



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

Virtual Meeting
Wednesday, April 21, 2021 at 7:00 PM

VIRTUAL 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.gov.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can register to provide over-the-phone testimony during the meeting.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

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

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

- 5. PRESENTATIONS**

5a. Metro's Regional Priorities Presentation by Metro Council President Lynn Peterson

[5b.](#) I-205 Improvements: Stafford Road to OR 213 Project Update

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

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

- [7a.](#) Resolution No. 21-19, Declaring an Emergency and Temporarily Exempting the Construction Activities in Center Street Right-of-Way and Associated with the Union Pacific Railroad 12th Street Bridge Replacement Project from Prohibition Against Unlawful Noises
- [7b.](#) Resolution No. 21-21, Declaring an Emergency and Temporarily Exempting the Water and Sewer Construction Activities in Beaver Creek Road Right-of-Way and Travel Lanes Associated with the Timberview Multi-Family Development Offsite Utility Improvements from the Prohibition Against Unlawful Noises
- [7c.](#) Personal Services Agreement with ACMS Northwest, LLC for the Timberview Private Development for Night Inspection Services (PS 21-012)
- [7d.](#) Cost Reimbursement Agreement with Pahlisch Commercial, Inc. for the Timberview Private Development for Night Inspection Services (PS 21-011)
- [7e.](#) Banner Permit Fee Waiver Request for the Oregon City Farmers Market and the Oregon City High School Graduation Committee
- [7f.](#) Public Improvement Contract with Clackamas Construction, Inc. for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)
- [7g.](#) OLCC: Liquor License Application – Full On-Premises, Commercial, applying as LLJJ, Inc. (dba Lucky Rooster), 13547 S. Redland Rd, Oregon City
- [7h.](#) Minutes of the February 16, 2021 Special Emergency City Commission Meeting
- [7i.](#) Minutes of the February 17, 2021 City Commission Regular Meeting
- [7j.](#) Minutes of the March 3, 2021 Regular Meeting
- [7k.](#) Minutes of the March 9, 2021 Work Session
- [7l.](#) Minutes of the March 29, 2021 Special City Commission Meeting

8. PUBLIC HEARINGS

9. GENERAL BUSINESS

- [9a.](#) Discussion of Vehicular Access through Park Place Park
- [9b.](#) Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses
- [9c.](#) Resolution No. 21-22, Adopting the Undergrounding Private Utilities Standard Operating Policy
- [9d.](#) Second Reading of Ordinance No. 21-1007, Amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2)

- 9e. Second Reading of Ordinance No. 21-1008, Approving an Emergency Annexation Proposal GLUA-20-00030: AN-20-00002 and Approving the Annexation of Certain Property Located at 11330 Forest Ridge Road to the City of Oregon City

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

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

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

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



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

I-205 Improvements: Stafford Road to OR 213 Project Update

EXECUTIVE SUMMARY:

ODOT is designing improvements to I-205 to support a healthy Oregon economy with safer, more reliable travel that improves regional access to work, health, and play. Travelers will benefit from earthquake-ready bridges, less congestion, more predictable travel times, and fewer crashes each day.

Key improvements include:

- Upgrading the Abernethy Bridge and eight other bridges in the area to withstand a major earthquake.
- A third travel lane in each direction with shoulders that could accommodate future transit opportunities for more reliable travel.
- RealTime traveler information signs and improvements to interchanges to increase safety.

BACKGROUND:

Did you know over 100,000 vehicles a day use the seven-mile stretch of I-205 from Stafford Road in West Linn to OR 213 in Oregon City? This bottleneck is the last remaining two-lane section of I-205. Drivers experience nearly seven hours of traffic backups here every day, significantly impacting regional and state economic activity.

The I-205 Improvements Project is part of a [Comprehensive Congestion Management and Mobility Plan](#) to comprehensively reduce congestion and crashes, while also making travel times shorter and more predictable. As part of this plan, ODOT is evaluating [tolling](#) as a way to raise revenue and manage congestion on I-205 between Stafford Road and OR 213 under the National Environmental Policy Act process. A safer, less congested corridor will provide folks access to work, health, and play, and support a healthy Oregon economy.

Widening and strengthening I-205 creates safer and less congested travel with earthquake-ready bridges. Upgrades to the Abernethy Bridge will make it the first earthquake-ready interstate structure across the Willamette River, making I-205 the passable north-south route through the Portland region after a major earthquake.

The project will also upgrade or replace eight other bridges in the area, add a third travel lane in each direction, and improve interchanges at OR 43 and OR 99E.

Project Updates will include:

- Comprehensive Congestion Management and Mobility Plan and Implementation
- Planned Transportation Improvements and Envisioned Redevelopments
- Project Benefits and Overview
- Design Input from Oregon City Staff
- Sound Wall Update
- Outreach and Engagement

More information on the project and the online open house, being held April 12 – April 30, is available on the project website: <https://www.i205corridor.org/>



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

Resolution No. 21-19, Declaring an Emergency and Temporarily Exempting the Construction Activities in Center Street Right-of-Way and Associated with the Union Pacific Railroad 12th Street Bridge Replacement Project from Prohibition Against Unlawful Noises

STAFF RECOMMENDATION:

Approve Resolution No. 21-19, authorizing night work related to the Union Pacific Railroad 12th Street Bridge Replacement Project.

EXECUTIVE SUMMARY:

The City has permitted and is overseeing construction of the Union Pacific Railroad 12th Street Bridge Replacement Project at 12th Street between Center Street and Main Street. Project completion before the June 14, 2021, deadline is critical to providing access to Highway 99E and Main Street from Washington Street for through-traffic in busier summer months.

Union Pacific Railroad is preparing the site and has requested to conduct the final bridge replacement via night work. The replacement is expected to take a continuous 24 hours and, therefore, will require the work to occur over one night. Work outside of daytime hours is prohibited without City Commission approval in residentially-zoned neighborhoods per Oregon City Municipal Code Section (OCMC) 9.12.023. The zoning at the bridge is mixed use downtown, but noise is expected to occur in the residential areas that begin half a block away.

OCMC Section 2.52.020 defines “emergencies” to include “utility or transportation emergencies.” Resolution No. 21-19 will allow Union Pacific Railroad to complete one night shift on a temporary emergency basis. The resolution will allow for one night shift to occur within a one-week period from May 9, 2021 to May 16, 2021 to accommodate uncertainty in the project schedule.

BACKGROUND:

Union Pacific Railroad is replacing the 12th Street railroad bridge. The project will strengthen the bridge. The project will widen the span of the bridge support 'bents' to remove them from the road and sidewalk. The project will reconstruct the sidewalk and roadway adjacent to the bridge. The project will preserve the one street tree in the project extent by creating a sidewalk bulb-out around it. The construction is almost entirely within the public right-of-way of 12th Street. Exhibit A shows the bridge replacement work zone map.

