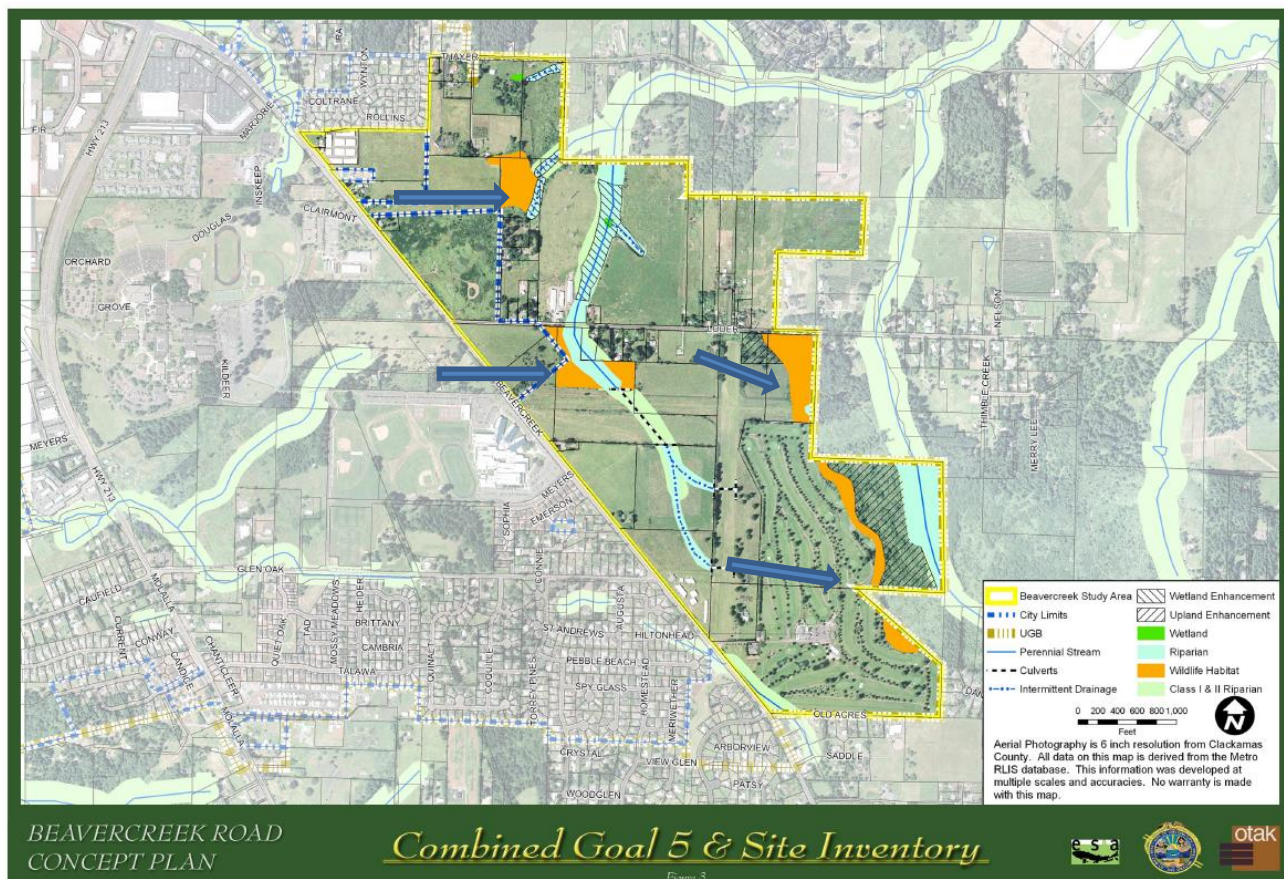


Figure 1 - Goal 5 Site Inventory- Beaver Creek Road Concept Plan Design Process

The 2nd Map- Figure 2 consists of the adopted Metro Title 13 compliant Natural Resource Overlay District. The habitat areas are identified as salmon pink (NROD HCA- High), and the Natural Resource Overlay District is identified as bright pink. Please note that the Metro identified habitat areas regulated under OCMC 17.49 Natural Resource Overlay District are smaller than the habitat areas identified by the Concept Plan consultant team above in Figure 1 and have been demarcated with red numbers (1-4)

All of the currently regulated habitat areas located within the Natural Resource Overlay District in this area are protected through OCMC 17.49.

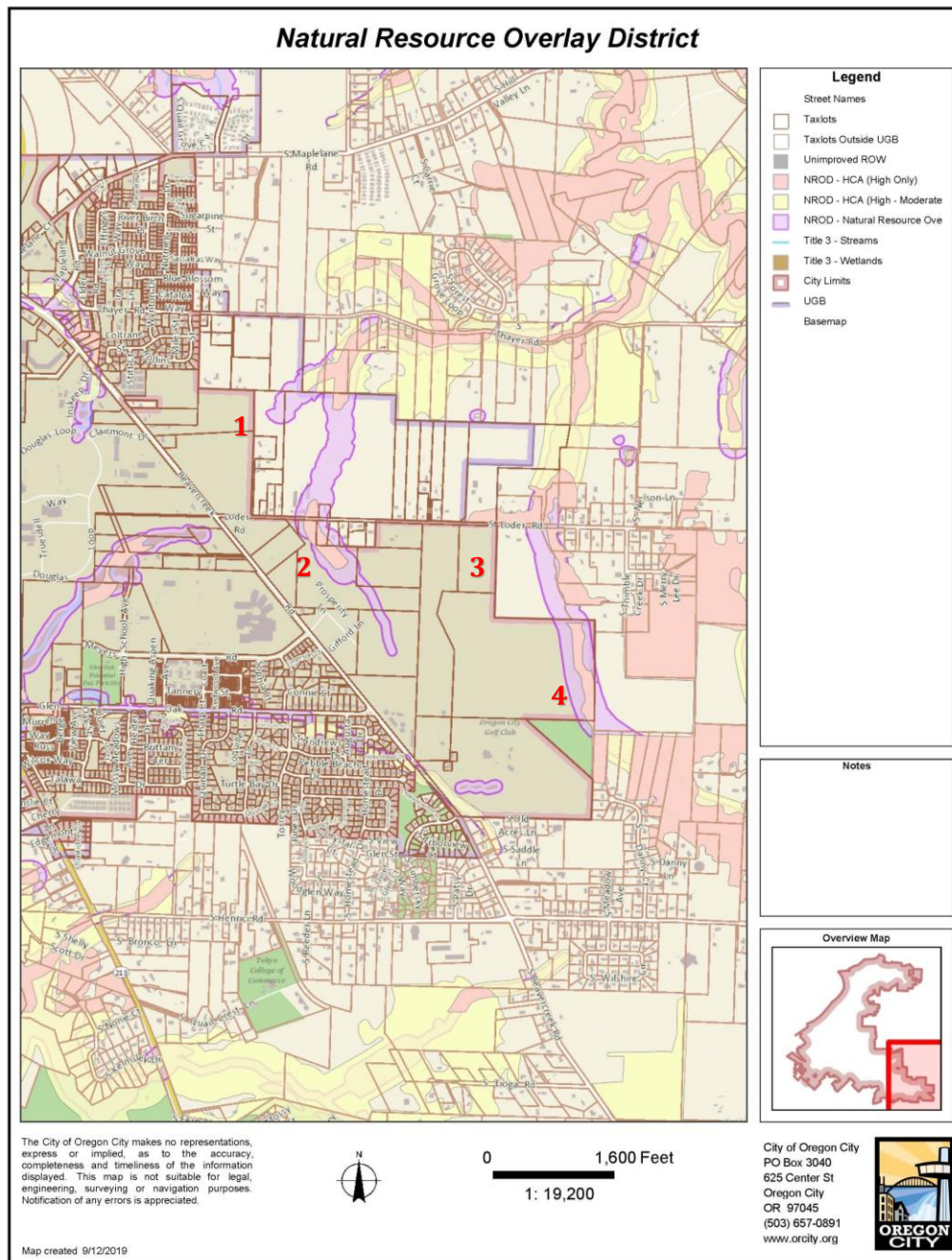


Figure 2 Natural Resource Overlay District (NROD)

The areas located outside of the NROD District and identified as orange in Concept Plan Inventory in Figure 1 are further protected through the Geologic Hazards District. Figure 3 below identifies areas with historic landslides, sloped over 25% slope and 50 buffers around these features. Oregon City regulates and limits tree removal, grading, and development in areas with steep slopes or historic landslides; more information can be found in [Chapter 17.44 of the Oregon City Municipal Code](#).

Geologic hazards fall into two categories: steep slopes and historic landslide deposits. The City regulates properties of 25% or greater and a buffer of 50 feet from those sloped areas as well as ancient landslide areas and a buffer of 200 feet from the landslide areas. Density is limited on slopes between 25-35% and prohibited in most cases on slopes greater than 35%. Landslide areas are analyzed individually for their appropriateness. Most developments within the Geologic Hazards Overlay District requires extensive review to minimize cuts and fills and overall disturbance to the existing land. Construction in geologic hazard areas is generally limited to May 1 to October 31. The City uses a third-party consultant to verify the work of an applicant's geotechnical engineer, resulting in two engineers reviewing the appropriateness of development.

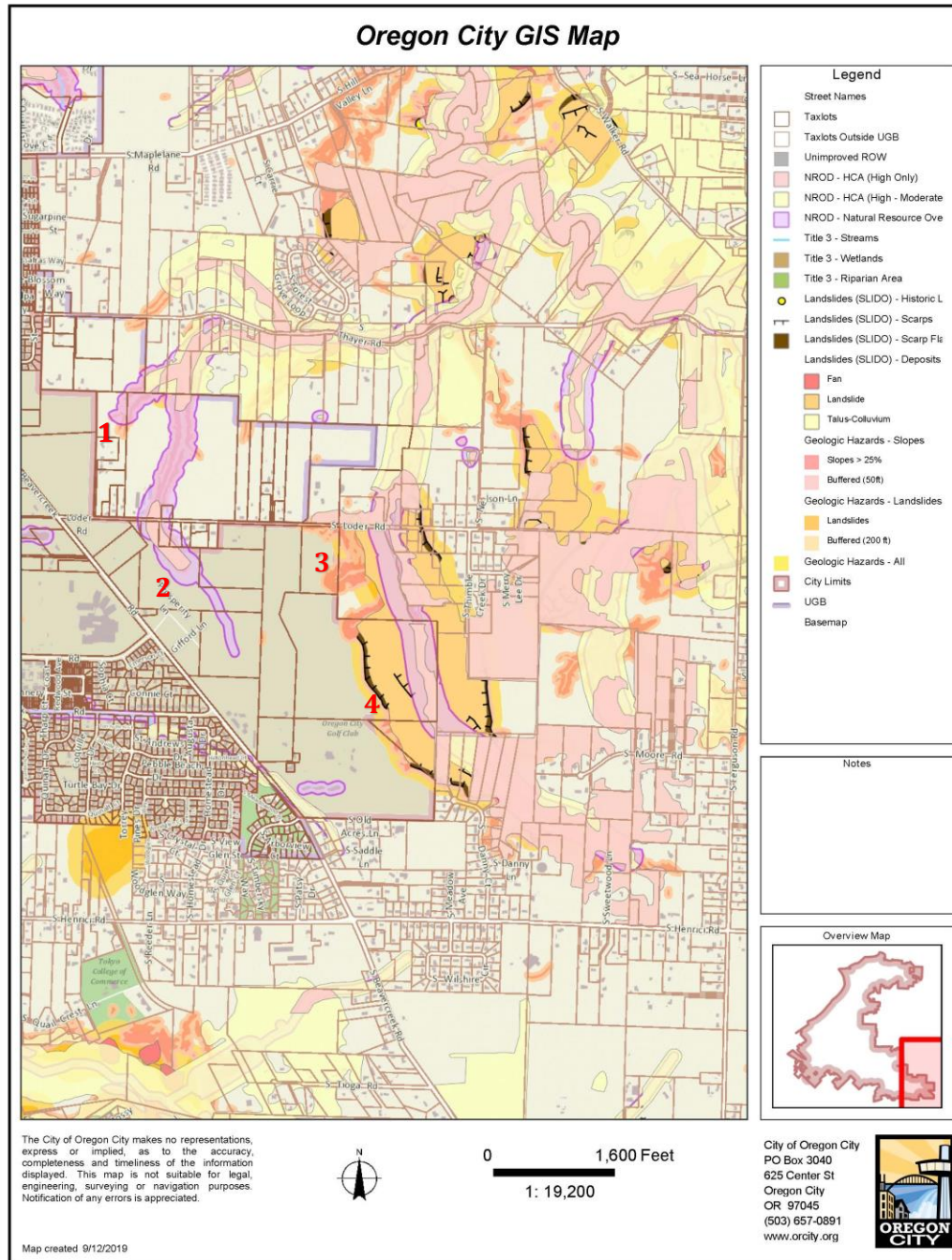


Figure 3- Geologic Hazards + Natural Resource Overlay District (NROD)

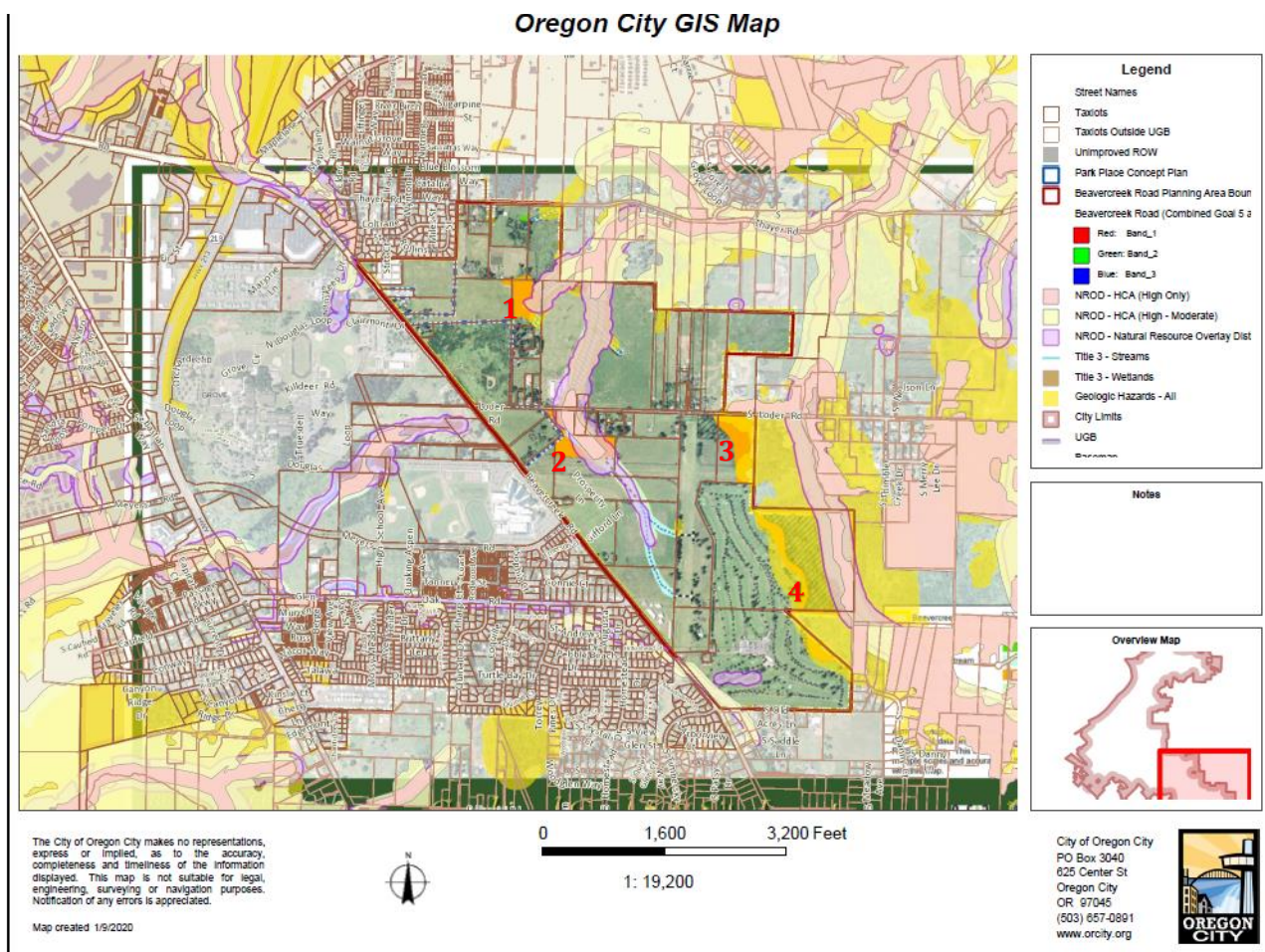


Figure 4- Geologic Hazards + Natural Resource Overlay District (NROD) overlaid with the 2008 Goal 5 Upland Habitat Map.

The Natural Resource Overlay District (OCMC 17.49) and Geologic Hazards (17.44) account for much of the concept plan identified habitat area associated with Thimble Creek Canyon (area 4) at the far SE quadrant of the plan and some of Area 3 closer to Loder Road.

The Concept Plan identified habitat area proposed to be zoned Campus Industrial (areas 1 and 2) that abuts the stream which runs north along the airfield and crosses over Loder Road is not fully regulated by these two overlay districts.

However, OCMC 17.41 Chapter 17.41 Tree Protection, Preservation, Removal, and Replanting Standards provides some additional protection along this tributary to Thimble Creek. Any tree removed in non-residential districts prior to a development application or any development removed as part of a development application in a residential district requires mitigation per the table below. While the replanting of trees removed may not necessarily be completed in the same area- the mitigation tree replanting provides an approach to no net loss of city tree canopy as part of a development application.

Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
Two-inch caliper deciduous, or
Six-foot high conifer

Size of tree removed (DBH)	Column 1	Column 2
	Number of trees to be planted. (If removed Outside of construction area)	Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

The analysis contained above reviews how the City regulates the area identified in the Beavercreek Road Concept Plan habitat areas. Staff finds that the combination of OCMC 17.49 Natural Resource Overlay District, Geologic Hazards Overlay District and Chapter 17.41 Tree Protection, Preservation, Removal, and Replanting Standards provide substantial implementation of protection standards to meet the goals and vision of the Concept Plan. Moreover, the areas with the largest gap in protection have been identified for future Campus Industrial jobs, which is a major goal of the Concept Plan.

Staff did not recommend any revisions to the proposed code amendments.

Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 2019 Planning Commission Meeting and discussed the NRC's recommendation at the January 13, 2019 and February 10, 2020 Planning Commission Meetings. At the February 24, 2020 Planning Commission Meeting, the Planning Commission directed staff not pursue any additional measures or research for this topic. Staff will be providing an update to the NRC at the March 11, 2020 meeting.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 07/01/2020
From: Community Development Director Laura Terway

SUBJECT:

City Commissioners Appointed to the OC 2040 Project Advisory Team

STAFF RECOMMENDATION:

Select a primary and alternate member to fill the City Commissioner position on the OC 2040 Project Advisory Team.

EXECUTIVE SUMMARY:

As we begin the process of creating a community vision for Oregon City to guide the update of the City Comprehensive Plan, the City is committed to engaging the community early and often throughout the process using a variety of means. The project emphasizes engaging and including communities of color and others who have not been represented in the past. The first step is forming a Project Advisory Team that represents a range of interests and perspectives. The PAT will also help the City staff and consultants integrate a variety of fun and useful public engagement tools so that people can be involved where they live, work, learn and play.

BACKGROUND:

Interested Oregon City community members are invited to apply for a position on the Oregon City 2040 ([OC2040](#)) Comprehensive Plan Update Project Advisory Team (PAT). The PAT will help Oregon City craft a vision for how to approach development over the next 20 years and update our Comprehensive Plan to implement the vision and guide City decision making.

Future development, projects and plans must comply with the Comprehensive Plan, which makes this plan very important to reflect the aspirations of all community members. No technical knowledge is required other than a love for Oregon City and a willingness to solicit feedback and report back regularly to the group you represent.

The overall project will start by with significant public involvement to create a Community Vision.

Project Advisory Team

The team will meet up to ten times between Spring 2020 and December 2021. The PAT will represent a broad spectrum of Oregon City residents and interests to:

- ✓ Advise and help implement equitable and effective public involvement strategies including engaging broader Oregon City constituencies, communities, and civic organizations
- ✓ Provide a broad set of perspectives to ensure OC2040 is an equitable process
- ✓ Ensure that the [OC2040](#) Vision reflects the community's values
- ✓ Support the work of city staff, consultants, and the Citizen Involvement Committee

The PAT will consist of approximately 25 people who demonstrate a balanced commitment to the adopted scope of work and represent a broad spectrum of the city. The City has identified the following organizations and interests for the PAT. Members may serve in overlapping capacities.

Project Advisory Team Positions

- 1 Rental Housing / Public Assistance Advocate
- 1 Arts and Culture Advocate
- 1 Active Transportation / Bicycle / Pedestrian Advocate
- 1 (+1 Alternate) City Commissioner
- 1 (+1 Alternate) Planning Commissioner
- 1 Latinx and Hispanic Association or Representative
- 1 Russian Association or Representative
- 1 Elderly / Aging in Place Advocate
- 1 Indigenous People / Tribal Representative
- 2 Youth Representatives
- 1 Citizen Involvement Committee (CIC) Member
- 1 Historic Review Board (HRB) Member
- 1 Natural Resources Committee (NRC) Member
- 1 Parks and Recreation Advisory Committee (PRAC) Member
- 1 Transportation Advisory Committee (TAC) Member
- 1 Clackamas Community College Representative
- 1 Residential Developer / Home Builders Association / Realtor
- 1 Large Employer
- 1 Small Employer
- 1 Chamber of Commerce Representative
- 1 Downtown Oregon City Association (DOCA) Representative
- 1 Faith Based Organization / Local Church Pastor Advocate
- 2 At Large Community Members
- 1 LGBTQ Advocate
- 1 Advocate for Persons with Mental or Physical Disabilities

- 1 Community Health Advocate

Mailing List

In addition to applying for the Project Advisory Team, the public is encouraged to sign up for email updates at <https://oc2040.com/get-involved> to get notices of new information, meetings, events and other opportunities related to the Comprehensive Plan update.

If you have any questions about this project, please contact Pete Walter, Senior Planner and Project Manager at pwalter@orcity.org or (503) 496-1568.



Oregon City Comprehensive Plan Update

Draft Public Involvement Plan for Community Vision

May 19, 2020

Project Overview

The City of Oregon City is launching OC2040, a citywide effort to update the Oregon City Comprehensive Plan that will guide land use decisions over the next 20 years. The first step in the process is to create a community vision that reflects what community members love and want to preserve about Oregon City, and what they would like to see change by 2040. The Comprehensive Plan will consist of broad goals and policies to implement the vision and guide future growth and development.

Oregon City has seen significant changes in its population since the current Comprehensive Plan was adopted in 2004. Furthermore, previous outreach measures were not successful in soliciting input from those not already connected to local government. Traditional outreach methods coupled with long and complicated documents written only in English failed to engage a wider range of community members who really need to be heard. Therefore, the current Comprehensive Plan does not adequately reflect the needs of all community members in Oregon City.

OC2040 will employ a new approach that ensures all community members are given the opportunity to participate in a collective vision for the future that reflects our values and equitably supports all. Our approach will take care to assure marginalized community members have a voice. Outreach efforts will empower the community with information and facilitate careful listening to a diverse array of community members. We will work together to create a Comprehensive Plan that reflects the entire community, encourages participation in future decisions, and inspires future leaders.

The purpose of this document is to identify the community engagement which will shape the Community Vision. The community input is anticipated to be collected from May – October of 2020. The process will be followed by the creation and adoption of the Community Vision October – January.

Community Engagement Objectives

The City is committed to engaging the community early and often throughout the process using a variety of means. The intent is to lift up the voices of all community members, including underrepresented populations such as communities of color, living in subsidized housing, homeless to understand how to better support them. The community engagement process is designed to meet the following objectives:

- ✓ Design and implement a robust and equitable community outreach program.
- ✓ Inform the community with timely, transparent, and accurate information.
- ✓ Engage a representative cross-section of Oregon City residents, businesses and partners.
- ✓ Consult the community in the identification, refinement, and prioritization of policy updates.
- ✓ Ensure community members understand how decisions are made, their concerns are heard, and they know how their feedback influenced decisions.
- ✓ Work with partners to conduct outreach in a culturally and linguistically appropriate manner, using methods and locations that are safe and familiar.
- ✓ Employ accessible and appropriate tools and technologies to inform and engage the community.



Key Messages

The following statements characterize the project and communicate the information people need to know. These messages will be updated and augmented throughout the course of the project and used across platforms.

- Oregon City is launching OC2040, a citywide effort to update the Oregon City Comprehensive Plan.
- Oregon City has seen many changes since the last comprehensive plan was adopted in 2004.
- The Comprehensive Plan will guide growth and development in our community over the next 20 years. It establishes goals and policies for future housing, economy, community, infrastructure, government and ecosystems in Oregon City.
- City leaders use the Plan to manage expected population and employment growth, coordinate public investments and make decisions about new development, existing neighborhoods, transportation, and a variety of other topics.
- Oregon state law requires that all cities and counties adopt Comprehensive Plans that are consistent with statewide planning goals.
- There will be multiple opportunities to participate in the comprehensive planning process in the coming months.
- Community members can provide comments or ask questions at any time by visiting OC2040.com.

Stakeholders and Partners

The following table is a sample of the interests and stakeholders the project team will work to engage through the comprehensive planning process. With guidance provided by the Project Advisory Team, the project team will continue to identify specific organizations and groups within these interest areas.

Interests	Organizations/Groups to Engage
Youth	Elementary Schools Alliance Charter Academy Gardiner Middle School Ogden Middle School Oregon City Senior High School Oregon City Service Learning Academy Clackamas Community College Oregon City Optimist Club The Living Room LGBTQ Youth Group
Parks/recreation and nature	Oregon City Parks and Recreation Advisory Committee Oregon City Parks Foundation Oregon City Natural Resources Committee Greater Oregon City Watershed Council Metro eNRG Kayaking Classic Cycle



Industry and business	Oregon City Economic Development Oregon City Chamber of Commerce Oregon City Business Alliance Downtown Oregon City Association Large employers Oregon City Development Stakeholders Group
Public safety	Oregon City Police Department Clackamas Fire District #1
Utilities	Oregon City Public Works South Fork Water Board Clackamas County Water Environment Services Northwest Environmental Defense Center
Health	Providence Willamette Falls Medical Center Oregon City Healthy Living Meetup Group
Historic Preservation	Oregon City Historic Review Board End of the Oregon Trail Museum Restore Oregon Museum of the Oregon Territory Architecture Foundation of Oregon
Transportation and Development	TriMet Clackamas County Transportation and Development Oregon City Transportation Advisory Committee Oregon City Development Stakeholder Group
Housing	Clackamas County Health and Human Services Oregon City Development Stakeholder Group
Services	Gleaners My Fathers Heart A Safe Place Library Homeless Coalition of Clackamas County Clackamas County Social Services
Non-Native English speakers	Hispanic Interagency Networking Team Non-English Churches - Oregon City Church of Christ
Arts	Oregon City Arts Alliance Three Rivers Artist Guild
Seniors	AARP Pioneer Senior Center
County and State Agencies	Clackamas County, Metro, ODOT, DLCD
Oregon City Elected and Appointed Officials	City Commission Planning Commission Citizen Involvement Committee Library Board
Other Community Organizations	Oregon City Neighborhood Associations Oregon City Women's Club



Demographics

The following demographic profile will allow the City to tailor outreach efforts to meet the needs of specific community groups. The following information comes from the U.S. Census

Race and Ethnicity

Approximately 37,129 people lived in the City of Oregon City in 2018. More than 89 percent of Oregon City residents identify as White. No other racial group makes up more than 2 percent of the population. About 7 percent of residents identify as Hispanic or Latino.

Race/Ethnicity	Oregon City
White	89.5%
African American	1.2%
American Indian or Alaska Native	1.4%
Asian	1.2%
Native Hawaiian and other Pacific Islander	0.2%
Two or more races	3.9%
Hispanic or Latino (any race)	7.1%

U.S. Census July 1, 2018 Population Estimate,

<https://www.census.gov/quickfacts/fact/table/oregoncitycityoregon/PST045218>

Languages Spoken at Home

Most Oregon City residents speak only English at home (92 percent), while about 8 percent speak a language other than English. The most commonly spoken language other than English in the city is Spanish (4 percent).

Income

From 2014-2018, the median household income in Oregon City was \$71,856 which is lower than the Clackamas County average (\$76,597) but higher than the state average (\$59,393). However, more than a quarter (31 percent) of Oregon City households earn less than \$50,000.

Income	Oregon City
<\$15,000	7.3%
\$15,000 - \$24,999	5.4%
\$25,000 - \$49,999	18.8%
\$50,000 - \$74,999	20.6%
\$75,000+	47.9%

People with Disabilities

About 8.2 percent of Oregon City residents live with a disability. This is higher than the Clackamas County average of 7.6 percent and lower than the Oregon state average of 10.1 percent.

Housing

More than half (61.9%) of Oregon City residents own a single-family home. Approximately 21 percent of Oregon City residents occupy multi-family homes. More than 1/3 of residents are renters (33.6%).



Community Participation Strategy and Activities

Outreach during the Community Vision phase will be based on careful listening and reflection. Activities will capture the community's vision for the future through a responsive and constructive dialogue among community members. The strategy will develop broad project awareness and provide multiple, creative ways to engage in discussion about what community members value about Oregon City today and what could make it a better place to live in the future. The strategy will be implemented and promoted as a positive, fun and community-building campaign.

Activities and tools focus on a combination of engaging trusted referral sources, creating a robust social media and web presence, and face-to-face (or phone-to-phone, or video-to-video) outreach to the extent that circumstances allow. With the understanding that online portals will drive much of the dissemination of information and collection of input, special attention will be made to the promotion and messaging of online and virtual engagement activities and tools. Activities will provide community members with information about the project and engage them in discussions about what they value about Oregon City today, and what changes they would like to see in the future, as well as how they'd like to be involved in the process going forward.

With a focus on equity, Community Vision activities designed to reach the general public, also will be tailored to reach underrepresented communities that do not normally participate in city planning efforts. Strategies may include targeted outreach to certain geographic locations, the use of phone interviews rather than online surveys, and partnerships with county agencies and culturally specific nonprofits. Incentives will be offered to encourage participation while instilling a culture of community-wide support.

Incentives will include:

- City purchase of gift cards from local restaurants, focusing on minority-owned businesses, for distribution to populations such as youth, communities of color, non-English speaking community members, people on social services to entice participation for completing surveys and/or participating in a photo contest.
- Rewarding the general population for completing surveys and/or participating in a photo contest with an opportunity to win one of 10 gift cards

The use of incentives may be advertised through the following avenues:

- Targeted notices to apartment complexes, community centers and churches which cater to communities of color/underrepresented people
- Distributing printed surveys with a return envelope or information cards directing people to the website with a special code
- Advertised on the introductory postcard/mailed notice all property owners and residences.
- Social media and social media partners

Activities

This section describes the activities and communication tools for developing a Community Vision. Where applicable, alternative strategies are discussed for in-person gatherings that are restricted due to the uncertainties of COVID-19. Before initiating each activity, the project team will assess current conditions and refine the strategy or approach behind each activity or tool to meet project needs and engage a full range of community members.



Project Advisory Team

The Project Advisory Team (PAT) is comprised of members that represent a broad cross-section of community interests and areas of expertise. The PAT reviews and comments on work products, guides public outreach and engagement efforts, acts as liaisons to specific constituencies or interest groups, hosts public events, encourages community members to participate in the process, and acts as champions of the ultimate Oregon City Vision and Comprehensive Plan update that emerges from the process. The PAT will meet nine (9) times during the project. Representation from PAT members may include the following:

Advisory Team Positions	Representation
Rental Housing / Public Assistance Advocate	1
Arts and Culture	1
Active Transportation / Bicycle / Pedestrian Advocate	1
City Commissioner	1 + 1 Alt
Planning Commissioner	1 + 1 Alt
Latinx and Hispanic Association or Speaking Household	1
Russian Association or Speaking Household	1
Indigenous People/Tribal Association or Household	1
Elderly/Aging in Place	1
Youth Representatives	2
Citizen Involvement Committee (CIC)	1
Historic Resources- Historic Review Board (HRB)	1
Natural Resources -Natural Resources Committee (NRC)	1
Parks - Parks and Recreation Advisory Committee (PRAC)	1
Transportation- Transportation Advisory Committee (TAC)	1
Development- Development Stakeholder Group (DSG)	1
Clackamas Community College	1
Residential Developer / Home Builders Association / Realtor	1
Large Employer	1
Small Employer	1
Chamber of Commerce	1
Downtown Oregon City Association (DOCA)	1
Faith Based Organization/Local Church Pastor	1
Public Health	1
At Large	2
LGBTQ Advocate	1
Disabilities Advocate	1

In addition, the following members will attend PAT meetings but are not part of the PAT decision-making structure:

- City Departments (Police, Public Works, Economic Development, Community Development, Community Services, Communications, Library, City Transportation Engineer)
- Metro
- State Agencies (DLCD, ODOT)
- Clackamas County Agencies (Health Housing and Human Services, Planning and Zoning)



- Oregon City School District

Until restrictions on in-person gatherings are lifted and members are comfortable meeting, PAT meetings will be held online via video conferencing. The City will provide additional support for communities of color and other representatives of underserved populations, including Wi-Fi access, day care, accessible locations, phone conversations prior to meetings, and incentives for participation.

Citizen Involvement Committee

The Citizen Involvement Committee (CIC) members will be engaged early in the process to review and provide feedback and guidance on the Public Involvement Plan for the Community Vision. The CIC will consider identified stakeholder groups, outreach activities, desired outcomes, and a schedule of opportunities for participation in the Community Vision process. CIC comments will be incorporated into the Plan.

Community Conversations

A Community Conversations Kit will guide City staff, PAT/City advisory board members, and the general public to hold meetings and document community comments. Community conversations allow project members to connect with the community where people gather and through channels which they receive information. Each PAT member will be responsible for hosting up to five conversations and City advisory board members at least one conversation. City staff will host community conversations with the general community and underrepresented communities.

Given the restrictions on in-person gatherings and the cancellation of events, even though the Community Conversation may be scaled to larger groups, many community conversations will likely occur via phone interviews, small group video conferencing, or even by families on their own. Community Conversation kits will be made available on the project website, along with video-recorded instructions and a choice of a video-recorded mini slideshow to explain the project or a mini slideshow which the host may talk through. Community Conversation kits will be promoted through all lines of communication, encouraging community members to host their own conversations.

Social Media

Bi-Weekly social media posts and monthly email blasts will provide project updates and encourage participation. Posts will solicit feedback on questions and administering visual preference surveys.

Surveys

Online surveys will supplement in-person and virtual community engagement activities. The surveys will ask the same questions that are posed through other outreach activities. The first survey will ask general questions about what people love about Oregon City as well as what they would like to see in their community over the next 20 years. The second survey will solicit the community's opinions on balancing competing interests. Surveys will also be available in a hard copy format and may be distributed with a return envelope to communities of color or underrepresented people.

Community Satisfaction Survey

In August of 2020, the City will be completing a city-wide as part of an effort to identify satisfaction of City services. Results will help ensure that the City's priorities are aligned with the needs of our residents. The survey contains both a mailed statistically valid component which is mailed to 3,500



households as well as an online survey, widely advertised on social media as well as to community members and partners.

Passive Poster Activity

Four interactive posters will be designed to be placed in prominent public spaces (downtown, City Hall, library, grocery stores, coffee shops, churches) so people can participate in a passive activity to help develop the community vision. Posters will pose a key vision question and use dots or other markers to indicate preferences. This will help supplement activities that are restricted due to their in-person nature, such as tabling at Community Events and conducting in-person Community Conversations.

Photo Contest

The design and facilitation of photo contest will encourage residents to share and showcase the elements they love about their community and provide engaging content for social media. Materials collected through the photo contest may be used in a visual preference survey.

Youth Engagement

At least one activity will be designed to engage youth in the vision process, such as a drawing contest that ask participants to draw their dream city. One possible opportunity is the Summer Reading Program at the Oregon City Public Library.

Community Events

Tabling at community events such as the farmer's market, concerts at the park, grocery stores, First City Festival, National Night Out, etc. provide a unique opportunity to reach many people in one place. While COVID-19 will limit the extent to which these venues can have a role in the engagement strategy for the Community Vision, the project team will reassess the situation on a month-by-month basis. Materials for tabling will be designed to solicit community comments, create project awareness, drive people to the project website, and describe the opportunities to get involved. City staff and the PAT will be responsible for staffing community events. Some possible early locations include the Pioneer Center kiosk, Comm Development kiosk, and the Oregon City Public Library.

Mailed Notice

Postcard notices will be mailed to all property owners and renters within the urban growth boundary surrounding Oregon City. These mailers will provide information about the project and highlight opportunities to participate at three points in the process: at the beginning of the Community Vision process, at the beginning of the comprehensive planning process, and at the beginning of the hearings process. Additional targeted notices may be sent to apartment complexes, community centers and churches which cater to communities of color or underrepresented people.

Communication Tools

In addition to the above activities, the following communication tools will provide information about events, activities and opportunities to be involved in developing the Community Vision.

Logo/Branding



A project “look” based on the selected OC2040 logo, including colors, fonts, headers and related graphic elements will appear on all project materials and provide continuity and visibility for the project, ensuring its identity is unique and compelling.

Key Messages

A series of statements, characterizing the project and communicating the information people need to know, are organized under the **Key Messages** section of this document. These key messages will be used throughout the Community Vision process and incorporated across all platforms.

Project Website

A project webpage will include a project overview and timeline, important contacts, schedule of opportunities for engagement, updates on project status, a library of documents and mechanism to submit general comments.

Social media

Social media platforms may include Facebook, Twitter, Instagram, etc. to increase project awareness and provide additional avenues for community input. Postings will coordinate with various City departmental accounts.

Mailed Notices

Postcard notices will provide target engagement to residents and property owners.