The design has been reviewed by the City Public Works Department and is approved under permit ROWGEN-20-00027. Construction began January 21, 2021. The project is being required by the City to be completed by June 14, 2021, due to the impact of closure of 12th Street between Washington Street and Main Street to through traffic.

The Union Pacific Railroad 12th Street bridge replacement requires night work due to a continuous 24-hour replacement schedule associated with the bridge replacement – therefore, overnight work is required. Staff agrees with Union Pacific Railroad that night work is in the best interests of the public and the project.

The requirement is for one approximately 24-hour period of work which would include one night's work. Union Pacific Railroad has proposed the work to take place Sunday, May 9, 2021, from approximately 9 AM to approximately 9 AM on Monday, May 10, 2021.

The intersection requiring night work is 12th Street near Center Street. The land use at the intersection is predominantly mixed-use downtown (MUD) with several businesses within one block. Residentially zoned parcels occur starting a half block to the south and east.

A letter describing the project and night work parameters, permitted hours, expected noise types and noise levels will be required to be mailed to affected residences by Union Pacific Railroad. Union Pacific Railroad is required to have their engineer provide a letter specifying the distance from the project that noise will travel so that a list of affected addresses can be provided for the mailing.

Work outside of the hours of 9 AM to 8 PM on Sundays is prohibited in residentially zoned neighborhoods per Oregon City Municipal Code Section 9.12.023. E. Work on Sunday is further prohibited by Oregon City Public Works Standard Operating Policy. Staff recommend that project completion in the 12th Street right-of-way at night be considered an emergency. Per Oregon City Municipal Code (OCMC) 2.52.020, "emergencies" include "utility or transportation emergencies." OCMC 2.52.040 (L) authorizes the City, in cases of emergency to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency." Adoption of Resolution No. 21-19 provides City Commission approval for temporary emergency night work.

OPTIONS:

1. Approve Resolution No. 21-19 as requested.
2. Approve Resolution No. 21-19, with specific modifications.
3. Deny Resolution No. 21-19. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$0

FY(s): 2021

Funding Source(s): N/A

RESOLUTION NO. 21-19

A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING THE CONSTRUCTION ACTIVITIES IN CENTER ST RIGHT-OF-WAY AND ASSOCIATED WITH THE UNION PACIFIC RAILROAD 12TH STREET BRIDGE REPLACEMENT FROM THE PROHIBITION AGAINST UNLAWFUL NOISES

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

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

WHEREAS, the City would be acting in the best public interest by facilitating the completion of the Union Pacific Railroad 12th St Bridge Replacement Project (“Project”) within the 12th Street right-of-way; and

WHEREAS, Union Pacific Railroad requires that the bridge replacement construction occur at night due to the required 24-hour continuous nature of the work; and

WHEREAS, transportation in the vicinity of the Project is vital to the community, and expediting the bridge replacement is vital to the economic and mobility interests of the City; and

WHEREAS, OCMC 9.12.023(E) declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday to be a violation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission declares an emergency, limited to the Union Pacific 12th Street Bridge Replacement Project (“Project”) as shown in the permit excerpt attached to this resolution as Exhibit 1. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from May 9, 2021 at 9 AM to May 10, 2021 at 7:00 AM.

Section 2. Based on the emergency identified above, the City Commission grants the construction activities in the 12th Street rights-of way-exemption from Section 9.12.020 of the Oregon City Municipal Code for bridge section disassembly and reassembly in the Project area, during the period identified above in Section 1 of this resolution.

Section 3. The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

Section 4. The City Commission adopts these procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040.

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

Approved and adopted at a regular meeting of the City Commission held on the 21st day of April 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 21st day of April 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



City of Oregon City
PO Box 3040 | 625 Center Street
Oregon City, Oregon 97045

Permit NO. **ROWGEN-21-0** Item 7a.

Permit Type: **ROW General**

Work Classification: **ROW General**

Permit Status: **Issued**

Issue Date: **04/06/2021**

Expiration: **05/10/2021**

Location Address

Contacts

Debra Tindall **Owner**
11811 SE Hwy 212, Clackamas, OR 97015
permitdept@emmertintl.com

Description: Delivery of UPRR 12th St bridge span. Approximate dimensions 114 feet long x 19.25 feet wide by standard height or less. Delivery on Friday, May 7 approximately 9:30 AM to 11:30 AM. Route: Canby, OR (origin) via Hwy 99E to Hwy 99E at 12th St to 12th St at Center St (destination). Two leading and two trailing pilot cars required. Additional traffic control support may be needed at Hwy 99E curves near Main St and at Hwy 99E at 12th. OCPD and Clackamas Fire District No. 1 to be notified by permitter. ODOT transport permit shall be acquired by permittee as condition of permit approval. Any questions day of transport, please call Charlie Prebble with Emmert International at (971) 219-7071.

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

https://online.orcity.org/EnerGov_Prod/SelfService

Fees	Amount
ROW General – Moderate – Inspection	\$170.00
ROW General – Moderate – Application/Plan Review	\$170.00
Total:	\$340.00

Payments	Amt Paid
Total Fees	\$340.00
Check # 1	\$340.00
Amount Due:	\$0.00

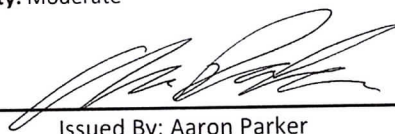
Available Inspections:

Inspection Type	IVR
Engineering Site - Preliminary	205

By signing the permit, the permittee agrees to comply with the permit conditions, provisions, and standards as provided on the following page(s). Work shall adhere to City Design and Construction Standards found at <https://www.orcity.org/publicworks/design-and-construction-standardsdrawings>.

Additional Information

ROW Impact Severity: Moderate


Issued By: Aaron Parker

April 06, 2021

Date


Authorized Permit Holder (Permittee)

4/6/21

Date



OREGON CITY

Public Work

Item 7a.