Media Releases and Project Promotion

Media releases will announce the project kickoff and advertise key opportunities for public participation. Additional project information will be posted through advertisements in the Trail News, utility bills, cable station, and other local publications.

Promotional Materials

Flyers or other printed materials will help advertise public engagement events and activities. This may include window signs or lawn signs.

Project Email List

E-mail addresses of people who express interest in the planning process will be maintained in a database and used when the City sends e-blasts to notify people about events and activities. Interested parties will have several opportunities to join the mailing list, such as on the project website and at public meetings and events.

Internal Tracking

The consultant will be responsible for maintaining a spreadsheet to track community comments and provide responses, as needed, via the project website. The tracking tool will be used to summarize the results of outreach activities and highlight vision themes in a concise and illustrative report. It will document frequent comments that lend themselves to developing policies and actions. The comments will be summarized in a report and grouped by themes in order to inform the development of the Community Vision.



Roles and Responsibilities

Activity	Consultant Lead	City Lead
PAT Meetings	Meeting materials Facilitation	Communications Logistics
CIC Meetings	Meeting materials	Communications Logistics Facilitation
Community Conversations	Community Conversations Kit Train facilitators as needed	Identify community groups Assignments to PAT and community advisory groups Facilitation Summaries
Community Events	Event materials	Secure place at events Staff events
Passive Poster Activity	Interactive poster boards	Stage and monitor posters with community partners
Photo Contest	Description and instructional content	Implement and manage contest
Youth Engagement	Activity format Materials	Staffing Summaries
Online Engagement	Two surveys Implement engagements Summaries	Implement web updates
Communication Tool		
Logo/Branding	Graphic look and design	Implement graphic look and design
Key Messages	Develop content	Distribute key messages
Project Website	Project web page content	Implement website
Social media	Bi-Weekly social media posts	Distribute via City platforms
Mailed Notices	Content for mailed notice	Distribute via City methods
Media Releases and Project Promotion	Six media releases Support of additional advertisements	Distribute via City avenues Develop and implement additional advertisements
Promotional materials	Flyers	Distribute via City methods
Project Email List	Monthly email blasts (MailChimp)	Create and maintain database
Internal Tracking	Internal tracking spreadsheet	Regular updates to spreadsheet

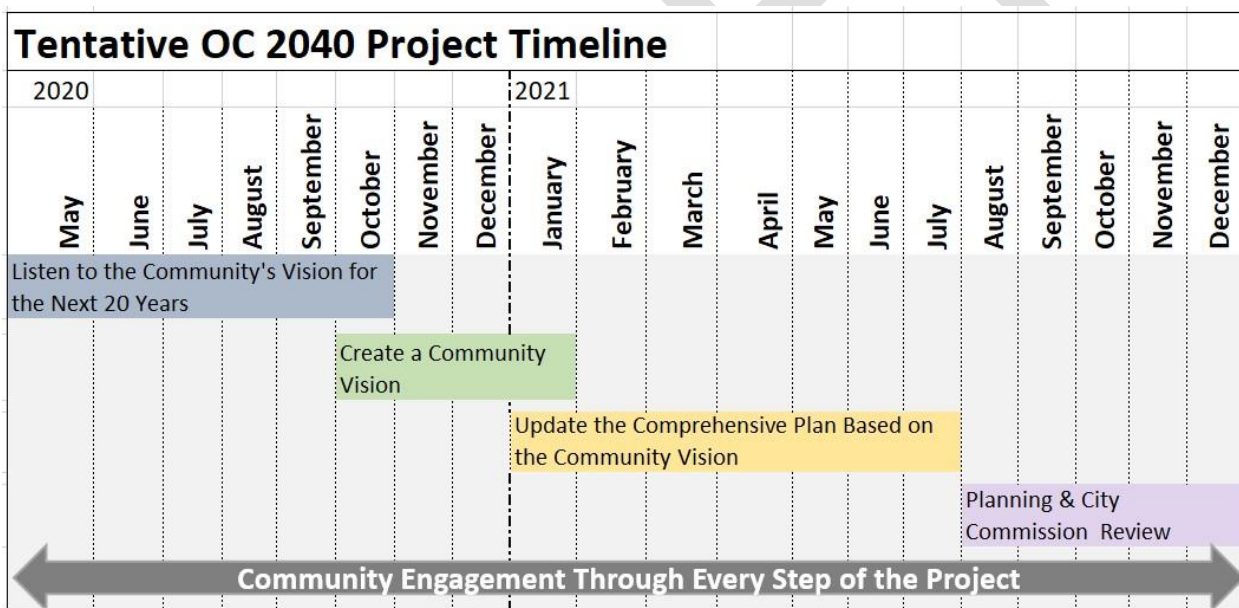


Schedule

Activities	May	June	July	Aug	Sept	Oct
<i>Advisory Committee Meetings</i>	●	▲				▲
<i>Community Conversations</i>						
<i>Community Events</i>						
<i>Passive Poster Activity</i>						
<i>Photo Contest</i>						
<i>Youth Engagement</i>						
<i>Online Engagement</i>						
Communication Tools						

● CIC Input Via Email

▲ PAT Meeting





CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 07/01/2020

SUBJECT:

Public Works Upper Yard Charter Park Discussion

STAFF RECOMMENDATION:

Staff is requesting direction from the Commission on how to proceed with the designation of the Public Works Upper Yard as a Charter Park.

EXECUTIVE SUMMARY:

The Commission requested that staff prepare the estimated value of the Upper Yard, tax lot 1700 and the Armory Building, which is estimated at \$2,450,000. A potential boundary of a Charter Park has been included which includes the property lines for the Armory Building, tax lot 1700 and the Upper Yard (tax lot 500). The boundary of the Upper Yard would be approximately 1-2 feet behind the cliff edge at the top of the bluff. To bring forward an Ordinance designating the Upper Yard area as a Charter Park staff has proposed hiring a consultant to complete a lot line adjustment or minor partition of tax lot 500. Staff has requested direction on the disposition of tax lot 1700 and the timing of adopting the Armory Building tax lot as a Charter Park.

BACKGROUND:

At the May 20, 2020 City Commission meeting staff presented a proposed process to remove the two Adair Buildings from the Public Works Upper Yard and to begin the process to designate the Upper Yard as a Charter Park (5/20/20 Staff Report attached). To bring forward an Ordinance, staff proposed to hire a consultant to prepare a partition or lot line adjustment of tax lot 500 to accurately reflect the Commission's desire to dedicate the Upper Yard as a Charter Park.

At the conclusion of the May 20, 2020 City Commission meeting staff was directed to obtain the values of the Public Works properties and provide a preliminary map demonstrating the potential lot line adjustment or partition property lines for tax lot 500. Staff worked with Capacity Commercial Group to obtain a broker opinion of value for the 7 properties associated with the Public Works Operations Center. The broker opinion of

value (attached) assumed that the properties would be rezoned to a residential zoning similar to the surrounding neighborhoods.

For land values discussion purposes the following estimate has been made. This estimate is not an engineering cost estimate and is for discussion purposes only. The estimated value for the Upper Yard, Armory property and tax lot 1700 is \$3,300,000. (5.15 acres at 5.8 units per acre = 30 lots. Remove 25% of the lots for new streets = 22 lots. 22 lots at \$150,000 per lot = \$3,300,000) The estimated cost of the demolition and site work for a residential development is \$850,000, resulting in a value of \$2,450,000.

Staff has prepared a map attached to this staff report generally showing the potential boundary of the Upper Yard, Armory property and tax lot 1700. The proposed boundary would be located approximately 1-2 feet behind the cliff edge at the top of the bluff. This would result in a parcel that is approximately 5.15 acres.

Staff is requesting Commission direction on the following:

1. Staff proposal to hire a consultant to prepare a partition or lot line adjustment of tax lot 500.
2. Staff is requesting direction on the disposition of tax lot 1700, which is located at 520 1st Street. This property was obtained with utility funds and the utility funds should be reimbursed if it is to be used as a park.
3. Staff is requesting direction on the inclusion of the Armory Building tax lot as a Charter Park.
4. Once the partition of lot line adjustment is completed, an Ordinance designating the applicable tax lots will be brought forward for Commission consideration.
5. Staff understands that the Adair Buildings must be demolished or withheld from designation as a Charter Park, it is not the Commission's intention to retain the two buildings.

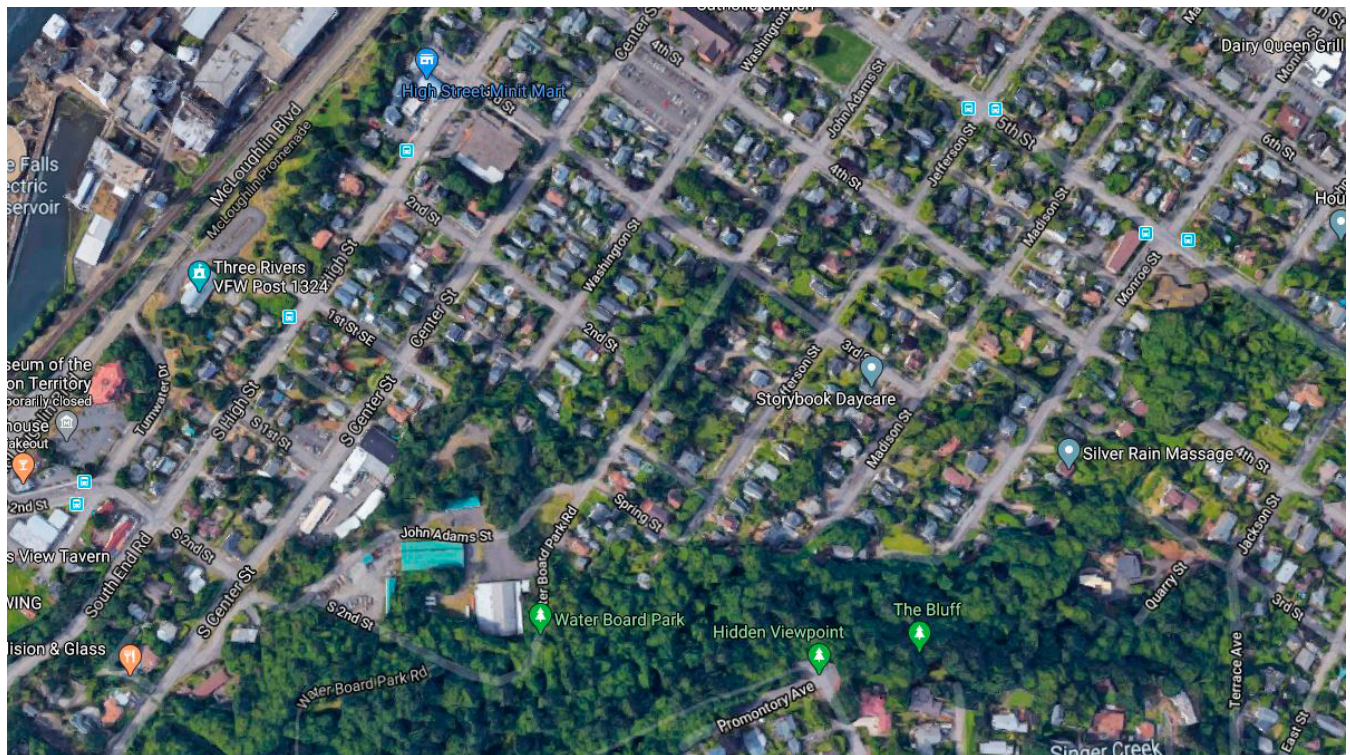
OPTIONS:

1. Approve the proposed process with the clarifications concerning tax lot 1700 and the Armory Building tax lot.
2. Deny the proposed process.
3. Amend the proposed process.

Prepared for:
Tony Konkol
 City Manager
 City of Oregon City

BROKER OPINION OF VALUE

CENTER STREET PROPERTIES



PRESENTED: JUNE 23, 2020



Mark Childs, SIOR
Principal
markc@capacitycommercial.com
 503.542.4350

Kim Childs, Broker
Keller Williams
kim.childs@comcast.net
 503.351.5445

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PROPERTY INFO

SECTION ONE

The subject property consists of seven parcels totaling more than seven acres.

While currently zoned Institutional, being owned by the City of Oregon City, the logical rezone would be to a mix of R-6 for most of the property and R-3.5 for the two parcels on the west side of Center Street. R-6 allows for 5.8 to 7.3 dwelling units/ acre. Due to the unique site configuration, the minimum 5.8 DU/A is going to be assumed. The property is well located close-in, within walking distance of many amenities. The property is mostly flat except for a small, sharp cliff that runs through the property, which will impact the site coverage capacity by an estimated 25%.

Oregon City GIS Map

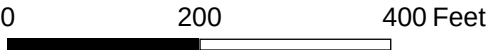


Legend

Street Names

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

Notes



1: 2,400



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 6/18/2020

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

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Zoning Map

Ordinance No. 08-1014

Adopted July 1, 2009

Most recent Zoning update shown is Ordinance 16-1031 (effective date: 3/13/2019).
Also includes Ordinance 16-1003 (added 3/17/2020)

ZONING DESIGNATIONS

Low Density Residential Districts

R-10	3.5 - 4.4 du/acre
R-8	4.4 - 5.4 du/acre
R-6	5.8 - 7.3 du/acre

Medium Density Residential Districts

R-5	7 - 17.4 du/acre
R-3.5	10 - 21.8 du/acre

High Density Residential District

R-2	17.4 - 26.2 du/acre
-----	---------------------

Other Zoning Designations

MUC-1	Mixed Use Corridor 1
MUC-2	Mixed Use Corridor 2
MUD	Mixed Use Downtown
MUE	Mixed Use Employment
WFDD	Willamette Falls Downtown District
C	General Commercial
HC	Historic Commercial
NC	Neighborhood Commercial
GI	General Industrial
CI	Campus Industrial
I	Institutional
County	County

For further information on zoning, please call the
Oregon City Planning Division at (503) 722-3789.

Unimproved Streets	City Limits
Historic Districts	UGB
Parks	Streams
Rivers	Schools

Item 7g.



Item 7g.

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Oregon City Center Street
Property Summary

#	APN	Alternate APN	Address	Lot SF	Lot AC	Value
1	00570046	22E31 00400	204 S John Adams St. Oregon City, OR 97045	95,832	2.20	R-6
2	00570055	22E31 00500	122 S Center Ct. Oregon City, OR 97045	197,327	4.53	R-6
3	00576861	22E31CA01700	520 1st St. Oregon City, OR 97045	4,224	0.097	R-6
4	00576914	22E31CA02100	116 S Center St. Oregon City, OR 97045	5,838	0.134	R-6
5	00576923	22E31CA02200	2 Oregon City Lt 4 Blk 81	6,930	0.159	R-3.5
6	01401165	22E31CA06201	2 Oregon City Pt Lt 1 Blk 80	3,465	0.080	R-3.5
7	05777370	22E31CA06800	306 S Center St. Oregon City, OR 97045	9,005	0.207	Residence
Total				322,621	7.407	

SECTION TWO

PICTURES

SECTION TWO

The property improvements are an interesting mix of historic uses, ranging from old industrial to a fairly current residence.

Parcel #1: Mostly paved, vacant lot that recently had an industrial building removed.

Parcel #2: The largest parcel with a mix of office and industrial buildings below and above the cliff, and both north and south of John Adams Street.

Parcel #3: An empty lot adjacent to Parcel #2.

Parcel #4: An old building covering the entire parcel.

Parcel #5: A paved parking lot.

Parcel #6: A gravel parking lot.

Parcel #7: A residence.

Parcel #1



Parcel #2: Center Street



Parcel #2: North of John Adams



Parcel #2: South of John Adams



Parcel #4:



Parcel #5:



Parcel #6:



Parcel #7: Residence



SECTION THREE

DETAIL REPORTS

Property Detail Report

Parcel 1

Item 7g.

204 S John Adams St, Oregon City, OR 97045-2919

APN: 00570046

Clackamas County Data as of: 06/05/2020

Owner Information

Owner Name:	State Of Oregon		
Vesting:			
Mailing Address:	Po Box 14350, Salem, OR 97309-5047	Occupancy:	Unknown

Location Information

Legal Description:	Section 31 Township 2S Range 2E Tax Lot 00400	County:	Clackamas, OR
APN:	00570046	Alternate APN:	22E31 00400
Munic / Twnshp:		Census Tract / Block:	022400 / 4062
Subdivision:		Legal Lot / Block:	400 /
Neighborhood:	Oregon City	Legal Book / Page:	
Elementary School:	Jennings Lodge Ele...	School District:	Oregon City School District 62
Latitude:	45.35073	Middle School:	Gardiner Middle Sc...
		High School:	Oregon City High S...
		Longitude:	-122.60957

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	Price:	Transfer Doc #:
Buyer Name:	Seller Name:	Deed Type:

Last Market Sale

Sale / Rec Date:	Sale Price / Type:	Deed Type:
Multi / Split Sale:	Price / Sq. Ft.:	New Construction:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	1st Mtg Doc #:
2nd Mtg Amt / Type:	2nd Mtg Rate / Type:	Sale Doc #:
Seller Name:		
Lender:		Title Company:

Prior Sale Information

Sale / Rec Date:	Sale Price / Type:	Prior Deed Type:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	Prior Sale Doc #:
Prior Lender:		N/A

Property Characteristics

Gross Living Area:	Total Rooms:	0	Year Built / Eff:	1955
Living Area:	Bedrooms:		Stories:	
Total Adj. Area:	Baths (F / H):		Parking Type:	
Above Grade:	Pool:		Garage #:	
Basement Area:	Fireplace:		Garage Area:	
Style:	Cooling:		Porch Type:	
Foundation:	Heating:		Patio Type:	
Quality:	Exterior Wall:		Roof Type:	
Condition:	Construction Type:		Roof Material:	

Site Information

Land Use:	Industrial (NEC)	Lot Area:	95,832 Sq. Ft.	Zoning:	I
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	301 - Industrial Property Improved	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	2.2	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41005C0276D	Flood Map Date:	06/17/2008
Community Name:	Clackamas County Unincorporated Area	Flood Panel #:	0276D	Inside SFHA:	False

Tax Information

Assessed Year:	2019	Assessed Value:	\$807,251	Market Total Value:	\$1,271,262
Tax Year:	2019	Land Value:		Market Land Value:	\$361,522
Tax Area:	062-002	Improvement Value:		Market Imprv Value:	\$909,740
Property Tax:		Improved %:	71.56%	Market Imprv %:	71.56%
Exemption:		Delinquent Year:			

Parcel 2

Property Detail Report

122 S Center St, Oregon City, OR 97045-2935

APN: 00570055

Item 7g.