625 Center Street | PO Box 3040 | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7892

RIGHT-OF-WAY PERMIT APPLICATION

Application Date: 4/1/21

Work Site Information

ALL FIELDS REQUIRED ON THIS FORM

Address: 504 12th Street Oregon City Cross Street: Center

Applicant

☐ Responsible for Project (Permittee)

☐ Primary Contact

Business Name / Property Owner: Emmert International

Contact Name: Debra Tindall

E-Mail: permitdept@emmertintl.com

Mailing Address: 11811 SE Hwy 212

City, State & Zip: Clackamas, OR 97015

Phone: 541-525-4761

Alt. Phone: 971-219-7671

Contractor

☒ Same as above

☐ Responsible for Project (Permittee)

☐ Primary Contact

Business Name:

Contact Name:

Mailing Address:

Phone:

City, State & Zip:

E-Mail:

Oregon City Business License No. (or Metro Contractor's License No.):

License or CCB Number(s):

Work Details

Proposed Start Date: 5/7/21

Estimated Completion Date: 5/7/21

DESCRIPTION OF WORK TO BE DONE IN RIGHT-OF-WAY PER THIS PERMIT (check all boxes that apply):

UTILITY WORK:	☐ Sanitary Sewer	☐ Stormwater	☐ Pavement / Trench Cut
	☐ Electrical	☐ Water	☐ Other - Describe:
SIDEWALK WORK:	☐ New	☐ Repair / Replace	☐ Curb and/or Gutter Work
	Length (ft):	Width (ft):	# of Panels (estimate):
DRIVEWAY WORK:	☐ New	☐ Repair / Replace	Width (ft):
MATERIAL STORAGE:	☐ Drop Box	☐ Storage Pod	☐ Other - Describe:
LANDSCAPING WORK:	☐ Tree Removal	☐ Tree Installation	☐ Other - Describe:
DOWNTOWN PARKING:	# Spaces:	No. of Days:	Location:

EVENT*: Event Name: UPRR 12th St. Bridge General location / route: 99E to 12th

Provide paragraph description of event or work to be done: delivery of (1) bridge span to 504 12th street

*Application for Special Event will be required simultaneously.

Permission is hereby requested to encroach into public right-of-way to perform work as set forth below. It is understood that this application is limited to the work described herein and that all work shall be done in compliance with the provisions shown on the back of this application and with all other applicable rules, regulations and standards of the City; and that the permittee assumes full responsibility for said compliance, for acceptability of the work, for repair or replacement thereof if defective, and for repair or replacement of any existing improvement damaged by this work.

SEE THE BACK (PAGE 2) OF THIS PERMIT FOR CONDITIONS AND PROVISIONS

I CERTIFY THE ABOVE INFORMATION IS CORRECT

Applicant's Signature:

Debra Tindall

OFFICE USE ONLY

- | | |
|---|--|
| ☐ Provide a traffic control plan to the City for review and approval. | ☐ Coordinate work with all applicable utility companies. |
| ☐ Barricade and sign sidewalks & parking spaces in advance of their use. | ☐ Tree removal / replacement per City Planning Dept approval process. |
| ☐ Contact the city inspector at 971-276-1751 for pre and post inspections, questions and/or pre-pour and final concrete inspections. | |

Related City permits:

Expiration Date:	☐ 60 DAYS	☐ 90 DAYS	Other	Permit No.:
Standard Details:	☐ OC 504	☐ OC 508	☐ OC 310	☐ OC 402
	☐ OC 313	☐ OC 532	☐ Other	

Issued by:

Date:

1. 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 performing work authorized by this permit which may be occasioned by any act or omission of the permittee, his agents or employees. The City will not be liable for any accident, loss or damage to the work prior to its completion and acceptance.
2. Permit is void 60 days after date of issue unless otherwise noted. A time extension shall be requested not less than 24 hours prior to expiration.
3. Concrete curb, sidewalk, gutters, driveway approaches, alley entrances, paving repairs, etc. shall be constructed per City Standards (<https://www.orcity.org/publicworks/design-and-construction-standardsdrawings>).
4. A copy of this permit shall be kept at the work site.
5. Work authorized by this permit includes removal and replacement of improvements as necessary.
6. Oregon law requires that the rules adopted by Oregon Utility Notification Center be followed. Those rules are set forth in OAR 952-001-0010 to 0090. You may obtain copies of the rules by calling the center or online at www.callbeforeyoudig.org. Call before you dig – Portland Metro Area 811 or 800-332-2344.
7. Permittee shall adequately safeguard all excavations and obstructions with barricades, lights and/or other suitable safety devices per the current "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (mutcd.fhwa.dot.gov/), Federal Highway Administration and follow all OSHA rules and regulations. If the permittee fails to adequately safeguard the public, the City shall place barricades and lights at the expense of the permittee. Placement of safety devices by the City shall not relieve the permittee from liability.
8. Permittee shall coordinate **24 hours in advance of any street closure** with **Oregon City Code Enforcement at 503-496-1559** and **Oregon City Public Works at 503-657-0891** for each day any street is to be closed.
9. Fire Department access to fire hydrants shall be maintained at all times.
10. Permittee shall be responsible for preserving construction survey stakes and markers for the duration of their usefulness.
11. Construction water shall not be taken from a fire hydrant until a fire hydrant permit has been obtained from the Public Works Operations Center, 122 S. Center Street, 503-657-8241.
12. A minimum of **72 hours' advance notice** must be given for inspection requests (exclusive of Saturdays, Sundays and holidays).
13. Forms and subgrade must be inspected and approved before ordering Portland Cement Concrete or Asphaltic Concrete. Failure to obtain approval before proceeding with work may be cause for rejection. Any work to be done on a Saturday or holiday **MUST** be approved by the City at least 24 hours in advance.
14. Any work done without proper inspections will be subject to rejection. Permittee shall request inspections when: (1) forms are complete / ready for concrete; (2) subgrade is compacted and ready for pavement or concrete; (3) excavation is started; (4) sewers are ready for testing; (5) backfill compaction is in progress; (6) temporary resurfacing has been placed; (7) all work authorized by this permit has been completed; and (8) any time assistance is needed to assure compliance with City requirements. Reinspections required due to site or work not being ready for inspection when scheduled or for the replacement of defective work, shall be done at the expense of the permittee.
15. Asphalt pavement, including resurfacing, shall be constructed of Level 2, ½-inch dense HMA ODOT asphalt concrete for the roadway.
16. Curbs with depressions for vehicular access will not be accepted until a standard driveway approach has been constructed at each depression. Where none exists, a sidewalk adjoining such driveway approaches shall be constructed.
17. Final approval of any work will not be given until construction debris and excess material is removed and parkways are graded to conform to the standard street section and planted as appropriate to match existing.
18. 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.
19. Any applicant or contractor who has done work in public rights-of-way not in conformance with City Standard Specifications, Standard Drawings or Special Provisions, or who violates the City Code shall be ineligible to do work in public rights-of-way until such deficiency has been corrected to the satisfaction of the City Engineer.
20. Construction hours: Monday-Friday 7 a.m. to 6 p.m., Saturdays 9 a.m. to 6 p.m. **NO** work shall be done on Sundays or holidays.
21. Contractors shall have an Oregon City Business License and/or a Metro Contractor's License and required contractors' licenses.
22. Permittee shall remain responsible for satisfactory workmanship and material for two years after acceptance of improvements authorized by this permit.