Clackamas County Data as of: 06/05/2020

Owner Information

Owner Name:	City Of Oregon City	Occupancy:	Unknown
Vesting:			
Mailing Address:	Po Box 3040, Oregon City, OR 97045-0304		

Location Information

Legal Description:	Section 31 Township 2S Range 2E Tax Lot 00500	County:	Clackamas, OR
APN:	00570055	Alternate APN:	22E31 00500
Munic / Twnshp:		Census Tract / Block:	022400 / 4048
Subdivision:	Oregon City	Legal Lot / Block:	500 / 83
Neighborhood:	Oregon City	Legal Book / Page:	
Elementary School:	Jennings Lodge Ele...	School District:	Oregon City School District 62
Latitude:	45.35116	Middle School:	Gardiner Middle Sc...
		High School:	Oregon City High S...
		Longitude:	-122.61047

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	Price:	Transfer Doc #:
Buyer Name:	Seller Name:	Deed Type:

Last Market Sale

Sale / Rec Date:	Sale Price / Type:	Deed Type:
Multi / Split Sale:	Price / Sq. Ft.:	New Construction:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	1st Mtg Doc #:
2nd Mtg Amt / Type:	2nd Mtg Rate / Type:	Sale Doc #:
Seller Name:		
Lender:		Title Company:

Prior Sale Information

Sale / Rec Date:	Sale Price / Type:	Prior Deed Type:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	Prior Sale Doc #:
Prior Lender:		

Property Characteristics

Gross Living Area:	Total Rooms:	0	Year Built / Eff:	1935
Living Area:	Bedrooms:		Stories:	
Total Adj. Area:	Baths (F / H):		Parking Type:	
Above Grade:	Pool:		Garage #:	
Basement Area:	Fireplace:		Garage Area:	
Style:	Cooling:		Porch Type:	
Foundation:	Heating:		Patio Type:	
Quality:	Exterior Wall:		Roof Type:	
Condition:	Construction Type:		Roof Material:	

Site Information

Land Use:	Industrial (NEC)	Lot Area:	197,327 Sq. Ft.	Zoning:	I
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	301 - Industrial Property Improved	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	4.53	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41005C0276D	Flood Map Date:	06/17/2008
Community Name:	Clackamas County Unincorporated Area	Flood Panel #:	0276D	Inside SFHA:	False

Tax Information

Assessed Year:	2019	Assessed Value:	\$736,166	Market Total Value:	\$1,159,317
Tax Year:	2019	Land Value:		Market Land Value:	\$412,027
Tax Area:	062-002	Improvement Value:		Market Imprv Value:	\$747,290
Property Tax:		Improved %:	64.46%	Market Imprv %:	64.46%
Exemption:		Delinquent Year:			

Property Detail Report

Parcel 3

Item 7g.

520 1st St, Oregon City, OR 97045-2502

APN: 00576861

Clackamas County Data as of: 06/05/2020

Owner Information

Owner Name:	City Of Oregon City		
Vesting:			
Mailing Address:	Po Box 3040, Oregon City, OR 97045-0304	Occupancy:	Unknown

Location Information

Legal Description:	2 Oregon City Pt Lts 1&2 Blk 84	County:	Clackamas, OR
APN:	00576861	Alternate APN:	22E31CA01700
Munic / Twnshp:		Census Tract / Block:	022400 / 4048
Subdivision:	Oregon City	Legal Lot / Block:	1&2 / 84
Neighborhood:	Oregon City	Legal Book / Page:	
Elementary School:	Jennings Lodge Ele...	School District:	Oregon City School District 62
Latitude:	45.35183	Middle School:	Gardiner Middle Sc...
		High School:	Oregon City High S...
		Longitude:	-122.60994

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	02/02/2006 / 02/03/2006	Price:	\$154,000	Transfer Doc #:	2006.10483
Buyer Name:	City Of Oregon City	Seller Name:	Debnam, Aaron J	Deed Type:	Warranty Deed

Last Market Sale

Sale / Rec Date:	02/02/2006 / 02/03/2006	Sale Price / Type:	\$154,000 / Confirmed	Deed Type:	Warranty Deed
Multi / Split Sale:		Price / Sq. Ft.:	\$125	New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2006.10483
Seller Name:	Debnam, Aaron J			Title Company:	First American Tit...
Lender:					

Prior Sale Information

Sale / Rec Date:	07/24/2001 / 07/25/2001	Sale Price / Type:	\$134,500 / Confirmed	Prior Deed Type:	Deed
1st Mtg Amt / Type:	\$128,784 / Conventional	1st Mtg Rate / Type:		Prior Sale Doc #:	2001.58300
Prior Lender:	Ctx Mortgage Co				

Property Characteristics

Gross Living Area:		Total Rooms:	0	Year Built / Eff:	1920
Living Area:	1,232 Sq. Ft.	Bedrooms:	3	Stories:	1
Total Adj. Area:		Baths (F / H):	1 /	Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:	Pier	Heating:	Stove	Patio Type:	
Quality:	Fair	Exterior Wall:	Wood Shake/Shingle	Roof Type:	Gable
Condition:		Construction Type:		Roof Material:	Composition

Site Information

Land Use:	SFR	Lot Area:	4,224 Sq. Ft.	Zoning:	I
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	101 - Residential Property Improved	Usable Lot:		Res / Comm Units:	1 /
Site Influence:		Acres:	0.097	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41005C0276D	Flood Map Date:	06/17/2008
Community Name:	Clackamas County Unincorporated Area	Flood Panel #:	0276D	Inside SFHA:	False

Tax Information

Assessed Year:	2019	Assessed Value:	\$124,675	Market Total Value:	\$193,896
Tax Year:	2019	Land Value:		Market Land Value:	\$95,546
Tax Area:	062-002	Improvement Value:		Market Imprv Value:	\$98,350
Property Tax:		Improved %:	50.72%	Market Imprv %:	50.72%
Exemption:		Delinquent Year:			

Parcel 4

Property Detail Report

116 S Center St, Oregon City, OR 97045-2935

APN: 00576914

Item 7g.

Clackamas County Data as of: 06/05/2020

Owner Information

Owner Name:	City Of Oregon City		
Vesting:			
Mailing Address:	Po Box 3040, Oregon City, OR 97045-0304	Occupancy:	Unknown

Location Information

Legal Description:	2 Oregon City Pt Lt 6 Blk 84	County:	Clackamas, OR
APN:	00576914	Alternate APN:	22E31CA02100
Munic / Twnshp:		Census Tract / Block:	022400 / 4048
Subdivision:	Oregon City	Legal Lot / Block:	6 / 84
Neighborhood:	Oregon City	Legal Book / Page:	
Elementary School:	Jennings Lodge Ele...	School District:	Oregon City School District 62
Latitude:	45.35173	Middle School:	Gardiner Middle Sc...
		High School:	Oregon City High S...
		Longitude:	-122.61063

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	12/20/2007 / 12/21/2007	Price:	\$300,000	Transfer Doc #:	2007.106163
Buyer Name:	City Of Oregon City	Seller Name:	Cameron, James W	Deed Type:	Warranty Deed

Last Market Sale

Sale / Rec Date:	12/20/2007 / 12/21/2007	Sale Price / Type:	\$300,000 / Confirmed	Deed Type:	Warranty Deed
Multi / Split Sale:		Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2007.106163
Seller Name:	Cameron, James W			Title Company:	First American Tit...
Lender:					

Prior Sale Information

Sale / Rec Date:		Sale Price / Type:		Prior Deed Type:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	N/A
Prior Lender:					

Property Characteristics

Gross Living Area:		Total Rooms:	0	Year Built / Eff:	1937
Living Area:		Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

Site Information

Land Use:	Commercial Building	Lot Area:	5,838 Sq. Ft.	Zoning:	I
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	201 - Commercial Property Improved	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	0.134	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41005C0276D	Flood Map Date:	06/17/2008
Community Name:	Clackamas County Unincorporated Area	Flood Panel #:	0276D	Inside SFHA:	False

Tax Information

Assessed Year:	2019	Assessed Value:	\$119,225	Market Total Value:	\$187,756
Tax Year:	2019	Land Value:		Market Land Value:	\$71,256
Tax Area:	062-002	Improvement Value:		Market Imprv Value:	\$116,500
Property Tax:		Improved %:	62.05%	Market Imprv %:	62.05%
Exemption:		Delinquent Year:			

Property Detail Report

Parcel 5

Item 7g.

OR

APN: 00576923

Clackamas County Data as of: 06/05/2020

Owner Information

Owner Name:	City Of Oregon City		
Vesting:			
Mailing Address:	Po Box 3040, Oregon City, OR 97045-0304	Occupancy:	Unknown

Location Information

Legal Description:	2 Oregon City Lt 4 Blk 81	County:	Clackamas, OR
APN:	00576923	Census Tract / Block:	
Munic / Twnshp:		Legal Lot / Block:	4 / 81
Subdivision:	Oregon City	Legal Book / Page:	
Neighborhood:	Oregon City		
Elementary School:	Jennings Lodge Ele...	School District:	Oregon City School District 62
Latitude:	45.35183	Middle School:	Gardiner Middle Sc...
		High School:	Oregon City High S...
		Longitude:	-122.61131

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	Price:	Transfer Doc #:
Buyer Name:	Seller Name:	Deed Type:

Last Market Sale

Sale / Rec Date:	Sale Price / Type:	Deed Type:
Multi / Split Sale:	Price / Sq. Ft.:	New Construction:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	1st Mtg Doc #:
2nd Mtg Amt / Type:	2nd Mtg Rate / Type:	Sale Doc #:
Seller Name:		
Lender:		Title Company:

Prior Sale Information

Sale / Rec Date:	Sale Price / Type:	Prior Deed Type:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	Prior Sale Doc #:
Prior Lender:		N/A

Property Characteristics

Gross Living Area:	Total Rooms:	0	Year Built / Eff:
Living Area:	Bedrooms:		Stories:
Total Adj. Area:	Baths (F / H):		Parking Type:
Above Grade:	Pool:		Garage #:
Basement Area:	Fireplace:		Garage Area:
Style:	Cooling:		Porch Type:
Foundation:	Heating:		Patio Type:
Quality:	Exterior Wall:		Roof Type:
Condition:	Construction Type:		Roof Material:

Site Information

Land Use:	SFR	Lot Area:	6,930 Sq. Ft.	Zoning:	I
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	101 - Residential Property Improved	Usable Lot:		Res / Comm Units:	1 /
Site Influence:		Acres:	0.159	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41005C0276D	Flood Map Date:	06/17/2008
Community Name:	Clackamas County Unincorporated Area	Flood Panel #:	0276D	Inside SFHA:	False

Tax Information

Assessed Year:	2019	Assessed Value:	\$77,898	Market Total Value:	\$121,148
Tax Year:	2019	Land Value:		Market Land Value:	\$83,218
Tax Area:	062-002	Improvement Value:		Market Imprv Value:	\$37,930
Property Tax:		Improved %:	31.31%	Market Imprv %:	31.31%
Exemption:		Delinquent Year:			

Property Detail Report

OR

APN: 01401165

Parcel 6

Item 7g.

Clackamas County Data as of: 06/05/2020

Owner Information

Owner Name:	City Of Oregon City		
Vesting:			
Mailing Address:	Po Box 3040, Oregon City, OR 97045-0304	Occupancy:	Unknown

Location Information

Legal Description:	2 Oregon City Pt Lt 1 Blk 80	County:	Clackamas, OR
APN:	01401165	Census Tract / Block:	
Munic / Twnshp:		Legal Lot / Block:	1 / 80
Subdivision:	Oregon City	Legal Book / Page:	
Neighborhood:	Oregon City		
Elementary School:	Jennings Lodge Ele...	School District:	Oregon City School District 62
Latitude:	45.35151	Middle School:	Gardiner Middle Sc...
		High School:	Oregon City High S...
		Longitude:	-122.61151

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	Price:	Transfer Doc #:
Buyer Name:	Seller Name:	Deed Type:

Last Market Sale

Sale / Rec Date:	Sale Price / Type:	Deed Type:
Multi / Split Sale:	Price / Sq. Ft.:	New Construction:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	1st Mtg Doc #:
2nd Mtg Amt / Type:	2nd Mtg Rate / Type:	Sale Doc #:
Seller Name:		
Lender:		Title Company:

Prior Sale Information

Sale / Rec Date:	Sale Price / Type:	Prior Deed Type:
1st Mtg Amt / Type:	1st Mtg Rate / Type:	Prior Sale Doc #:
Prior Lender:		

Property Characteristics

Gross Living Area:	Total Rooms:	0	Year Built / Eff:
Living Area:	Bedrooms:		Stories:
Total Adj. Area:	Baths (F / H):		Parking Type:
Above Grade:	Pool:		Garage #:
Basement Area:	Fireplace:		Garage Area:
Style:	Cooling:		Porch Type:
Foundation:	Heating:		Patio Type:
Quality:	Exterior Wall:		Roof Type:
Condition:	Construction Type:		Roof Material:

Site Information

Land Use:	Vacant -Residential Land	Lot Area:	3,465 Sq. Ft.	Zoning:	I
State Use:		Lot Width / Depth:		# of Buildings:	
County Use:	100 - Resid Land Unimprv (Land Only)	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	0.080	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	41005C0276D	Flood Map Date:	06/17/2008
Community Name:	Clackamas County Unincorporated Area	Flood Panel #:	0276D	Inside SFHA:	False

Tax Information

Assessed Year:	2019	Assessed Value:	\$12,862	Market Total Value:	\$20,003
Tax Year:	2019	Land Value:		Market Land Value:	\$20,003
Tax Area:	062-002	Improvement Value:		Market Imprv Value:	
Property Tax:		Improved %:		Market Imprv %:	
Exemption:		Delinquent Year:			

Property Detail Report

Parcel 7

Item 7g.

306 S Center St, Oregon City, OR 97045-2937

APN: 00577370

Clackamas County Data as of: 06/05/2020

Owner Information

Owner Name: City Of Oregon City
Vesting:
Mailing Address: 625 Center St, Oregon City, OR 97045-2253
Occupancy: Absentee Owner

Location Information

Legal Description: 2 Oregon City Pt Lts 7&8 Blk 86
APN: 00577370
Munic / Twnshp: Oregon City
Subdivision: Oregon City
Neighborhood: Oregon City
Elementary School: Jennings Lodge Ele...
Latitude: 45.3505
Alternate APN: 22E31CA06800
Twnshp-Rng-Sec: 2S-2E-31
Tract #: Oregon City School District 62
School District: Gardiner Middle Sc...
Middle School: -122.61188
County: Clackamas, OR
Census Tract / Block: 022500 / 4012
Legal Lot / Block: 718 / 86
Legal Book / Page: Oregon City High S...

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date: 08/21/2015 / 09/01/2015
Buyer Name: City Of Oregon City
Price: \$400,000
Seller Name: Blackwell Martin & Paula L
Transfer Doc #: 2015.59081
Deed Type: General Warranty Deed

Last Market Sale

Sale / Rec Date: 08/21/2015 / 09/01/2015
Multi / Split Sale:
1st Mtg Amt / Type:
2nd Mtg Amt / Type:
Seller Name: Blackwell Martin & Paula L
Lender:
Sale Price / Type: \$400,000 /
Price / Sq. Ft.: \$121
1st Mtg Rate / Type:
2nd Mtg Rate / Type:
Deed Type: General Warranty Deed
New Construction:
1st Mtg Doc #: N/A
Sale Doc #: 2015.59081
Title Company: First American Tit...

Prior Sale Information

Sale / Rec Date: 05/30/1994 / 05/31/1994
1st Mtg Amt / Type: \$98,978 / Federal Housing Administration
Prior Lender: Continental Savings Bank
Sale Price / Type: \$99,900 /
1st Mtg Rate / Type: / Fix
Prior Deed Type:
Prior Sale Doc #: 1994.45311

Property Characteristics

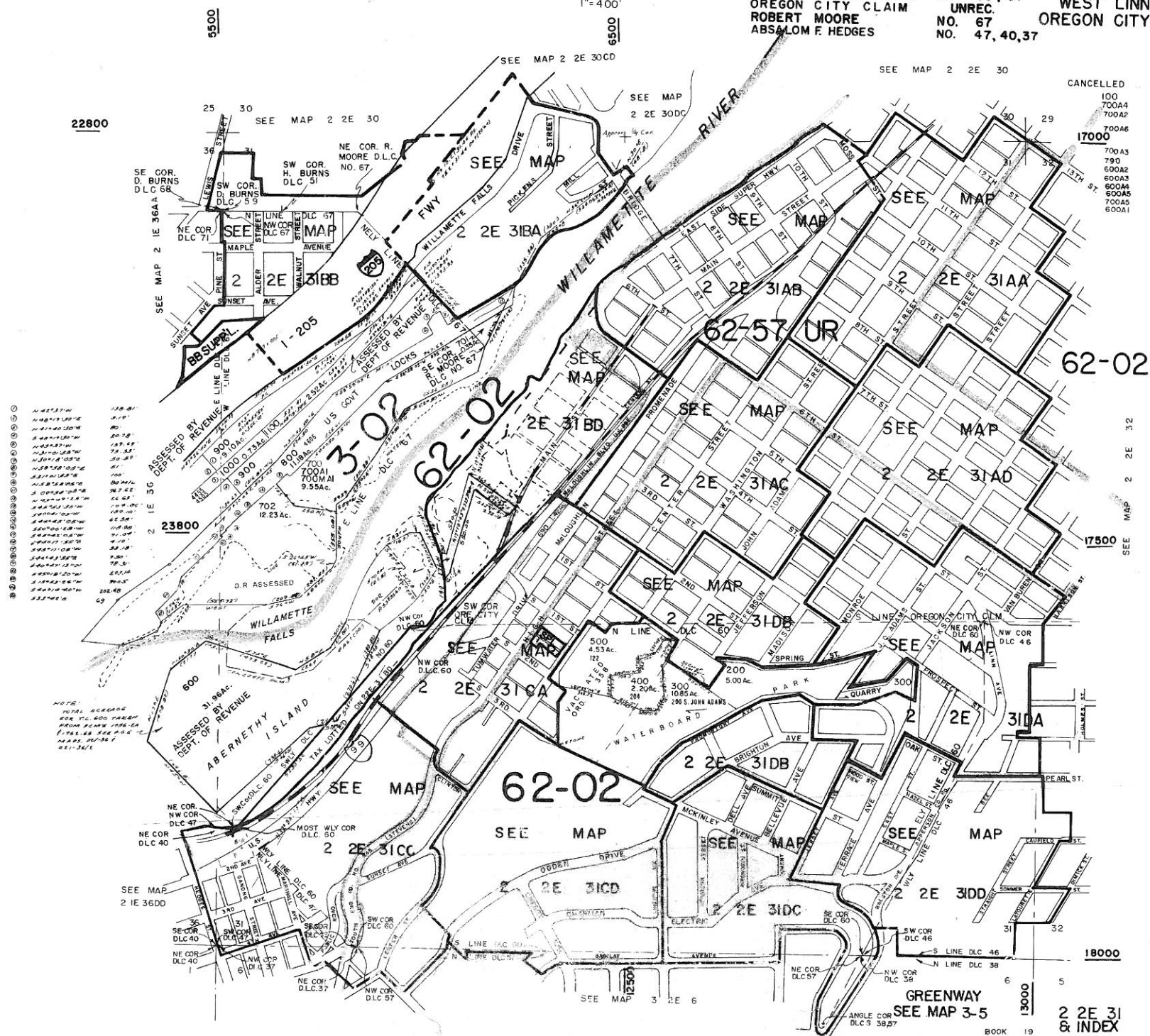
Gross Living Area:
Living Area: 3,308 Sq. Ft.
Total Adj. Area:
Above Grade:
Basement Area: 1,466 Sq. Ft.
Style:
Foundation: Concrete
Quality: Average
Condition:
Total Rooms: 0
Bedrooms: 4
Baths (F / H): 3 / 1
Pool:
Fireplace: 1
Cooling: Central Air
Heating: Heat Pump
Exterior Wall: Clapboard
Construction Type:
Year Built / Eff: 1994
Stories: 1
Parking Type: Garage
Garage #: 2
Garage Area: 506 Sq. Ft.
Porch Type:
Patio Type:
Roof Type: Gable
Roof Material: Composition

Site Information

Land Use: SFR
State Use:
County Use: 101 - Residential Property Improved
Site Influence:
Flood Zone Code: X
Community Name: Clackamas County Unincorporated Area
Lot Area: 9,005 Sq. Ft.
Lot Width / Depth:
Usable Lot:
Acres: 0.207
Flood Map #: 41005C0276D
Flood Panel #: 0276D
Zoning: R6
of Buildings: 1
Res / Comm Units: 1 /
Water / Sewer Type:
Flood Map Date: 06/17/2008
Inside SFHA: False

Tax Information

Assessed Year: 2019
Tax Year: 2019
Tax Area: 062-002
Property Tax: \$5,636.38
Exemption:
Assessed Value: \$309,343
Land Value:
Improvement Value:
Improved %: 69.91%
Delinquent Year:
Market Total Value: \$510,763
Market Land Value: \$153,693
Market Imprv Value: \$357,070
Market Imprv %: 69.91%



SECTION FOUR

VALUATION

SECTION FOUR

Parcels #1-4: It was assumed one Developer would purchase these properties and develop R-6 product. These parcels total approximately 7.0 acres. An analysis was run of raw land sales (table following) and only three parcels were considered comparable to the subject property. The average sales price for these three was close to \$675,000/ acre or, assuming 5.8 units per acre, about \$115,000/ unit.