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

Applicant's Signature: <i>Debra K Tindall</i>	Date: <i>4/1/21</i>
Applicant's Printed Name: <i>Debra Tindall</i>	Title / Organization: <i>Permit Coordinator / Emmert International</i>

Rev 2019-08-07

RECEIPT (REC-013373-2021)
FOR CITY OF OREGON CITY

Item 7a.

BILLING CONTACT

Debra Tindall
Emmert International
11811 Se Hwy 212
Clackamas, Or 97015



Payment Date: 04/06/2021

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
ROWGEN-21-00005	ROW General – Moderate – Inspection	Fee Payment	Credit Card	\$170.00
	ROW General – Moderate – Application/Plan Review	Fee Payment	Credit Card	\$170.00
SUB TOTAL				\$340.00
TOTAL				\$340.00

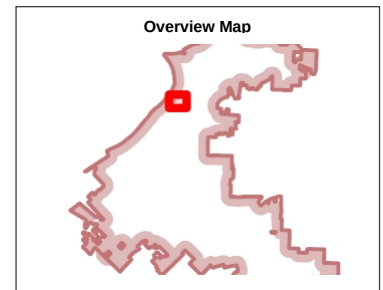
EXHIBIT A - Bridge Replacement and Work Zone



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- 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.



0 200 400 Feet

1: 2,400

Map created 3/31/2021

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





CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

Resolution No. 21-21, Declaring an Emergency and Temporarily Exempting the Water and Sewer Construction Activities in Beaver Creek Road Right-of-Way and Travel Lanes Associated with the Timberview Multi-Family Development Offsite Utility Improvements from the Prohibition Against Unlawful Noises

STAFF RECOMMENDATION:

Approve Resolution No. 21-21, authorizing the night work related to the construction of the water and sewer lines for the Timberview Multi-Family Development Project that impact through travel on Beaver Creek Road.

EXECUTIVE SUMMARY:

The City has permitted and is overseeing construction of the Timberview Multi-Family Development (previously called Villages at Beaver Creek) constructed by Pahlisch Commercial dba Timberview 180 Limited Partnership. The project anticipates the work to be completed between May 3 and August 13, 2021. As the water line and sewer main trenching is deep and adjacent to and parallel with two-way traffic, Public Works is requesting an exemption from OCMC 9.12.023, prohibition against unlawful noises between May 3 and August 31, 2021 for night work.

The project requires nightwork for construction of the sanitary sewer and water main within Beaver Creek Road. Work outside of specified allowed work hours is prohibited without City Commission approval in residentially-zoned neighborhoods per Oregon City Municipal Code Section (OCMC) 9.12.023. The zoning adjacent to the north side of the project is R-8 residential and the zoning along the south side of the project is R-6 residential and R3.5 residential.

OCMC Section 2.52.020 defines "emergencies" to include "utility or transportation emergencies." Resolution No. 21-21 will allow Pahlisch Commercial to complete the offsite utility work on a temporary emergency basis. The resolution will allow for up to four months of night work to occur from May 3, 2021 to August 31, 2021 to facilitate the

safe construction of the water and sewer, and to support the safety of construction staff and safe public travel along Beavercreek Road.

BACKGROUND:

The Timberview Multi-Family Development was originally called Villages at Beavercreek. It was approved under land use file SP 14-01. The project has been through a couple different owners until Pahlisch Commercial purchased the project and started construction earlier this year. The project involves the construction of an extension of Meyers Road, two new roadways, and new public utilities serving 12 buildings with 180 units. The construction of a sanitary sewer and water extension is entirely within the public right-of-way of Beavercreek Road, which is under Clackamas County jurisdiction.

The design has been reviewed by the City Public Works Department and is approved. Onsite construction began in January 2021 and will continue well into 2021 with buildings likely continuing to be under construction in 2022.

The Timberview Multi-Family Development requires night work by Clackamas County for the offsite sanitary sewer and water main proposed within Beavercreek Road. While the property is within the City limits, Beavercreek Road is currently under County jurisdiction. The County has the final say whether work can be completed during the day or is required to be completed overnight. The County conducted a courtesy call with City staff whereby we agreed that due to the traffic counts on Beavercreek Road, it was appropriate to require night work.

The requirement is for four months of work at night to be able to successfully complete the offsite water and sewer utility improvements. The County is requiring the working hours to be 8:00 PM to 5:00 AM, Monday night through Friday night. The request has been made for the dates of May 3, 2021 to August 31, 2021. The contractor anticipates completion by August 13, 2021. City staff is requesting additional time in the event field issues slow construction.

The roadwork will occur on Beavercreek Road from approximately Loder Road to Glen Oak Road. The land use along this corridor contains residential zoning and consists of the Oregon City High School and approximately 12 directly impacted houses with approximately 15-20 houses that may be impacted by the noise.

A letter describing the project and night work parameters, permitted hours, expected noise types, and noise levels will be required to be mailed to affected residences by

Pahlisch Commercial. Pahlisch Commercial will be required to have their engineer provide a letter specifying the distance from the project that noise will travel so that a list of affected addresses can be provided for the mailing.

Per Oregon City Municipal Code (OCMC) 2.52.020, “emergencies” include “utility or transportation emergencies.” OCMC 2.52.040 (L) authorizes the City, in cases of emergency, to “order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.” Adoption of Resolution No. 21-21 provides City Commission approval for temporary emergency night work.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$0

FY(s): 2021

Funding Source(s): N/A

RESOLUTION NO. 21-21

A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING THE WATER AND SEWER CONSTRUCTION ACTIVITIES IN BEAVERCREEK ROAD RIGHT-OF-WAY AND TRAVEL LANES ASSOCIATED WITH THE TIMBERVIEW MULTI-FAMILY DEVELOPMENT OFFSITE UTILITY IMPROVEMENTS FROM THE PROHIBITION AGAINST UNLAWFUL NOISES

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

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

WHEREAS, the City would be acting in the best public interest by facilitating the completion of the water and sewer utilities serving the Timberview Multi-Family Development (“Project”) and within the Beavercreek Road travel lanes; and

WHEREAS, Clackamas County, who has jurisdiction over Beavercreek Road, requires that the water and sewer utility construction within Beavercreek Road travel lanes occur at night due to the traffic volumes that exist during the day; and

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

WHEREAS, OCMC 9.12.023(E) declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday to be a violation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission declares an emergency, limited to the water and sewer utility construction within the Beavercreek Road travel lanes associated with the Timberview Multi-Family Development (“Project”) as shown in the map attached to this resolution. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from May 3, 2021 at 8:00 PM to August 31, 2021 at 5:00 AM.

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

Section 3. The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

Section 4. The City Commission adopts these procedures to prevent, minimize, respond to or recover from the emergency consistent with OCMC 2.52.040.

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

Approved and adopted at a regular meeting of the City Commission held on the 21st day of April 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 21st day of April 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



Loder
Rd

Item 7b.

Offsite
Night Work

Project Site

Page 21



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

Personal Services Agreement with ACMS Northwest, LLC for the Timberview Private Development for Night Inspection Services (PS 21-012)

STAFF RECOMMENDATION:

Award the contract and authorize the City Manager to execute the Contract Agreement with ACMS Northwest, LLC in the amount of \$62,400 for night inspection services, for the Timberview Private Development (PS 21-012).

EXECUTIVE SUMMARY:

The Timberview Development is required by the land use decision issued under Planning File No. SP 14-01 to construct a sanitary sewer and water main extension within Beaver Creek Road. This section of Beaver Creek Road is under County jurisdiction. The County has made the decision to require the sanitary and sewer and water main work within Beaver Creek Road be completed between the hours of 8:00 PM and 5:00 AM. The City does not have the resources to inspect the construction during these hours and has opted to hire ACMS Northwest, LLC to complete this needed oversight of the work.

BACKGROUND:

The Timberview Multi-Family Development was originally called Villages at Beaver Creek. It was approved under Planning File No. SP 14-01. The project has been through a couple different owners until Pahlisch Commercial purchased the project and started construction earlier this year. The project involves the construction of an extension of Meyers Road, two new roadways, and new public utilities serving 12 buildings with 180 units. The construction of a sanitary sewer and water main extension is entirely within the public right-of-way of Beaver Creek Road, which is under Clackamas County jurisdiction.

The Timberview Multi-Family Development requires nightwork by Clackamas County for the offsite sanitary sewer and water main proposed within Beaver Creek Road. While the

property is within the City limits, this section of Beavercreek Road is currently under County jurisdiction. The County has the final say whether work can be completed during the day or is required to be completed overnight. The County conducted a courtesy call with City staff whereby we agreed that due to the traffic counts on Beavercreek Road, it was appropriate to require night work.

The attached scope of work outlines the detail by which the project will move forward through the construction phase.

The work will occur for 4 months to be able to successfully complete the offsite utility improvements. The County is requiring the working hours to be 8:00 PM to 5:00 AM Monday night through Friday night. The request has been made for the dates of May 3, 2021 to August 31, 2021. The contractor anticipates completion by August 13, 2021. City staff is requesting the services of ACMS Northwest, LLC for this period of time.

ACMS Northwest, LLC is a consultant which the City may use as they are party to the intergovernmental cooperative procurement language that the City participates in with the City of Portland and other Metro communities. This contract will be based on the City of Portland's Price Agreement No. 31000692, information attached as Exhibit C to the Personal Services Agreement.

You will notice that ACMS Northwest, LLC provided a proposal with an assumed start of May 17 and assumed end date of July 23. The hours needed to complete proper inspection as shown (480 hours) will be sufficient for the City's needs during this project. There will be periods of time where the inspector is not needed all night long; therefore, this is not in conflict with the night work resolution that requests May 1 to August 31.

The City will enter into an agreement with Pahlisch Commercial whereby these services are paid for by them on a monthly basis so that the City has no costs associated with this work by the end of the contract. Revenue from Pahlisch will cover the expenditure of the City for these inspection services.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$62,400
 FY(s): FY 21/FY 22
 Funding Source(s): Engineering Fund

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

TIMBERVIEW INSPECTION

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **ACMS NORTHWEST, LLC** ("Contractor").

RECITALS

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

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

The parties agree as follows:

AGREEMENT

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

2. **Compensation.** City agrees to pay Contractor on a time-and-materials basis for the services required as identified in the City of Portland's Price Agreement No. 31000692, attached as **Exhibit C**, for which the City is taking advantage of the City of Portland's intergovernmental cooperative procurement language. Total compensation, including reimbursement for expenses incurred, shall not exceed **sixty-two thousand, four hundred and no/100 dollars (\$62,400.00)**.

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

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

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

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

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

To the City:

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

To Contractor:

ACMS NORTHWEST LLC
2715 SE 8th Avenue, Suite 116
Portland, OR 97202
Attention: Laurie Allen

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

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

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

CITY OF OREGON CITY

ACMS NORTHWEST LLC

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

By: _____

DATED: _____, 20____.

Name: _____

Title: _____

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

DATED: _____, 20____.

DATED: _____, 20____.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

COST PROPOSAL PREPARED FOR:

Josh Wheeler, PE
 Assistant City Engineer
 Public Works Department
 City of Oregon City
 625 Center Street
 Oregon City, OR 97045

The following cost proposal has been prepared on the following basis:

Estimated start date: May 17, 2021
 Estimated end date: July 23, 2021
 Workdays/Shift: Workdays will be Monday through Friday starting at 8:00 p.m. and ending at 6:00 a.m.
 Scope of Work: Night work consisting of approximately 2,800 LF of pipe and seven (7) manholes.

CLASSIFICATION	HOURLY BILL RATE	TOTAL HOURS/DAYS	TOTAL COST
Construction Inspector Regular Hourly Rate	\$ 130.00	480 Estimated Reg Hours	\$ 62,400.00
Construction Inspector Overtime Hourly Rate	\$ 195.00	OT Hours TBD	

Estimated Total: \$ 62,400.00

- ◇ The workweek is defined as Monday through Friday. Holiday, sick, and vacation hours are not considered “regular hours” and therefore not included when calculating overtime hours.
- ◇ ACMS will provide our personnel with PPE, cell phone, laptop, and field equipment/tools.
- ◇ This cost proposal applies to the Timberview Development project on Beaver Creek Road.
- ◇ Overtime requires prior approval from the client and will be billed as needed for the project.

ACMS Scope of Services:

- ◇ Work closely with property owners, contractor, and utility representatives to coordinate construction activities, secure necessary clearances, and assist the project manager in resolution of impending issues that arise.
- ◇ ACMS inspection services include:
 - Observe and document contractor compliance and conformity with workmanship and materials per project plans and specifications
 - Ensure erosion control and traffic control plans in place and adhered to
 - Coordinate, observe, and document materials testing procedures
 - Prepare daily construction progress reports
 - Attend weekly progress meetings
 - Prepare pay estimates
 - Prepare as-built drawings

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

Item 7c.