Additional comparables were run for finished home prices (tables following). Two runs were made for lots above and below 5,000 SF. The sales prices ranges from \$515,000 to \$525,000, or a \$520,000 average. In residential real estate there is a general rule of thumb that the land value can account for around 30% of the total value. At \$520,000 this would amount to a finished lot value of roughly \$150,000.

Finished lot values for this property would be:

Acres - 7

Lots/ Acre - 5.8

Gross Lots - 40

Reduction - 25%

Total Net Lots - 30

Value/ Lot - \$150,000

Value - \$4,500,000

Land Acquisitions Grid Export

Current Selections

Item 7g.

Parcel #	Site Address	State	Zoning Code	Sale Date	Sale Price	Lot Acreage	Total Acreage	Avg \$/Acre (Est)	Avg \$/Lot
00544940		OR	RRFF5	02/19/20	\$30,000	1.9731	1.9700	\$15,228.0000	\$30,000.0000
05020548	20733 S MONPANO OVERLOOK DR	OR	RRFF5	01/31/20	\$305,000	56.5230	56.5200	\$5,396.0000	\$305,000.0000
00596466		OR	RRFF5	11/25/19	\$90,000	0.2800	4.0700	\$22,113.0000	\$45,000.0000
00596475		OR	RRFF5	11/25/19	\$90,000	3.7900	4.0700	\$22,113.0000	\$45,000.0000
05007405	20498 S DRIFTWOOD DR	OR	RRFF5	11/06/19	\$421,432	13.4683	13.4700	\$31,286.0000	\$421,432.0000
00747589		OR	FU10	11/05/19	\$900,000	0.5900	17.5600	\$51,252.0000	\$180,000.0000
00747623	19100 S HIGHWAY 99E	OR	TBR	11/05/19	\$900,000	1.2600	17.5600	\$51,252.0000	\$180,000.0000
00758512	19100 S HIGHWAY 99E	OR	TBR	11/05/19	\$900,000	4.9000	17.5600	\$51,252.0000	\$180,000.0000
00758521		OR	TBR	11/05/19	\$900,000	8.8300	17.5600	\$51,252.0000	\$180,000.0000
00758530		OR	TBR	11/05/19	\$900,000	1.9800	17.5600	\$51,252.0000	\$180,000.0000
00572384	702 MAIN ST	OR	MUD	10/31/19	\$2,475,000	0.1202	0.1200	\$20,625,000.0000	\$2,475,000.0000
00562536	13927 HOLCOMB BLVD	OR	MUC1	10/30/19	\$980,000	0.4500	1.0200	\$960,784.0000	\$490,000.0000
00562545	13927 HOLCOMB BLVD	OR	MUC1	10/30/19	\$980,000	0.5700	1.0200	\$960,784.0000	\$490,000.0000
00862622	19657 MCCORD RD	OR	TBR	10/15/19	\$360,000	3.0200	3.0200	\$119,205.0000	\$360,000.0000
00631329	15905 S SPRINGWATER RD	OR	EFU	10/05/19	\$300,000	27.2000	62.4100	\$4,806.0000	\$150,000.0000
05006248	15861 S SPRINGWATER RD	OR	EFU	10/05/19	\$300,000	35.2100	62.4100	\$4,806.0000	\$150,000.0000
00573132	516 HIGH ST	OR	MUC1	09/27/19	\$750,000	0.1591	0.1600	\$4,687,500.0000	\$750,000.0000
00882398		OR	R8	09/26/19	\$160,000	0.2200	0.2200	\$727,272.0000	\$160,000.0000
00630874	15122 S SPRINGWATER RD	OR	RRFF5	09/13/19	\$675,000	7.5300	15.0600	\$44,820.0000	\$225,000.0000
00630874	15122 S SPRINGWATER RD	OR	RRFF5	09/13/19	\$675,000	7.5300	15.0600	\$44,820.0000	\$225,000.0000
01179799	15122 S SPRINGWATER RD	OR		09/13/19	\$675,000		15.0600	\$44,820.0000	\$225,000.0000
05033553	16363 KITTY HAWK AVE	OR		09/03/19	\$614,925				\$614,925.0000
00842271	2507 BEAVERCREEK RD	OR	MUC2	08/29/19	\$610,000	0.9400	3.4800	\$175,287.0000	\$305,000.0000
01733663		OR	MUC2	08/29/19	\$610,000	2.5400	3.4800	\$175,287.0000	\$305,000.0000
00572133	900 MAIN ST	OR	MUD	08/28/19	\$1,593,000	0.3607	0.3600	\$4,425,000.0000	\$796,500.0000
00597875		OR	RRFF5	08/16/19	\$400,000	10.0000	10.0000	\$40,000.0000	\$400,000.0000
00854016		OR	R6	08/08/19	\$15,000	0.2296	0.5300	\$28,301.0000	\$7,500.0000
00854025		OR	R6	08/08/19	\$15,000	0.2984	0.5300	\$28,301.0000	\$7,500.0000
00555660		OR	FF10	08/01/19	\$330,000	18.1400	30.7300	\$10,738.0000	\$165,000.0000
00555768		OR	FF10	08/01/19	\$330,000	12.5900	30.7300	\$10,738.0000	\$165,000.0000
01597258	19311 TOWER HILL DR	OR	R8	05/31/19	\$130,000	0.1891	0.1900	\$684,210.0000	\$65,000.0000
01829285	19588 CENTRAL POINT RD	OR	TBR	05/08/19	\$840,000	17.8500	17.8500	\$47,058.0000	\$840,000.0000
00872906		OR	RRFF5	05/07/19	\$165,000	2.6713	2.9400	\$56,122.0000	\$82,500.0000
00873166		OR	RRFF5	05/07/19	\$165,000	0.2705	2.9400	\$56,122.0000	\$82,500.0000
00863603		OR	R2	05/02/19	\$150,000	1.5400	2.1000	\$71,428.0000	\$75,000.0000
00863621		OR	R2	05/02/19	\$150,000	0.5600	2.1000	\$71,428.0000	\$75,000.0000
00586627	1506 10TH ST	OR	R6	04/24/19	\$105,000	0.1711	0.1700	\$617,647.0000	\$105,000.0000
00483541		OR	RRFF5	03/28/19	\$470,000	2.5213	6.7400	\$69,732.0000	\$235,000.0000
00483603		OR	RRFF5	03/28/19	\$470,000	4.2200	6.7400	\$69,732.0000	\$235,000.0000
00885821	21187 S LELAND RD	OR	EFU	03/21/19	\$3,000,000	51.1400	156.4400	\$19,176.0000	\$1,500,000.0000
01551270	12426 S CRITESER RD	OR	EFU	03/21/19	\$3,000,000	105.3000	156.4400	\$19,176.0000	\$1,500,000.0000
01867368	20422 S MONPANO OVERLOOK DR	OR	RRFF5	03/14/19	\$185,000	4.9737	4.9700	\$37,223.0000	\$185,000.0000
00758790	19992 S SOUTH END RD	OR	RRFF5	02/06/19	\$600,000	18.6000	37.2000	\$16,129.0000	\$300,000.0000
00758790	19992 S SOUTH END RD	OR	RRFF5	02/06/19	\$600,000	18.6000	37.2000	\$16,129.0000	\$300,000.0000
01615336		OR	R6	12/18/18	\$50,000	0.1148	0.1100	\$454,545.0000	\$50,000.0000
01833234	17314 TRILLIUM PARK DR	OR	R10	12/04/18	\$1,000	0.3742	0.5600	\$1,785.0000	\$500.0000
01833243	17330 TRILLIUM PARK DR	OR	R10	12/04/18	\$1,000	0.1883	0.5600	\$1,785.0000	\$500.0000
00902241		OR	EFU	11/29/18	\$720,000	13.5200	26.5200	\$27,149.0000	\$360,000.0000
00902250	15171 S SPANGLER RD	OR	EFU	11/29/18	\$720,000	13.0000	26.5200	\$27,149.0000	\$360,000.0000
00561608	1500 WASHINGTON ST	OR	MUD	11/16/18	\$1,420,000	0.3172	0.6000	\$2,366,666.0000	\$710,000.0000
00561653	1500 WASHINGTON ST	OR	MUD	11/16/18	\$1,420,000	0.2830	0.6000	\$2,366,666.0000	\$710,000.0000
00905202		OR	EFU	11/15/18	\$2,195,000	6.7000	106.2300	\$20,662.0000	\$548,750.0000
00905211	18089 S STROWBRIDGE RD	OR	EFU	11/15/18	\$2,195,000	75.3400	106.2300	\$20,662.0000	\$548,750.0000
00905569	18089 S STROWBRIDGE RD	OR	EFU	11/15/18	\$2,195,000	18.5800	106.2300	\$20,662.0000	\$548,750.0000
00905578		OR	EFU	11/15/18	\$2,195,000	5.6100	106.2300	\$20,662.0000	\$548,750.0000
00845189	891 MOLALLA AVE	OR	MUC1	08/08/18	\$485,000	0.1800	0.1800	\$2,694,444.0000	\$485,000.0000
05005724	20050 S ATHENS DR	OR		07/06/18	\$875,000				\$875,000.0000
00569520	1401 WASHINGTON ST	OR	MUD	07/05/18	\$1,100,000	0.1591	0.6400	\$1,718,750.0000	\$275,000.0000

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Kim Childs
503-351-5445
Keller Williams Realty Portland Premiere
503-597-2444
6/22/2020 1:04:11 PM

Search Criteria

Property Categories=Residential
MLS Area/Map Range=AREA: 146
Status=ACT,BMP,PEN,SLD (3 months back)
City=Oregon City
Lot Size=3,000 to 4,999 SqFt or 5,000 to 6,999 SqFt
Property Type=Detached
Year Built=2019 or more

Total 23 Record(s)

Kim Childs**Residential****6/22/2020 1:03**

Item 7g.

503-597-2444**Keller Williams Realty Portland Premiere****23 Matches****Active**

MLS#	P	Type	Address	City	Area	Bedrm	Bath	Sqft	Price
20378590	10	DETACHD	19569 Molalla AVE	Oregon City	146	3	2.1	1741	\$432,000
20660057	7	DETACHD	13936 Lazy Creek LN	Oregon City	146	3	2.1	1631	\$442,000
20422556	10	DETACHD	19561 Molalla AVE	Oregon City	146	3	2.1	1710	\$442,900
20497848	7	DETACHD	13920 Lazy Creek LN	Oregon City	146	4	2.1	1909	\$489,900
20065911	7	DETACHD	13928 Lazy Creek LN	Oregon City	146	3	2.1	2089	\$499,900
20197339	10	DETACHD	13768 John Jeffrey CT	Oregon City	146	3	2	1778	\$515,000
20303274	22	DETACHD	19744 Larence LN	Oregon City	146	4	2.1	2450	\$549,910
20160417	32	DETACHD	20166 KINSLEE CT	Oregon City	146	3	2.1	3192	\$599,900
20459273	26	DETACHD	19607 Orchard Grove DR	Oregon City	146	5	2.1	3031	\$619,927

Total: 9 Active	Average DOM:	93	Average List:	\$510,160
	Median DOM:	113	Median List:	\$499,900
	Average SQFT:	2170	Average L\$/SQFT:	\$235
	Median SQFT:	1909		

Pending

MLS#	P	Type	Address	City	Area	Bedrm	Bath	Sqft	Price
20277065	1	DETACHD	19736 Larence LN	Oregon City	146	4	3	2435	\$559,911
20223812	20	DETACHD	19619 Orchard Grove DR	Oregon City	146	5	2.2	2616	\$579,926

Total: 2 Pending	Average DOM/CDOM:	30 / 30	Average List:	\$569,919
	Median DOM/CDOM:	30 / 30	Median List:	\$569,918
	Average SQFT:	2526	Average L\$/SQFT:	\$226
	Median SQFT:	2525		

Sold

MLS#	P	Type	Address	City	Area	Bedrm	Bath	Sqft	Price
19244303	14	DETACHD	19711 Leland RD	Oregon City	146	3	2.1	2121	\$439,000
19054292	30	DETACHD	19713 Cherrywood WAY	Oregon City	146	4	2.1	2402	\$492,922
19306071	22	DETACHD	19693 Cherrywood WAY	Oregon City	146	4	2.1	2572	\$499,905
20442966	22	DETACHD	19718 Cedarwood WAY	Oregon City	146	4	2.1	2450	\$504,916
19568503	24	DETACHD	12737 Myrtlewood WAY	Oregon City	146	4	2.1	2530	\$509,908
19542418	21	DETACHD	19697 Cedarwood WAY	Oregon City	146	4	2.1	2562	\$509,912
20585896	19	DETACHD	19712 Cedarwood WAY	Oregon City	146	4	2.1	2396	\$510,500
20623519	20	DETACHD	12752 MYRTLEWOOD WAY	Oregon City	146	4	2	2170	\$515,000
20114126	31	DETACHD	13791 John Jeffrey CT	Oregon City	146	3	2.1	1923	\$523,000
19523632	22	DETACHD	12776 Myrtlewood WAY	Oregon City	146	5	2.1	2616	\$550,000

Kim Childs

Residential

6/22/2020 1:00 PM Item 7g.

503-597-2444

Keller Williams Realty Portland Premiere

23 Matches

Sold

MLS#	P	Type	Address	City	Area	Bedrm	Bath	Sqft	Price
20384230	20	DETACHD	19595 Orchard Grove DR	Oregon City	146	4	3	2508	\$569,828
19314334	1	DETACHD	12134 Tolstrup DR	Oregon City	146	4	2.1	2850	\$572,569

Total: 12 Sold	Average DOM/CDOM: 78 / 78	Average List: \$515,925
	Median DOM/CDOM: 70 / 70	Median List: \$509,910
	Average SQFT: 2425	Average L\$/SQFT: \$213
	Median SQFT: 2479	Average Sold: \$516,455
		Median Sold: \$510,206
		Average S\$/SQFT: \$213

Kim Childs
503-351-5445
Keller Williams Realty Portland Premiere
503-597-2444
6/22/2020 1:04:47 PM

Search Criteria

Property Categories=Residential
MLS Area/Map Range=AREA: 146
Status=ACT,BMP,PEN,SLD (3 months back)
City=Oregon City
Lot Size=5,000 to 6,999 SqFt
Property Type=Detached
Year Built=2019 or more

Total 16 Record(s)

Kim Childs

Residential

6/22/2020 1:05

Item 7g.

503-597-2444

Keller Williams Realty Portland Premiere

16 Matches

Active

MLS#	P	Type	Address	City	Area	Bedrm	Bath	Sqft	Price
20197339	10	DETACHD	13768 John Jeffrey CT	Oregon City	146	3	2	1778	\$515,000
20303274	22	DETACHD	19744 Larence LN	Oregon City	146	4	2.1	2450	\$549,910
20160417	32	DETACHD	20166 KINSLEE CT	Oregon City	146	3	2.1	3192	\$599,900
20459273	26	DETACHD	19607 Orchard Grove DR	Oregon City	146	5	2.1	3031	\$619,927

Total: 4 Active
Average DOM: 67
Average List: \$571,184
Median DOM: 52
Median List: \$574,905
Average SQFT: 2613
Average L\$/SQFT: \$219
Median SQFT: 2740

Pending

MLS#	P	Type	Address	City	Area	Bedrm	Bath	Sqft	Price
20277065	1	DETACHD	19736 Larence LN	Oregon City	146	4	3	2435	\$559,911
20223812	20	DETACHD	19619 Orchard Grove DR	Oregon City	146	5	2.2	2616	\$579,926

Total: 2 Pending
Average DOM/CDOM: 30 / 30
Average List: \$569,919
Median DOM/CDOM: 30 / 30
Median List: \$569,918
Average SQFT: 2526
Average L\$/SQFT: \$226
Median SQFT: 2525

Sold

MLS#	P	Type	Address	City	Area	Bedrm	Bath	Sqft	Price
19054292	30	DETACHD	19713 Cherrywood WAY	Oregon City	146	4	2.1	2402	\$492,922
20442966	22	DETACHD	19718 Cedarwood WAY	Oregon City	146	4	2.1	2450	\$504,916
19568503	24	DETACHD	12737 Myrtlewood WAY	Oregon City	146	4	2.1	2530	\$509,908
19542418	21	DETACHD	19697 Cedarwood WAY	Oregon City	146	4	2.1	2562	\$509,912
20585896	19	DETACHD	19712 Cedarwood WAY	Oregon City	146	4	2.1	2396	\$510,500
20623519	20	DETACHD	12752 MYRTLEWOOD WAY	Oregon City	146	4	2	2170	\$515,000
20114126	31	DETACHD	13791 John Jeffrey CT	Oregon City	146	3	2.1	1923	\$523,000
19523632	22	DETACHD	12776 Myrtlewood WAY	Oregon City	146	5	2.1	2616	\$550,000
20384230	20	DETACHD	19595 Orchard Grove DR	Oregon City	146	4	3	2508	\$569,828
19314334	1	DETACHD	12134 Tolstrup DR	Oregon City	146	4	2.1	2850	\$572,569

Total: 10 Sold
Average DOM/CDOM: 69 / 69
Average List: \$525,129
Median DOM/CDOM: 48 / 48
Median List: \$512,416
Average SQFT: 2441
Average L\$/SQFT: \$215
Median SQFT: 2479
Average Sold: \$525,856
Median Sold: \$512,750
Average S\$/SQFT: \$215

SECTION FOUR

Parcels #5-6: Accounting for less than 1/4 of an acre, it was tough to find reasonable comparables. Assuming higher coverage could be obtained for these properties, a 50% premium was assumed for their value, or \$225,000 for a 5,000 SF lot.