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

2. Payment.

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

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

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

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

3. Independent Contractor Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

5. No Third-Party Beneficiaries. City and

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

Item 7c.

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

6. Payment of Laborers; Payment of Taxes.

(a) Contractor shall:

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

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

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

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

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

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

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

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

7. SubContractors and Assignment.

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

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

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

10. Compliance With Applicable Law.

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

Page 2 of 5

EXHIBIT B

Page 29

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7c.

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

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

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

13. Indemnity and Insurance.

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

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

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

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

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

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

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

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

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

Item 7c.

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

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

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

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

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

remain with Contractor. Copies as requested shall be provided free of cost to City.

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

24. Arbitration.

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

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

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

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

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

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

Item 7c.

the Clackamas County Circuit Court.

jurisdiction's conflicts of law, rules or doctrines.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

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

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any

PRICE AGREEMENT NO. 31000692

for

INSPECTION AND ENGINEERING TECHNICIAN SUPPORT SERVICES

This Price Agreement, made and entered into this 6th day of March, 2015, by and between Allen Construction Management Services, LLC, dba ACMS Northwest, hereinafter called Contractor, and the City of Portland, a municipal corporation of the State of Oregon, by and through its duly authorized representatives, hereinafter called City. This Price Agreement may refer to the City and Contractor individually as a "Party" or jointly as the "Parties."

W I T N E S S E T H:

ARTICLE I. The Parties hereto mutually covenant and agree to and with each other as follows:

- 1. SCOPE OF WORK:** The Contractor shall provide Inspection and Engineering Technician Support Services as stated in this Price Agreement and in accordance with Attachment A and Appendix A, and Exhibits B, C, and D.
- 2. EFFECTIVE DATE AND DURATION:** The initial term of this Price Agreement shall begin on March 6, 2015 and shall expire March 5, 2020 unless terminated sooner as provided herein. The total term of this Price Agreement shall not exceed five (5) years
- 3. CONSIDERATION:** The City agrees to pay Contractor a yearly sum of not to exceed \$ 500,000.00 for provision and acceptance of the work ordered. Interim payments shall be made to the Contractor according to the pricing identified in Exhibit B.
- 4. INVOICING:** The City of Portland is a tax-exempt governmental agency. Prices shall not include federal, state, local, or other taxes designated now or hereafter, unless the City is responsible therefore. The Contractor shall submit billings in a timely fashion. Invoices shall be sent to the billing address stated with each order.

Contractor is at all times solely responsible for billing accuracy and timeliness; Contractor shall provide invoices for the goods and services to the City in paper form. Invoices will not be processed for payment until receipt of a properly completed invoice and until all invoice items are received and satisfactory performance of Contractor has been attained. Invoice payment terms including any offered prompt payment discounts shall start on the date of the invoice.

- 5. INVOICE PAYMENT:** Invoices submitted for payment shall identify the goods and services, the unit price, quantity, extended price, order number and invoice total. Billing details may be agreed upon between the Parties. Invoicing for goods and services shall at all times be in arrears. Invoices for payment shall be provided to the City within ninety (90) days of successful delivery of the billed goods and services.

NOTE: For utilization of this price agreement by bureaus other than the Water Bureau, see Attachment A for required procedures.

On or before the 15th of each month and no more than ninety (90) days after successful delivery of the billed goods and services, the Contractor shall submit to the Portland Water Bureau's Accounts Payable Department a separate invoice for each temporary personnel or subcontractor providing services for work performed by the Contractor during the preceding month. Invoice shall be e-mailed to: wbaps@portlandoregon.gov.

All overtime shall be included to the invoice and must have been approved in writing by the PWB's Project Manager or their designee prior to the day work is being requested to be performed. Overtime approvals from the PWB Project Manager must be included with monthly invoices and will be used as supporting documentation in order to process the overtime included to an invoice. Additional billing details may be agreed upon between the parties. Invoicing for services shall at all times be in arrears.

The Contractor shall submit a separate invoice for each temporary personnel or subcontractor providing services to the City. Invoice(s) submitted for payment must identify the City's Agreement Number, Contractor's Invoice Number, and Date of submission to the Portland Water Bureau's email address above. In addition the invoice will set out all items for payment including, but not limited to: position classification and name of temporary personnel or subcontractor's name providing services; CERR Number, service period temporary personnel or subcontractor associated with the invoice submitted, regular hourly rate and total hours worked, overtime rate and total hours worked, total amount due per invoice based on regular hourly rate and total hours worked, total amount due per invoice based on regular hourly rate and total hours worked. The Portland Water Bureau will not accept or pay any invoice submitted by the Contractor, their temporary personnel or subcontractors that are associated or include costs for food, lodging, transportation, fuel, or other travel costs unless specifically negotiated and agreed upon through written amendment signed by both parties.

The Contractor shall submit an individual temporary personnel or subcontractor monthly financial report that must be attached to each invoice submitted that provides the information above and also includes, but is not limited to the following: the temporary personnel or subcontractor name, work week of performance, Portland Water Bureau project they are working on, Project Code, hours worked per project code, hourly rate of pay, subtotal of regular hours and hourly rate of pay, over time hours, over time rate of pay, subtotal of overtime hours and hourly overtime rate of pay, total hours worked, and total hours worked per Project Code.

and total dollars due for all hours worked for the Project Code. The report will also include total CERR amount authorized to the Contractor for the temporary personnel or subcontractor providing services, less the current invoice and any previous invoices for the position or subcontractor, and provide the funds remaining for the temporary personnel or subcontractor. Invoices and reports submitted without the appropriate details will not be processed and returned to the Contractor to be corrected and resubmitted for review and processing. The Contractor shall provide a sample of their invoice template and a sample template of the report they will be required to submit along with the invoice for the Portland Water Bureau, Contract Administration Branch Managers to review upon Price Agreement award.

Revised invoices or billing adjustments shall apply only to goods and services that can be verified by the City. Requests for such adjustments shall be submitted in writing to the City within six (6) months of acceptance of the goods and services, shall reference the original invoice in which the error was made, and contain the level of detail defined in billing detail above. Billing adjustments shall not be submitted to the City in any form other than a paper document. The City shall pay undisputed portions of disputed or incorrect invoices where the City can easily identify the undisputed portion. Failure by the City to pay any portion of or the entire invoiced amount based on Contractor billing errors, goods and services that fail to comply with this Price Agreement, or disputed charges shall not constitute default under this Price Agreement. Payment of an amount less than the total amount due on all unpaid invoices shall be any particular amount or item, which is subject to any claim of error or dispute between the Parties, without prior written City approval.

It is the City's policy to pay its vendor invoices via electronic funds transfers through the automated clearing house (ACH) network. To initiate payment of invoices, vendors shall execute the City's standard ACH Vendor Payment Authorization Agreement which is available on the City's website at:

<http://www.portlandonline.com/omf/index.cfm?c=26606&a=409834>. Upon verification of the data provided, the Payment Authorization Agreement will authorize the City to deposit payment for services rendered or goods provided directly into vendor accounts with financial institutions. All payments shall be in United States currency.

ARTICLE II. Performance of services under this Price Agreement shall not commence until all insurance requirements have been met and certificates thereof have been filed with the Chief Procurement Officer or the Auditor.

6. **INSURANCE:** Contractor shall obtain and maintain in full force at Contractor expense, throughout the duration of the Price Agreement and any warranty or extension periods, the required insurance identified below. The City reserves the right to require additional insurance coverage as required by statutory or legal changes to the maximum liability that may be imposed on Oregon cities during the term of the Price Agreement.

(a) Workers' compensation insurance as required by ORS Chapter 656 and as it may be amended. Unless exempt under ORS Chapter 656, the Contractor and all subcontractors shall maintain coverage for all subject workers.

☒ Required and attached or ☐ Proof of exemption (i.e., completion of Independent Contractor Certification Statement)

(b) General commercial liability (CGL) insurance covering bodily injury, personal and advertising injury, property damage, including coverage for independent contractor's protection (required if any work will be subcontracted), premises/operations, contractual liability, products and completed operations, in per occurrence limit of not less than \$1,000,000, and aggregate limit of not less than \$2,000,000.

☒ Required and attached or ☐ waived by Authorized Bureau Manager

(c) Automobile liability insurance with coverage of not less than \$1,000,000 each accident, and an umbrella or excess liability coverage of \$2,000,000. The insurance shall include coverage for any auto or all owned, scheduled, hired and non-owned auto. This coverage may be combined with the commercial general liability insurance policy.

☒ Required and attached or ☐ waived by Authorized Bureau Manager

(d) Professional Liability and/or Errors & Omissions insurance to cover damages caused by negligent acts, errors or omissions related to the professional services, and performance of duties and responsibilities of the Contractor under this contract in an amount with a combined single limit of not less than \$1,000,000 per occurrence and aggregate of \$2,000,000 for all claims per occurrence. In lieu of an occurrence based policy, Contractor may have claims-made policy in an amount not less than \$1,000,000 per claim and \$2,000,000 annual aggregate, if the Contractor obtains an extended reporting period or tail coverage for not less than three (3) years following the termination or expiration of the Contract. Contractor shall provide proof of insurance through satisfactory certificate(s) of insurance to the City.

☒ Required and attached or ☐ waived by Authorized Bureau Manager

Continuous Coverage; Notice of Cancellation: The Contractor agrees to maintain continuous, uninterrupted coverage for the duration of the Price Agreement. There shall be no termination, cancellation, material change, potential exhaustion of aggregate limits or non renewal of coverage without thirty (30) days written notice from Contractor to the City. If the insurance is canceled or terminated prior to completion of the Price Agreement, Contractor shall immediately notify the City and provide a new policy with the same terms. Any failure to comply with this clause shall constitute a material breach of Price Agreement and shall be grounds for immediate termination of this Price Agreement.

Additional Insured: The liability insurance coverages, except Professional Liability, Errors and Omissions, or Workers Compensation, shall be without prejudice to coverage otherwise existing, and shall name the City of Portland and its bureaus/divisions, officers, agents and employees as Additional Insureds, with respect to the Contractor's activities to be performed, or products or services to be provided. Coverage shall be primary and non-contributory with any other insurance and self-insurance. Notwithstanding the naming of additional insureds, the insurance shall protect each additional insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured.

Certificate(s) of Insurance: Contractor shall provide proof of insurance through acceptable certificate(s) of insurance and additional insured endorsement form(s) to the City prior to the award of the Price Agreement if required by the procurement documents (e.g., request for proposal), or at execution of Price Agreement and prior to any commencement of work or delivery of goods or services under the Price Agreement. The Certificate(s) will specify all of the parties who are endorsed on the policy as Additional Insureds (or Loss Payees). Insurance coverages required under this Price Agreement shall be obtained from insurance companies acceptable to the City of Portland. The Contractor shall pay for all deductibles and premium. The City reserves the right to require, at any time, complete, certified copies of required insurance policies, including endorsements evidencing the coverage the required.

Subcontractor(s): Contractor shall provide evidence that any subcontractor, if any, performing work or providing goods or service under the Price Agreement has the same types and amounts of coverages as required herein or that the subcontractor is included under Contractor's policy.

Additional Insured. The liability insurance coverages, except Professional Liability, Errors and Omissions, or Workers Compensation, if included, required for performance of the Price Agreement shall include the City of Portland and its divisions, officers and employees as Additional Insureds, as well as Portland General Electric (PGE), Pacific Power & Light (PP&L), CenturyLink, and Comcast, but only with respect to the Contractor's activities to be performed under this Price Agreement. Coverage shall be primary and non-contributory with any other insurance and self-insurance

Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from the Contractor or its insurer(s) to the City Auditor. Any failure to comply with the reporting provisions of this clause shall constitute a material breach of Price Agreement and shall be grounds for immediate termination of this Price Agreement.

Certificate(s) of Insurance. As evidence of the insurance coverages required by this Price Agreement, the Contractor shall provide proof of insurance through acceptable certificate(s) of insurance and additional insured endorsement form(s) to the City prior to the award of the Price Agreement if required by the procurement document, but in all events prior to Contractor's commencement of work under this Price Agreement. The Certificate(s) will specify all of the parties who are endorsed on the policy as Additional Insureds (or Loss Payees). Insurance coverages required under this Price Agreement shall be obtained from insurance companies acceptable to the City of Portland. The Contractor shall pay for all deductibles

ARTICLE III. In consideration of the premises, and in accordance with the provisions for acceptance and payment for work set forth in these Standard Terms and Conditions and Special Terms and Conditions, the City and Contractor hereby agrees as follows:

STANDARD TERMS AND CONDITIONS

7. INDEPENDENT CONTRACTOR STATUS: The Contractor is engaged as an independent contractor and shall be responsible for any federal, state, and local taxes and fees applicable to payments hereunder. The Contractor, its subcontractors, and their employees are not employees of the City and are not eligible for any benefits through the city including, without limitation, federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits. There is no expectation of continued assignment to the City. The Contractor is the sole employer of personnel provided to the City. The City is not the employer, nor is it a joint employer with the Contractor. Any remedial action necessary in regards to a performance deficiency of an employee provided by the Contractor to the City, prior to rejection by City, shall be the sole responsibility of the Contractor.