Lot #5 SF - 6,930

Lot #6 SF - 3,465

Total SF - 10,395

5K SF Units - 2.08

Value/ Unit - \$225,000

Value - \$470,000

Parcel #7: Comparables were run for similar residences (table following) and analyzed.

Value - \$525,000

TOTAL GROSS VALUE: \$5,495,000

Agent Full

Residential

6/18/2020

\$524,900

4 bd | 3 / 1 ba | 3394 sqft

Status: Expired

Listed Date: 10/4/2019

DOM: 127 **Acres:** 0.3 **ML#:** 19034882

Year Built: 1941/ Approximately

173 HARDING BLVD Oregon

City, OR 97045

Unit #:

Condo Loc:

ShowHrs: 9-7

Show: Pet(s) on Premises, See Remarks, Text Owner

Occ: Owner

LB/Loc/Cmb: Front Door

XST/Dir: Linn to Park to Harding

Private: EZ to Show, call/text owner Shaun 1st then Lori, make contact for removal of dog (dog may be kenneled in lower family room, may bark, friendly). Rare find in Coveted Rivercrest.

Charming English trad on Apx 1/3 acre. 2 Masters on main, Hardwd floors, bay window. Outdoor paradise w/raised beds, fireplace, play house. Steps to Rivercrest Park

Public: Rare find in Coveted Rivercrest neighborhood. Charming English traditional on Apx 1/3 acre. 2 Masters on main, Hardwood floors, bay window, formal dining, kitchen with eat area and butler pantry. Bedroom 3 shares bath with 2nd master. Tons of storage thruout house. Outdoor paradise w/raised beds, fireplace, patio & Adorable play house. Just Steps to amazing Rivercrest Park with Tennis, Basketball, baseball, water park and picnic areas

Property Details:

Property Type: Detached

County: Clackamas

Nhood/Bldg:

Area: 146

Zoning:

Elementary: Gaffney Lane

Middle: Gardiner

High: Oregon City

Internet:

Address: 173 HARDING
BLVD Oregon City 97045

No Blog:

No AVM:

Seller Disc: Disclosure

Other Disc:

[√Tour #1](#)

Style: English

List Type: ER

Limited Representation: N

Legal: 624 RIVER CREST ADD
PT LT 1 BLK 2

Tax ID: 00849407

Warranty: HOME

CC&R:

Offer/Nego: Call Seller's Agent

55+ w/Affidavit Y/N: N

Lot Size: 10,000 to 14,999 SqFt

Lot Dimensions: Apx 12,876

Lot Desc: Corner Lot, Level

View:

Waterfront:

Body Water:

Open House:

Upcoming Open House:

Broker Tour:

Upcoming Broker Tour:

Residence Information:

Upper SQFT: 432

Main SQFT: 2028

Lower SQFT: 934

Additional SQFT:

Unreinforced Masonry

Building:

Foundation:

Road Surface:

Levels: 3

SFSrc: Tax Record

Total Up/Main: 2460

Fireplaces: 1

Green Cert:

Energy Eff.:

Exterior: Aluminum, Brick

Roof: Metal

Parking:

Garage: 1 / Attached, ,

Basement: Full Basement,

Partially Finished

RV Description:

Approximate Room Sizes and Descriptions:

Living: M / 22 X 13 / Bay Window, Formal, Hardwood Floors

Kitchen: M / 25 X 7 / Butler's Pantry, Eating Area, Exterior Entry

Dining: M / 14 X 10 / Built-in Features, Formal, Hardwood Floors

Family: L / 24 X 13 / Fireplace

Bedroom 4: U / 17 X 10 / Hardwood Floors

Master Bedroom: M / 18 X 11 / Bathroom, Hardwood Floors

2nd Bedroom: M / 18 X 10 / Hardwood Floors, Shared Bath

3rd Bedroom: M / 17 X 10 / Exterior Entry, Shared Bath

Den: M / 10 X 10 / Built-in Features, Exterior Entry, Hardwood Floors

Library: L / 13 X 9 / Sink, Storage

Baths -

Full/Part

Upper Level: 1/0

Main Level: 2/0

Lower Level: 0/1

Total Baths: 3/1

Features and Utilities:

Kitchen: Cooktop, Double Oven, Built-in Dishwasher, Disposal, Gas Appliances
Interior: Garage Door Opener, Hardwood Floors, Jetted Tub, Laundry
Exterior: Fenced, Garden, Outdoor Fireplace, Outbuilding, Patio, Raised Beds, Tool Shed, Vinyl Window-Double Paned, Yard
Accessibility: Main Floor Bedroom w/Bath
Security: Security System Owned
Internet:
Windows: Double Pane Windows, Vinyl Frames
Cool: Heat Pump
Water: Public
Heat: Forced Air
Sewer: Public Sewer
Fuel: Gas
Hot Water:

Financial:

Property Tax/Yr: \$5,314.42 / 2018	Spcl Asmt Balance:	Tax Deferral: N	Short Sale: N
HOA: N	Dues:	BAC: % 2.5	\$ Pre-Approv:
Escrow Pref: First American Title Company		Other Dues:	3rd Party: N
Terms: Cash, Conventional			Total Comm Differs: Y
Assoc. Am:			Bank Owned/Real Estate Owned: N
			Rent, If Rented:

Broker/Agent Data:

AG: Mary Pahl	Lic#: 920900133	Ph: 503-998-2688
CoAgent:	Lic#: 200512057	CoPh:
Email(s) AG: mary@irongaterealtygroup.com		Ph: 503-617-9280
CoAgent Email:		Agent Ext:
BRCD: IRON01	SAID: LOWMARY	OF: Iron Gate Realty Group
CoBRCD:	CoSAID:	Fax:
Owner Perm. Resid:	FIRPTA: N	Cell/Pgr: 503-998-2688
Poss: Negotiable	Tenant/Other: Assistant-Gail 503-475-8545	
	Tran: 2/9/2020	
	Exp: 2/8/2020	

Comparable Information:

Pending Date:	Original Price: \$524,900	CDOM: 239	%SP/OLP:
Sold Date:	List Price: \$524,900	BAID:	%SP/LP:
Terms:	Sold Price:	B/Agt:	B/Off:
			B/Off Phone:

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 SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Agent Full

Residential

6/18/2020

\$490,000

4 bd | 2 / 1 ba | 3359 sqft

Status: **Pending**

Listed Date: 1/13/2020

DOM: 116 Acres: 0.16 ML#: 19280707

Year Built: 2005/ Resale

12800 JOYS DR Oregon City, OR 97045

Unit #:

Condo Loc:

ShowHrs:

Show: Occupied, Lockbox,
Vacant

Occ: Vacant

LB/Loc/Cmb: Front Door

XST/Dir: Leland Rd to Jessie
Ave to Wesley Lynn St to Joys Dr

Private: Please submit offers to
offers@j2sells.com or via Dotloop
EZ Offer link:[ez offer link]. Zillow
Inc., an affiliate of Seller, holds a
real estate license in Oregon.
Note: A Seller's Prop Disclosure
will be provided in lieu of an
SPDS. Hold Open Policy w/
Spruce Title. Please review all
attached documents.

Public: Classic four bedroom,
two and one-half bath home with
3,359 square feet of living space
in Oregon City. Large main floor
living area with durable wood-like
laminate flooring and a cozy gas
fireplace. Updated kitchen with
stainless steel appliances. Sliding
glass doors and large windows
flood in natural light. Upstairs
you'll find flexible bonus space
and all bedrooms. Master with en
suite bathroom and walk-in
closet. Outside is a fully fenced
yard and a covered patio perfect
for entertaining.

Property Details:

Property Type: Detached

County: Clackamas

Nhood/Bldg:

Area: 146

Zoning:

Elementary: Gaffney Lane

Middle: Gardiner

High: Oregon City

Internet:

Address: 12800 JOYS
DR Oregon City 97045

No Blog:

No AVM:

Seller Disc: Disclosure

Other Disc:

[√Tour #1](#)

Style: 2 Story, Traditional

List Type: ER

Limited Representation: N

Legal: SUBDIVISION

NEWBERRY 3912 LT 19

Tax ID: 05010750

Warranty:

CC&R:

Offer/Nego: See Documents

55+ w/Affidavit Y/N: N

PDF Doc(s): 4

Supplements: 1

Lot Size: 7,000 to 9,999 SqFt

Lot Dimensions:

Lot Desc:

View:

Waterfront:

Body Water:

Open House:

Upcoming Open House:

Broker Tour:

Upcoming Broker Tour:

Residence Information:

Upper SQFT: 1959

Main SQFT: 1400

Lower SQFT: 0

Additional SQFT:

Unreinforced Masonry

Building:

Foundation:

Road Surface:

Levels: 2

SFSrc: Tax

Total Up/Main: 3359

Fireplaces: 1

Green Cert:

Energy Eff.:

Exterior: Vinyl Siding

Roof: Composition

Parking:

Garage: 2 / Attached, ,

Basement: Crawl Space

RV Description:

Approximate Room Sizes and Descriptions:

Living: M / 15 X 11 /

Kitchen: M / 19 X 15 /

Dining: M / /

Family: M / 14 X 19 /

Bonus Room: U / 34 X 16 /

Master Bedroom: U / 16 X 14 /

2nd Bedroom: U / /

3rd Bedroom: U / /

Bedroom 4: U / /

Den: M / /

Baths -

Full/Part

Upper Level: 2/0

Main Level: 0/1

Lower Level: 0/0

Total Baths: 2/1

Features and Utilities:

Kitchen: Built-in Microwave, Built-in Oven, Built-in Range, Built-in Dishwasher, Disposal, Island, Tile
Interior: Ceiling Fan(s), Laminate Flooring, Soaking Tub, Sound System, Wainscoting, Wall to Wall Carpet
Exterior: Covered Patio, Fenced, Yard
Accessibility:
Security:
Internet:
Windows:
Cool: Central Air
Water: Public
Heat: Forced Air
Sewer: Public Sewer
Fuel: Electricity, Gas
Hot Water: Gas, Tank

Item 7g.

Financial:

Property Tax/Yr: \$5,578.33 / 2019	Spcl Asmt Balance:	Tax Deferral: N	Short Sale: N
HOA: N	Dues:	BAC: % 2.5	\$ Pre-Approv:
Escrow Pref: Spruce - Patrick Thomas		Other Dues:	3rd Party: N
Terms: Cash, Conventional, VA Loan			Total Comm Differs: N
Assoc. Am:			Bank Owned/Real Estate Owned: N
			Rent, If Rented:

Broker/Agent Data:

AG: Jeff Knipe	Lic#: 981100109	Ph: 503-445-7660
CoAgent: Anna Scattarella	Lic#: 200712069	CoPh: 971-533-6112
Email(s) AG: jeffknipe@j2sells.com		Ph: 503-445-7660
CoAgent Email: anna@j2sells.com		Agent Ext:
BRCD: KRER01	SAID: KNIPEJEF	OF: Knipe Realty ERA Powered
CoBRCD: KRER01	CoSAID: ANNASCAT	Fax: 503-445-7665
Owner Perm. Resid:	FIRPTA: N	Cell/Pgr:
Owner(s): SPH Property Three, LLC	Tenant/Other:	Contact1:
Poss: Close Of Escrow	Tran: 5/8/2020	Contact2:
	Exp:	

Comparable Information:

Pending Date: 5/8/2020	Original Price: \$522,900	CDOM: 116	%SP/OLP:
Sold Date:	List Price: \$490,000	BAID:	%SP/LP:
Terms:	Sold Price:	B/Agt:	B/Off:
			B/Off Phone:

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Agent Full

Residential

6/18/2020

\$570,000

5 bd | 3 / 1 ba | 3051 sqft

Status: Pending

Listed Date: 5/28/2020

DOM: 7 Acres: 0.14 ML#: 20401550

Year Built: 2016/ Updated/Remodeled

12696 PAVILION PL Oregon

City, OR 97045

Unit #:

Condo Loc:

ShowHrs:

Show: Call Owner, Occupied,
Lockbox, Text Owner

Occ: Owner

LB/Loc/Cmb: Gas Meter

XST/Dir: Pease Rd to Pavilion Pl

Private: ###Call/Text Seller For
Appointment ###Write in
Jeremy Wilkerson, Stephen
FitzMaurice, Jennifer Tangvald or
line 8 of offers. This home has it
all! Great layout w two master
suites. Soaking tub. Open
concept w upgraded accents. 5
panel doors & modern black
hardware. Don't let your buyers
miss out on this one! Easy to
show. Fellow agents, for the
fastest response to your
questions please Email us.

Public: Click Vtour link for 3D
walk through & more. Beautiful
2016 Built Traditional in Oregon
City. Extended drive for additiona
parking & covered front porch.
Enter to hardwood flooring &
soaring ceilings. Gas fireplace &
access to back patio in living.
Kitchen features quartz counters,
gas cooktop, large island, &
dining nook. Formal dining. Gues
suite on main w walk-in closet.
Master suite w walk-in closet & 3
spare beds up along w laundry.
Fenced backyard features
covered patio & raised beds.

Property Details:

Property Type: Detached

County: Clackamas

Nhood/Bldg: OREGON CITY

Area: 146

Zoning:

Elementary: John McLoughlin

Middle: Gardiner

High: Oregon City

Internet:

Address: 12696 PAVILION

PL Oregon City 97045

No Blog:

No AVM:

Seller Disc: Disclosure

Other Disc:

[√Tour #1](#)

[√Tour #2](#)

Style: Traditional

List Type: ER

Limited Representation: N

Legal: SUBDIVISION PAVILION

PARK NO 2 4427 LT 98

Tax ID: 05029911

Warranty:

CC&R:

Offer/Nego: Call Seller's Agent

55+ w/Affidavit Y/N: N

Supplements: 1

Lot Size: 5,000 to 6,999 SqFt

Lot Dimensions:

Lot Desc: Level, Trees

View: Trees/Woods

Waterfront:

Body Water:

Open House:

Upcoming Open House:

Broker Tour:

Upcoming Broker Tour:

Residence Information:

Upper SQFT: 1635

Main SQFT: 1416

Lower SQFT: 0

Additional SQFT:

Unreinforced Masonry

Building:

Foundation:

Road Surface:

Levels: 2

SFSrc: Tax

Total Up/Main: 3051

Fireplaces: 1

Green Cert:

Energy Eff.:

Exterior: Fiber Cement, Stone

Roof:

Parking: Driveway

Garage: 2 / Attached,

Oversized,

Basement: Crawl Space

RV Description: RV Parking

Approximate Room Sizes and Descriptions:

Living: M / 19 X 19 / Built-in Features, Fireplace,

Hardwood Floors, High Ceilings, Sliding Doors

Kitchen: M / 13 X 13 / Eat Bar, Gas Appliances,

Hardwood Floors, Island, Nook, Quartz

Dining: M / 13 X 12 / Hardwood Floors, High Ceilings

Bedroom 5: U / 14 X 12 / Closet

Master Bedroom: U / 19 X 15 / Suite, Walk in Closet

2nd Bedroom: M / 12 X 11 / Suite, Walk in Closet

3rd Bedroom: U / 19 X 16 / Closet

Bedroom 4: U / 14 X 12 / Closet

Laundry: U / 9 X 7 / Sink

Baths -

Full/Part

Upper Level: 2/0

Main Level: 1/1

Lower Level: 0/0

Tot: /1

Features and Utilities:

Kitchen: Built-in Microwave, Built-in Oven, Cooktop, Built-in Dishwasher, Gas Appliances, Island, Quartz, Stainless Steel Tile Item 7g.

Interior: Hardwood Floors, High Ceilings, Soaking Tub, Tile Floor

Exterior: Covered Patio, Fenced, Porch, Raised Beds, Yard

Accessibility:

Security:

Internet:

Windows: Double Pane Windows, Vinyl Frames

Cool: Central Air

Heat: Forced Air - 90%

Fuel: Gas

Water: Public

Sewer: Public Sewer

Hot Water: Gas

Financial:

Property Tax/Yr: \$6,588.09 /

Spcl Asmt Balance:

Tax Deferral: N

Short Sale: N

2019

Dues:

BAC: % 2.5

\$ Pre-Approv:

HOA: N

Escrow Pref: Kim White - Fidelity

Other Dues:

3rd Party: N

Terms: Cash, Conventional, FHA, VA Loan

Total Comm Differs: N

Assoc. Am:

Bank Owned/Real Estate

Owned: N

Rent, If Rented:

Broker/Agent Data:

AG: Stephen FitzMaurice

Lic#: 200308110

Ph: [503-446-2797](tel:503-446-2797)

CoAgent: Jennifer Tangvald

Lic#: 201001030

CoPh: [503-446-2797](tel:503-446-2797)

Email(s) AG: listingexecutive@gmail.com

Ph: [888-814-9613](tel:888-814-9613)

CoAgent Email: listingexecutive@gmail.com

Agent Ext:

BRCD: EXPL01

SAID: FITZMAUR

OF: eXp Realty, LLC

CoBRCD: EXPL01

CoSAID: TANGJENN

Fax: 541-883-2207

Owner Perm. Resid:

FIRPTA: N

Cell/Pgr:

Owner(s): LAMBSON HANS J, LAMBSON

Tenant/Other:

Contact1: [503-707-6104](tel:503-707-6104)

CASI A

Tran: 6/15/2020

Contact2:

Poss:

Exp:

Comparable Information:

Pending Date: 6/4/2020

Original Price: \$570,000

CDOM: 7

%SP/OLP:

Sold Date:

List Price: \$570,000

BAID:

%SP/LP:

Terms:

Sold Price:

B/Agt:

B/Off:

B/Off Phone:

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Agent Full

Residential

6/18/2020

\$525,000

5 bd | 3 / 0 ba | 3253 sqft

Status: **Sold**

Listed Date: 3/5/2020

DOM: 4 Acres: 0.23 ML#: 20002390

Year Built: 2006/ Resale

**19312 GENTRY HIGHLANDS L Oregon
City, OR 97045**

Unit #:

Condo Loc:

ShowHrs: 9am-7pm

Show: Appointment Only, See
Remarks, Showing Time, Text
Seller's Agent

Occ: Owner

LB/Loc/Cmb: 1613

XST/Dir: Windmill Dr

Private: Easy to show. Please
call or text listing agent Ricardo
Rodriguez before showing. Lock
box on front door. combo is
1613. Please give 2 hour notice.
Subject to buyers finding suitable
replacement home. May need
rent back. \$11,000 concessions
to buyer for closing costs.

Public: Pride in ownership, this
home is in the heart of Oregon
City. Greatschools.org ranks
Oregon City High School as 9/10.
If you are looking for a larger lot
with plenty of space for a garden
basketball hoop, trampoline and
family gatherings. This is it. This
home boasts 5 large bedrooms 3
full bathrooms with tile counter
tops and stainless steel
appliances. Upgrades include,
hunter douglas blinds, Storage
shed, Garden box, play structure,
sprinklers, vaulted ceilings and
much much more.

Property Details:

Property Type: Detached

County: Clackamas

Nhood/Bldg:

Area: 146

Zoning:

Elementary: John McLoughlin

Middle: Gardiner

High: Oregon City

Internet: Cable, Wireless

Address: 19312 GENTRY
HIGHLANDS LN Oregon
City 97045

No Blog: Y

No AVM: Y

Seller Disc: Disclosure

Other Disc:

Style: Custom Style, Tri Level

List Type: ER

Limited Representation: N

Legal: SUBDIVISION GENTRY
HIGHLANDS 2 3970 LT 56

Tax ID: 05012152

Warranty:

CC&R: Y

Offer/Nego: Seller's Agent Only

55+ w/Affidavit Y/N: N

Supplements: 1

Lot Size: 10,000 to 14,999 SqFt

Lot Dimensions:

Lot Desc: Cul-de-sac, Level

View:

Waterfront:

Body Water:

Open House:

Upcoming Open House:

Broker Tour:

Upcoming Broker Tour:

Residence Information:

Upper SQFT: 1449

Main SQFT: 1084

Lower SQFT: 720

Additional SQFT:

Unreinforced Masonry

Building:

Foundation: Concrete

Perimeter

Road Surface: Paved

Levels: 3

SFSrc: Trio

Total Up/Main: 2533

Fireplaces: 1

Green Cert:

Energy Eff.:

Exterior: Vinyl Siding

Roof: Composition

Parking: Driveway, Secured

Garage: 2 / Attached, ,

Basement: Crawl Space

RV Description:

Approximate Room Sizes and Descriptions:

Living: L / 24 X 16 /

Kitchen: M / /

Dining: M / /

Family: M / /

Bedroom 5: U / 13 X 7 /

Master Bedroom: U / 19 X 13 /

2nd Bedroom: U / 13 X 9 /

3rd Bedroom: U / 11 X 10 /

Bedroom 4: L / 14 X 9 /

Baths -

Full/Part

Upper Level: 2/0

Main Level: 0/0

Lower Level: 1/0

Tot: /0

Features and Utilities:

Kitchen: Built-in Refrigerator, Cooktop, Built-in Dishwasher, Disposal, Stainless Steel Appliance(s), Tile

Interior: 3rd Floor, Garage Door Opener, Jetted Tub, Laundry, Soaking Tub, Vaulted Ceiling(s)

Exterior: Covered Deck, Fenced, Garden, Sprinkler, Tool Shed, Yard

Accessibility:

Security: Security Gate

Internet: Cable, Wireless

Windows: Double Pane Windows

Cool: Central Air

Water: Public

Heat: Forced Air

Sewer: Public Sewer

Fuel: Electricity, Gas

Hot Water: Gas

Item 7g.

Financial:

Property Tax/Yr: \$5,361.58 / 2019

Spcl Asmt Balance:
Dues:

Tax Deferral: N
BAC: % 2.5

Short Sale: N
\$ Pre-Approv: N

HOA: N

Escrow Pref: FATCO

Other Dues:

3rd Party: N
Total Comm Differs: N

Terms: Cash, Conventional, FHA, VA Loan

Assoc. Am:

Bank Owned/Real Estate
Owned: N
Rent, If Rented:

Broker/Agent Data:

AG: Ricardo Rodriguez

Lic#: 201217748

Ph: [707-249-0106](tel:707-249-0106)

CoAgent:

Lic#: 201206855

CoPh:

Email(s) AG: rarrealestate@gmail.com

Ph: [503-610-8849](tel:503-610-8849)

CoAgent Email:

Agent Ext:

BRCD: EQOR01

SAID: RODRICA

OF: Equity Oregon Real Estate

CoBRCD:

CoSAID:

Fax: 888-258-0453

Owner Perm. Resid: Y

FIRPTA: N

Cell/Pgr:

Owner(s): Mr. Rodriguez

Tenant/Other:

Contact1:

Poss: Seller Rent Back

Tran: 4/17/2020

Contact2:

Exp:

Comparable Information:

Pending Date: 3/9/2020

Original Price: \$515,000

CDOM: 181

%SP/OLP: 101.94

Sold Date: 4/17/2020

List Price: \$515,000

BAID: FERNBAUG

%SP/LP: 101.94

Terms: Conventional

Sold Price: \$525,000

B/Agt: Deserie Fernbaugh
Daniels

B/Off: CBBN01

B/Off Phone: 503-241-7325

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Agent Full

Residential

6/18/2020

\$603,450

4 bd | 3 / 0 ba | 3601 sqft

Status: **Sold**

Listed Date: 9/4/2019

DOM: 114 Acres: 0.18 ML#: 19534030

Year Built: 2005/ Approximately

19232 ROSE RD Oregon City, OR 97045

Unit #:

Condo Loc:

ShowHrs: 9a - 8p

Show: Call Before Showing
Code, See Remarks

Occ: Call Seller's Agent

LB/Loc/Cmb: R of garage

XST/Dir: South End Rd,
between Partlow & Filbert

Private: Seller concessions
included sewer line and
crawlspce repairs totally over
10k.

Public: BETTER than new
Craftsman w/ master on main,
open kit/great rm, eating bar, 2
pantries & b'fast nook flowing to
covered outdoor living area.
Soaring ceilings, floods of nat
light & built-ins. Dreamy master
w/spa-bath & huge closet. Bonus
rm up. New high-end carpet,
hardwds & 3 car gar. This home
is for buyers that demand quality
& appreciate meticulous care.

Property Details:

Property Type: Detached

County: Clackamas

Nhood/Bldg:

Area: 146

Zoning:

Elementary: John McLoughlin

Middle: Gardiner

High: Oregon City

Internet:

Address: 19232 ROSE
RD Oregon City 97045

No Blog: Y

No AVM: Y

Seller Disc: Disclosure

Other Disc:

[√Tour #1](#)

Style: Craftsman

List Type: ER

Limited Representation: N

Legal: SUBDIVISION LIENERT

FARM LT 9 3843

Tax ID: 05009085

Warranty:

CC&R:

Offer/Nego: Call Seller's Agent

55+ w/Affidavit Y/N: N

PDF Doc(s): 1

Supplements: 1

Lot Size: 7,000 to 9,999 SqFt

Lot Dimensions:

Lot Desc: Level

View:

Waterfront:

Body Water:

Open House:

Upcoming Open House:

Broker Tour:

Upcoming Broker Tour:

Residence Information:

Upper SQFT: 1450

Main SQFT: 2151

Lower SQFT: 0

Additional SQFT:

Unreinforced Masonry

Building:

Foundation:

Road Surface:

Levels: 2

SFSrc: Flr Pln

Total Up/Main: 3601

Fireplaces: 2

Green Cert:

Energy Eff.:

Exterior: Fiber Cement

Roof: Composition

Parking: Driveway

Garage: 3 / Attached, ,

Basement: Crawl Space

RV Description:

Approximate Room Sizes and Descriptions:

Living: M / 12 X 16 / Formal, Vaulted Ceiling(s), Wall to Wall Carpet

Kitchen: M / 12 X 21 / Eat Bar, Gas Appliances, Pantry

Dining: M / 12 X 9 / Formal, Vaulted Ceiling(s), Wall to Wall Carpet

Family: M / 14 X 20 / Built-in Features, Fireplace, High Ceilings

Bonus Room: U / 14 X 24 / Vaulted Ceiling(s), Wall to Wall Carpet

Master Bedroom: M / 15 X 20 / Fireplace, Suite, Walk in Closet

2nd Bedroom: U / 15 X 13 / High Ceilings, Wall to Wall Carpet

3rd Bedroom: U / 15 X 12 / High Ceilings, Wall to Wall Carpet

Bedroom 4: U / 12 X 13 / High Ceilings, Wall to Wall Carpet

Utility Room: M / 10 X 6 / Built-in Features, Sink

Baths -

Full/Part

Upper Level: 1/0

Main Level: 2/0

Lower Level: 0/0

Total Baths: 3/0

SECTION FOUR

The cost to create the above value includes installation of roads and utilities and building demolition.

It was estimated that John Adams Street would need to be improved and that there would need to be three 100' cul-de-sacs installed.

Roadway Cost:

750' X \$750/ lin ft = \$562,500

300' X \$1,000/ lin ft = \$300,000

Total = \$862,500

Demolition Cost:

The improvements are not listed on the tax records. An estimate of the total improvements is provided in the following table.

Total Improved = 37,700

Cost to Demo = \$20/ SF

Demo Cost = \$754,000

Cost to Create Sites = \$1,616,500

PROPERTY VALUE

Gross Value = \$5,495,000

Development Cost = \$1,616,500

PROPERTY VALUE = \$3,879,000

Parcel	Bldg.	Dimensions	Size (SF)
#2	206	180 X 70	16,600
#2	220	30 X 90	2,700
#2	122.1	100 X 40 + 40 X 90	7,600
#2	122.2	30 X 100	3,000
#2	122.3	140 X 30	4,200
#2	122.4	30 X 60	1,800
#4			5,800
Total			37,700

Oregon City GIS Map

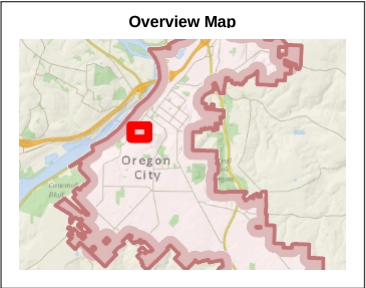
Item 7g.



Legend

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

Notes



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0 200 400 Feet

1: 2,400

Map created 6/25/2020

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The logo for the City of Oregon City, featuring a stylized bridge and the city name.

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City of Oregon City

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

Item 7g.

Staff Report

File Number: 20-258

Agenda Date: 5/20/2020

Status: Agenda Ready

To: City Commission

Agenda #: 7a.

From: City Manager Tony Konkol

File Type: Report

SUBJECT:

Public Works Upper-Yard Charter Park Discussion

RECOMMENDED ACTION (Motion):

Staff recommends approval of the proposed process, once the Commission has provided direction concerning the disposition of tax lot 1700 and the timing for making the Armory Building tax lot a Charter Park.

EXECUTIVE SUMMARY:

The Commission requested that Staff prepare an Ordinance for discussion that would remove the two Adair Buildings from the Public Works Upper Yard and designate the Upper Yard as a Charter Park. In researching the tax lot configurations, and after discussions with Commissioner McGriff, it was clear that an ordinance was not a possibility with the current tax lot information that was available. To bring forward an Ordinance, staff would propose to hire a consultant to prepare a partition or lot line adjustment of tax lot 500 to accurately reflect the Commission's desire to dedicate the Upper Yard as a Charter Park. Staff has also requested direction on the disposition of a property at 520 1st Street and the timing of adopting the Armory Building tax lot as a Charter Park. Staff is preparing a request for proposal to demolish the Adair Buildings, which will be appropriately advertised for removal and documented prior to demolition.

BACKGROUND:

The Commission requested that Staff prepare an Ordinance for discussion that would remove the two Adair Buildings from the Public Works Upper Yard and designate the Upper Yard as a Charter Park. In researching the tax lot configurations, and after discussions with Commissioner McGriff, it was clear that an ordinance was not a possibility with the current tax lot information that was available. Staff has prepared the following information for the Commission to consider and provide direction.

The Public Works facility on the southwest side of Center Street is comprised of 3 tax lots:

1. 116 S Center Street (2-2E-31CA, TL 2100). This tax lot front S Center Street and is used for vehicle maintenance.
2. 122 S Center Street (2-2E-31, TL 500). This tax lot is the majority of the site and extends from S Center Street to John Adams Street.
3. 520 1st Street (2-2E-31CA, TL 1700). This tax lot is a small, undeveloped tax lot located adjacent to the Upper Yard.

The Armory (204 S. John Adams Street, 2-2E-31, TL 400) is owned by the State of Oregon and includes a reversionary clause to the benefit of the City if the use is terminated on the property. The Armory is in the process of being demolished and it is anticipated that the property will revert back to the City once the demolition is completed.

Tax lot 500 extends both above and below the bluff and includes what is commonly referred to as the Upper and Lower yard. The Upper Yard has been identified for addition to Waterboard Park through a Charter Park designation. In order to separate the Upper and Lower yard, staff is proposing to expend funds and hire a consultant to prepare an application that would be submitted and processed as a partition or lot line adjustment in order to create a tax lot that would be adopted as a Charter Park through an Ordinance.

Tax lot 1700 is a small tax lot located along the unimproved 1st Street Right of way. This property was purchased with utility rates. Staff is requesting direction on what to do with this property. Should the property be included in the proposed Charter Park ordinance, should the property be sold or should the Public Works Department continue to hold this property until a final decision is made. If the property is to be included in the Charter Park Ordinance, staff recommends that the utility funds be reimbursed for the purchase price of the property, at a minimum, which was \$155,350 in 2006 (Commission Report attached).

The Armory building is in the process of being demolished. Once the demolition is completed it is expected that the property will revert back to the City. Staff would propose to bring forward an ordinance for consideration that would dedicate the Armory tax lot as a Charter Park once the reversion of the property to the City is completed. As an alternative, the property could be identified through an ordinance to automatically become a Charter Park once the City acquires the property.

Staff is preparing an Request for Proposals to demolish the two Adair Buildings located on the Upper Yard. The demolition will be paid for with General Funds, which will be brought forward in a future budget adjustment. Prior to demolition, staff will advertise to the general public that the buildings are free, provided they are removed from the property. Staff will document the two buildings, including measurements and pictures, which will be retained at the Community Development Department and sent to the Clackamas Historical Society and State Historic Preservation Office. Prior to demolition, staff will work to retain portions of the Adair Buildings, such as a representative wood window and sliding door for historical interpretation.

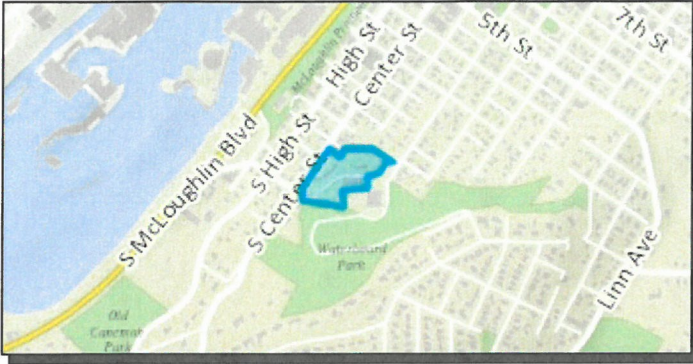
To summarize, Staff is:

1. Proposing to hire a consultant to prepare a partition or lot line adjustment of tax lot 500.
2. Requesting direction on what to do with the tax lot 1700, which is located at 520 1st Street.
3. Requesting direction on the inclusion of the Armory Building tax lot as a Charter Park.
4. Once the partition or lot line adjustment is completed, an Ordinance designating the applicable tax lots will be brought forward to the Commission for consideration.

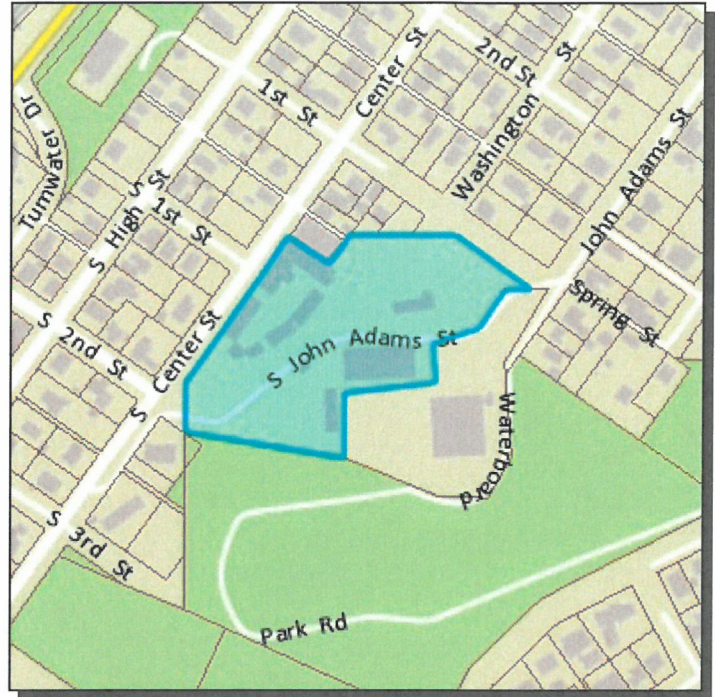
Staff understands that the Adair Buildings must be demolished or withheld from the designation as a Charter Park, it is not the Commission's intention to retain the buildings.

OPTIONS:

1. Approve the proposed process with the clarifications concerning tax lot 1700 and the Armory Building tax lot.
2. Deny the proposed process.
3. Amend the proposed process.



Overview Map



Taxlot highlighted in blue

Taxlot Information

APN: 2-2E-31 -00500
 Alt ID: 00570055
 Site Address: 122 S CENTER ST
 OREGON CITY, OR 97045
 Year Built: Unknown or not recorded

In City? Y
 In UGB? Y

Taxpayer Information

Taxpayer: CITY OF OREGON CITY
 Address: PO BOX 3040
 OREGON CITY, OR 97045

Reference Information

Parcel Area (GIS - acres): 4.56
 Parcel Area (GIS - sq. ft.): 198,652
 Twn/Rng/Sec: 2S 2E 31
 Tax Map Reference: 22E31 (03_2s2e31)

Values

Import Date: 04/08/2020
 Land Value (Mkt): \$377,692
 Building Value (Mkt): \$685,010
 Total Value (Mkt): \$1,062,702
 Note: the values about are Market, NOT Assessed values.
 Assessed Value: \$700,321
 Exempt Amount: \$700,321

Planning Designations

Zoning: I
 Comprehensive Plan: QP
 Subdivision: (40) FALLS VIEW ADDITION
 PUD (if known):
 Partition Plat: N/A
 Neighborhood Assn: MCLOUGHLIN
 Urban Renewal District: N/A
 Concept Plan: N/A
 Historic District: MCD
 Historic Designated Structure: N/A

In Willamette Greenway? N
 In Geologic Hazard? Y
 In High Water Table Area? N
 In Nat. Res. Ovl. Dist. (NROD)? N
 In 1996/FEMA 100 Yr. Floodplain? N
 In FEMA Floodway? N
 In SDC Discount Area? N
 In Thayer Pond Fee Area? N
 In Bvrck. Rd Access Plan Area? N
 In Barlow Trail Corridor? N
 In Enterprise Zone? N
 In Vertical Housing Dev. Zone? N
 In Opportunity Zone? Y

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Oregon City GIS Map

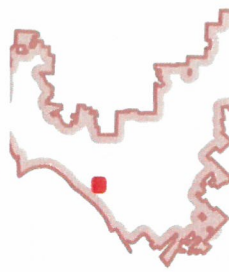


Legend

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

Notes

Overview Map



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0 100 200 Feet

1: 1,200

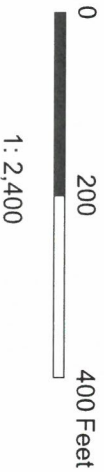


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Map created 5/13/2020

Item 7g.

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- Legend**
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 - Taxlots Outside USB
 - Unimproved ROW
 - City Limits
 - USB
 - Basemap

Notes

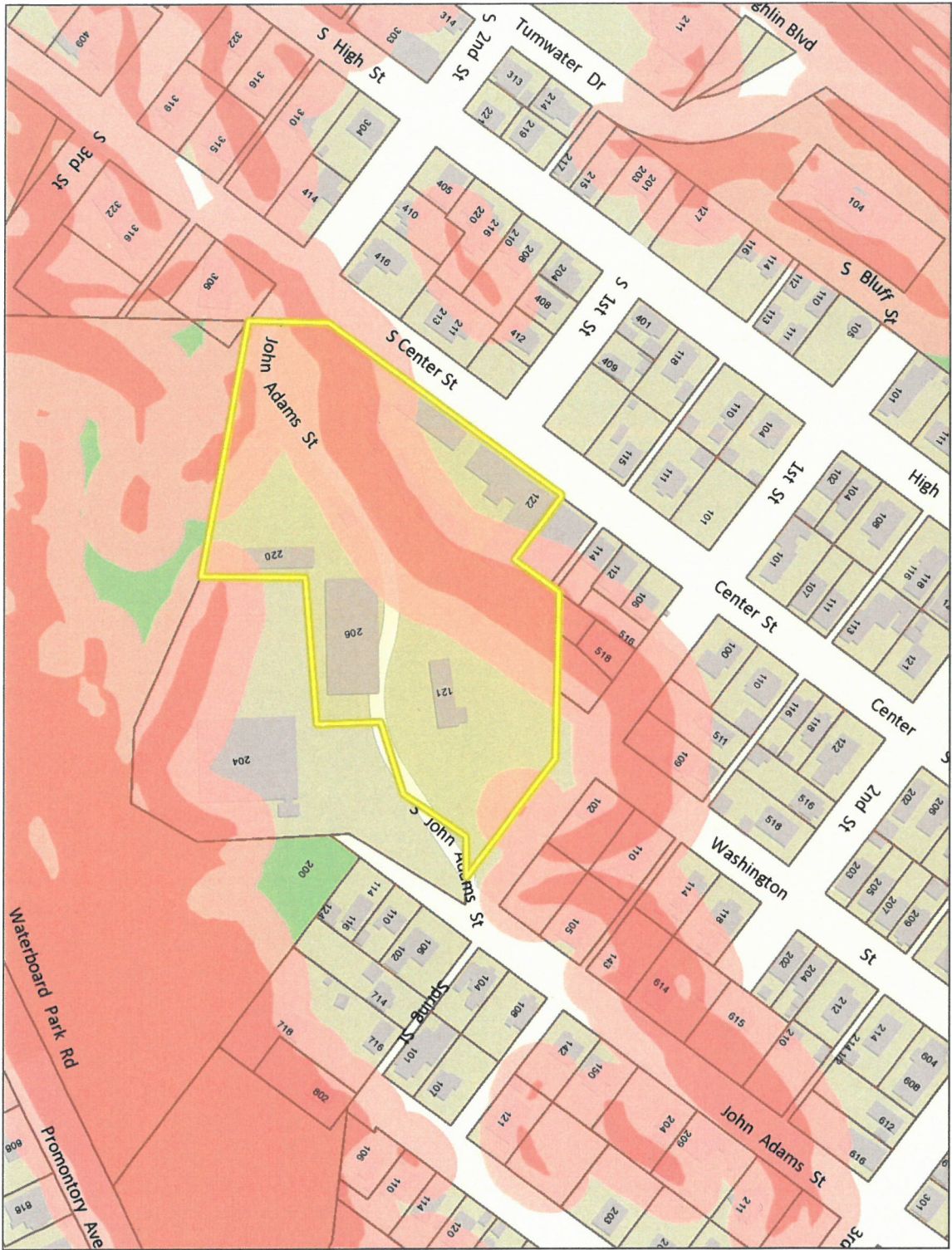
Overview Map



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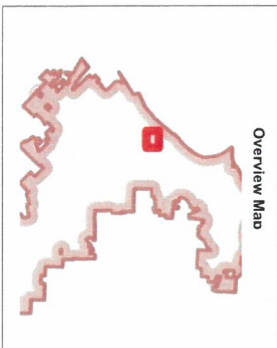


Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Geologic Hazards - Slopes
 - Slopes > 25%
 - Buffered (50ft)
- City Limits
- UGB
- Basemap

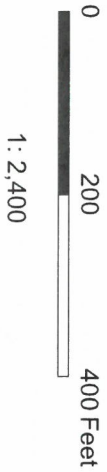
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Overview Map



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Map created 5/13/2020



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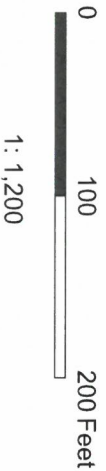


Oregon City GIS Map



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Map created 5/13/2020



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COMMISSION REPORT: CITY OF OREGON CITY

TO THE HONORABLE MAYOR AND COMMISSIONERS

Item 7g.

320 Warner Milne Road, Oregon City, Oregon---503.657.0891

 INCORPORATED 1844	Agenda Item No. 9b	Topic: Authorization for Property Acquisition, 520 1 st Street, Oregon City, Oregon
	Agenda Type: GENERAL BUSINESS	
	Meeting Date: January 18, 2006	Attachments: ☒ Yes ☐ No
Prepared By: J.M. Lewis	Reviewed By: N.J.T. Kraushaar	Approved By: Larry Patterson

RECOMMENDATION:

Staff recommends that the City Commission authorize the City Manager to execute closing documents for the acquisition of property located at 520 1st Street for the purchase price of \$154,000 and closing costs not to exceed \$1,350.

REASON FOR RECOMMENDATION:

The subject property is located adjacent to the Public Works Operations Upper Site. This site is one of several adjacent properties to be acquired in order to further develop the City's existing upper yard into a facility that will meet the City's long-term operational needs. The property is recommended for acquisition as an important component of the Operations Facility Plan reviewed and acknowledged by the Commission on December 21, 2005. This particular property is paramount to the City's current need for yard storage and daily maneuverability. In addition, its acquisition will simplify our site security resolutions because access to the property is through our upper yard. The existing single-family structure is currently unoccupied and available for sale.

BACKGROUND:

Our recently completed Operations Facilities Plan concluded that needed facility expansion could most strategically be accomplished (economically, practically, and operationally) by acquiring properties as they become available on the perimeter of the Operation's Center site. The resulting area will then be to its maximum density by compact and efficient building and circulation layouts and design. The current access to the property is provided by way of the City's property along a privately-owned access road historically referred to as S. John Adams Street.

Of particular significance for the subject acquisition is the fact that 520 1st Street has frontage along unimproved sections of 1st Street and Washington Street, both of which are impassable by vehicle due to steep topography, and both of which have never been improved for public use. City ownership of 520 1st Street renders grading and development of our existing property more practical without the complication of requirements to match current finished grades at our current property line, or provisions for access to a non-city owned parcel.

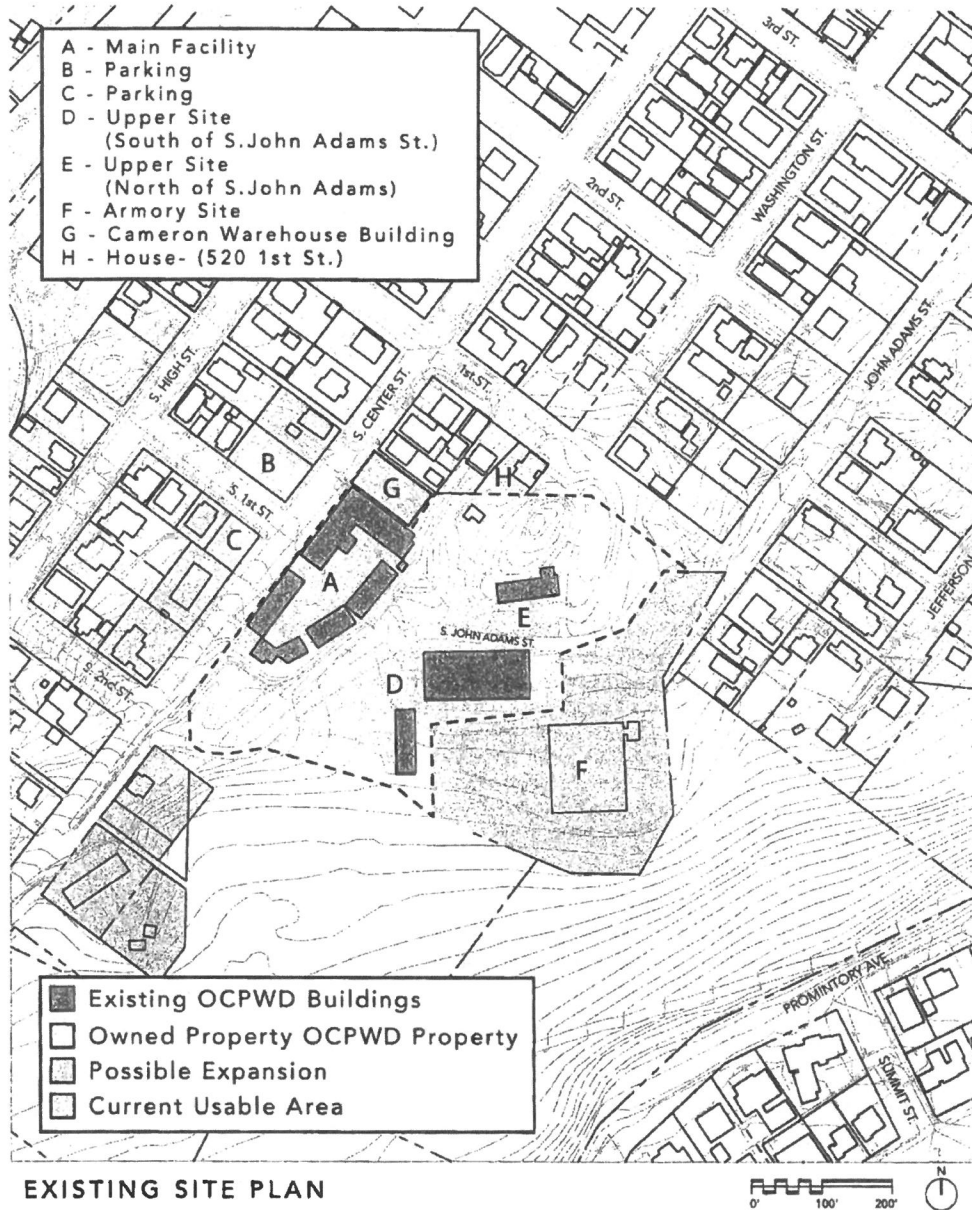
The City Commission recently directed staff to move forward with a property appraisal and to negotiate property acquisition of this property. The City has since received a Uniform Residential Appraisal Report considering four comparable properties. The market value of the subject property was certified to be \$169,000. OCPW has negotiated a purchase price of \$154,000 plus \$1,350 in miscellaneous closing costs.

BUDGET IMPACT: FY(s): \$155,350 Funding Source: Water, Sewer, & Stormwater

ATTACHMENTS:

Attachment 1 – Site Plan; Attachment 2 – Location Map

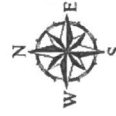
5.0 SITE ANALYSIS



deem ARCHITECTURE INC

25

Oregon City Public Works 520 1st. Street



City of Oregon City
P.O. Box 3040
320 Warner Millne Road
Oregon City, OR 97045

The data on this map is the best
information available from the
records of the City of Oregon City.
Errors and omissions may exist.

Map created with OCMap 2005

12/12/2005





City of Oregon City

625 Center Street
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Item 8a.

Meeting Minutes - Draft

City Commission

Wednesday, April 15, 2020

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:06 PM.

Present: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Staffers: 10 - City Manager Tony Konkol, City Attorney William Kabeiseman, Police Chief and Public Safety Director James Band, Community Development Director Laura Terway, Public Works Director John Lewis, City Recorder Kattie Riggs, Sr. Planner Christina Robertson-Gardiner, Economic Development Manager James Graham, Finance Director Wyatt Parno and Greg Williams

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

4. Citizen Comments

Curt Reesor, representing the McLoughlin Neighborhood Association, discussed two tree removals that had been done without a permit in the public right-of-way along Washington Street adjacent to St. Johns Church. He suggested the City create a comprehensive Urban Forestry Plan.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. AP 20-00002: Appeal of Historic Review Board Approval with Conditions for a New Two-Story Mixed-Use Building in the McLoughlin Conservation District at 920 7th Street (GLUA-20-00006 and HR 20-02)

Mayor Holladay opened the public hearing.

Laura Terway, Community Development Director, stated this was an appeal of Historic Review Board (HRB) approval of a new two-story mixed use building in the McLoughlin Conservation District on 7th Street. The applicant had appealed two conditions of

approval.

Christina Robertson-Gardiner, Senior Planner, discussed the subject site, site plan, appeal issues raised, limited review, elevations of the proposed building, decision factors, and options. Staff recommended remanding the decision back to the May 26, 2020 HRB hearing with a review limited to conditions of approval #1 and/or #2.

Bill Kabeiseman read the hearing statement and asked if there were any ex-parte contacts, conflicts of interest, bias, or statements to declare.

Commissioner Smith attended the McLoughlin Neighborhood Association meeting when this application was presented and he lived four blocks from the site.

Commissioner McGriff also attended the Neighborhood Association meeting and had some phone contact with the applicant prior to that meeting regarding scheduling the meeting. She also lived nearby the site.

John Delson, Delson Engineering, was representing the applicant. He said the HRB had approved the reduction of the height for the first level, and it was only after they saw the summary that they realized there was a requirement for the upper floor to be ten feet in height. The applicant proposed eight feet which would reduce the massing so it would not compete with the church house, it would be more cost effective to build and maintain, and it would be better for energy conservation. He then discussed the proposed setbacks from the historic building of three feet, eight inches on the main floor and five feet on the second floor.

There was discussion regarding the reasons for the ten-foot height requirement on the upper floor.

Ms. Terway said an email had been received today from the McLoughlin Neighborhood Association who supported the staff report.

Mr. Delson reviewed the reasons they had proposed eight feet for the second floor height. If the Commission did not support the appeal, he asked that it be remanded back to the HRB.

Mayor Holladay closed the public hearing.

There was discussion regarding whether or not to remand this application back to the HRB, how the changes to the second floor height and setbacks were reasonable requests, and the need to be flexible so that more housing could be developed in this area.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve AP 20-00002: appeal of Historic Review Board approval with conditions for a new two-story mixed-use building in the McLoughlin Conservation District at 920 7th Street (GLUA-20-00006 and HR 20-02) including retaining the five foot setbacks and approving the eight foot second story height. The motion failed by the following vote:

Aye: 2 - Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 2 - Mayor Dan Holladay and Commissioner Rachel Lyles Smith

Abstain: 1 - Commissioner Frank O'Donnell

Mayor Holladay preferred to let the project move forward without the five foot setback requirements.

There was discussion regarding the reasons for the HRB's decision to require the five foot setbacks as well as the building code requirements.

Ms. Robertson-Gardiner clarified the issue was the setback of the ground floor. The HRB had required that it be five feet, the same as the second floor, and the applicant was proposing three feet, eight inches.

There was further discussion regarding the front elevations and alignment of the first and second stories with inset windows.

A motion was made by Commissioner O'Donnell to remand both issues back to the HRB for further information and clarity. The motion died for lack of a second.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve AP 20-00002: appeal of Historic Review Board approval with conditions for a new two-story mixed-use building in the McLoughlin Conservation District at 920 7th Street (GLUA-20-00006 and HR 20-02) including retaining the five foot setbacks and approving the eight foot second story height. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7. General Business

7a. First Amendment to the Real Estate Contract with F & F Structures, Inc. for the Sale of the Oregon City Police Department Property

Jim Band, Police Chief, said this was a request for a 60-day extension to the real estate contract for the sale of the Police Department property.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the first amendment to the real estate contract with F & F Structures, Inc. for the sale of the Oregon City Police Department property. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7b. Coronavirus Economic Relief Response: Oregon City Business Debt Relief Program

Tony Konkol, City Manager, discussed the Oregon City Business Debt Relief Program that would address operating costs of local small businesses who were forced to close due the executive order regarding Covid-19. There were limited funds for the program and it would not make up for all of the financial losses. The program would continue until the funds ran out. He explained the award criteria and entered letters of support into the record.

Victoria Meinig, Oregon City Chamber of Commerce, stated she was in full support of the program and explained the importance of this program to the City's businesses.

There was discussion regarding possible refinements to the program such as a forgivable loan vs. a grant, including sole proprietors with 1099 contractors, and allowing multiple applications by the same person up to a certain amount.

James Graham, Economic Development Manager, discussed the disadvantages of doing a loan program instead of a grant program and reasons not to include sole proprietors.

There was consensus to allow sole proprietors with no minimum number of employees, to have a box that the businesses checked indicating they intended to continue doing business in Oregon City for the next 12 months, and only allowing one application per business.

Staff would come back to the Commission in May with a modified program.

7c

Resolution No. 20-09, Declaring an Emergency and Exempting the Construction Activities Associated with both the Meyers Road Extension Project and the NW Natural Gas Company's Oregon City Transmission Reinforcement Project from the Prohibition Against Unlawful Noises on a Temporary Basis

John Lewis, Public Works Director, said this was a request to do night work on Meyers Road, which required approval to temporarily exempt the Municipal Code's prohibition of after hours activities. They would do what they could to minimize the impacts to residents.

There was concern about the noise impacts and a suggestion that the notice to neighbors clarified it was the Oregon Department of Transportation (ODOT) that required the work to be done at night and making sure staff worked with NW Natural to minimize the noise.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 20-09, declaring an emergency and exempting the construction activities associated with both the Meyers Road Extension Project and the NW Natural Gas Company's Oregon City Transmission Reinforcement Project from the prohibition against unlawful noises on a temporary basis. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

8. Consent Agenda

Staff pulled agenda item 8c. off of the agenda completely.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the consent agenda except for Item 8c. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

- 8a. Construction Contract with Magna Construction Services, Inc. for the High Street Waterline Replacement and Storm System Improvements Project
- 8b. Personal Services Agreement with FCS Group for the Stormwater System Development Charge (SDC) and Rate Study
- 8c. Contract Amendment for Engineering Design Services and Geotechnical Services with Brown and Caldwell for the Scattering Canyon Project (CI 19-012)
- 8d. OLCC: Liquor License Application - Off-Premises, Commercial, Applying as a Limited Liability Company, Joy Hospitality LLC (dba Verdict Bar & Grill and Caufield House), 110 8th Street
- 8e. Minutes of the February 5, 2020 Work Session
- 8f. Minutes of the February 5, 2020 Regular Meeting
- 8g. Minutes of the February 11, 2020 Work Session
- 8h. Minutes of the February 19, 2020 Work Session
- 8i. Minutes of the February 19, 2020 Regular Meeting

9. Communications

a. City Manager

There was no City Manager report.

b. Commission

Commissioner McGriff encouraged people to spend their Covid-19 stimulus checks in Oregon City.

c. Mayor

Mayor Holladay was doing a 6:30 AM spot on KXL tomorrow morning.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:47 PM.

Respectfully submitted,

Kattie Riggs, City Recorder