8. NO THIRD PARTY BENEFICIARIES: Contractor and City are the only Parties to this Price Agreement and are the only Parties entitled to enforce its terms. Nothing in this Price Agreement gives, assigns or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons.

9. SUCCESSORS IN INTEREST: The provisions of this Price Agreement shall be binding upon and shall inure to the benefit of the Parties hereto, and their respective successors and approved assigns.

10. SURVIVAL: The terms, conditions, representations, and all warranties contained in this Price Agreement shall survive the termination or expiration of this Price Agreement.

11. COMPLIANCE WITH APPLICABLE LAW: In connection with its activities under this Price Agreement, Contractor shall comply with all applicable federal, state and local laws and regulations. All statutory, charter and ordinance provisions applicable to public contracts in the City of Portland and the State of Oregon shall be followed with respect to this Price Agreement. Contractor agrees it is currently in compliance with all tax laws. Contractor shall comply with Title VI of the Civil Rights Act of 1964 and its corresponding regulations as further described at: <http://www.portlandoregon.gov/bibs/article/446806>.

The following additional conditions apply to this solicitation and any resultant purchase order or Price Agreement: Appendix A as attached hereto.

The Contractor must be in compliance with the laws regarding conducting business in the City of Portland before an award may be made and shall be responsible for the following:

CERTIFICATION AS AN EEO AFFIRMATIVE ACTION EMPLOYER: The Contractor is certified as an Equal Employment Opportunity Employer as prescribed by Chapter 3.100 of the Code of the City of Portland through 7-28-2016. The certification will be maintained throughout the duration of the Price Agreement.

NON-DISCRIMINATION IN EMPLOYEE BENEFITS (EQUAL BENEFITS): The Contractor has complied by providing the Equal Benefits Compliance Worksheet/Declaration Form indicating: Full Compliance, Option B.

BUSINESS LICENSE TAX ACCOUNT: The Contractor license # 758214 is in compliance with the City of Portland Business License Tax requirements as prescribed by Chapter 7.02 of the Code of the City of Portland and will be maintained throughout the duration of this Price Agreement.

NOTIFICATION TO STATE OF NONRESIDENT CONTRACTOR: If the Price Agreement Price exceeds \$10,000 and the Contractor is a Nonresident Contractor, the Contractor shall promptly report to the Oregon Department of Revenue on forms provided by the Department of Revenue, the Price Agreement Price, terms of payment, Price Agreement duration and such other information as the Department of Revenue may require before final payment can be made on the Price Agreement. A copy of the report shall be forwarded to the City. The City shall satisfy itself that the above requirements have been complied with before it issues final payment on the Price Agreement (PCC 5.33.695) http://www.oregon.gov/dor/forms/misc/nonresident-bidder_800-020.pdf.

GRANT TERMS AND CONDITIONS: In connection with its activities under this Price Agreement, Contractor shall comply with all applicable Grant Terms and Conditions. This includes all terms and conditions contained in this Price Agreement and, for a contract involving a grant, the Grant Terms and Conditions as further described at: <http://www.portlandoregon.gov/bibs/article/455735>

12. GOVERNING LAW / VENUE: The provisions of this Price Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon without reference to its conflict of laws provisions. Any action or suits involving any question arising under this Price Agreement shall be brought in the appropriate court in Multnomah County, Oregon. By executing this Price Agreement the Contractor agrees to in personam jurisdiction of the Oregon courts.

13. NONDISCRIMINATION: Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Contractor also shall comply with the Americans With Disabilities Act of 1990 (Pub L. No. 101-336) including Title II of that Act, ORS Chapter 659.425, and all regulations and administrative rules established pursuant to those laws.

14. INDEMNITY: Contractor shall hold harmless, defend, and indemnify the City of Portland, its officers, employees, and agents, from all claims, demands, suits, actions, losses, damages, liabilities, costs and expenses of whatsoever nature, including all attorney's fees and costs, resulting from or arising out of the activities of Contractor or its officers, employees, subcontractors, or agents including intentional acts, or of its subcontractors, agents or employees under this Price Agreement. Contractor is not responsible for any damages caused by the actions of the City, its officers, employees and agents.

15. ASSIGNMENT OF ANTI-TRUST RIGHTS: By entering into a Price Agreement, the Contractor, for consideration paid to the Contractor under the Price Agreement, does irrevocably assign to the City of Portland any claim for relief or cause of action which the Contractor now has or which may accrue to the Contractor in the future, including, at the City's option, the right to control any such litigation on such claim for relief or cause of action, by reason of violation of 15 USC SS 1-15 or ORS 646.725 or ORS 646.730, in connection with any goods or services provided to the Contractor by any person, which goods or services are used, in whole or in part, for the purpose of carrying out the Contractor's obligation under this Price Agreement.

In the event the Contractor hires subcontractors to perform any of the Contractor's duties under the Price Agreement, the Contractor shall require the subcontractor to irrevocably assign to the City of Portland, as a third party beneficiary any right, title or interest that has accrued or may accrue to the subcontractor by reasons of any violation of 15 USC SS 1-15, ORS 646.725 or ORS 646.730, including, at the City's option, the rights to control of any litigation arising thereunder, in connection with any goods or services provided to the subcontractor by any person, in whole or in part, for the purpose of carrying out the subcontractor's obligations as agreed to by the Contractor in pursuance of the completion of the Price Agreement.

In connection with this assignment, it is an express obligation of the Contractor that it will take no action which will in any way diminish the value of the rights conveyed or assigned hereunder to the City of Portland. It is an express obligation of the Contractor to advise the City Auditor or the Office of the City Attorney of Portland, Oregon:

- A. In advance, of its intention to commence any action on its own behalf regarding such claims for relief or causes of action;
- B. Immediately, upon becoming aware of the fact that an action has been commenced on its own behalf by some other person or persons, of the pendency of such action; and
- C. The date on which it notified the obligor(s) of any such claims for relief or causes of action of the fact of its assignment to the City of Portland.

Furthermore, it is understood or agreed that in the event that any payment under such claim is made to the Contractor, it shall promptly pay over to the City of Portland its proportionate share thereof, if any, assigned to the state hereunder.

16. SEVERABILITY: In the event that a court, government agency, or regulatory agency with proper jurisdiction determines that this Price Agreement, or any provision of this Price Agreement, is unlawful, this Price Agreement, or that provision of the Price Agreement to the extent it is unlawful, shall terminate. If a provision of this Price Agreement is terminated but the Parties can legally, commercially, and practicably continue without the terminated provision, the remainder of this Price Agreement shall continue in effect.

17. FUNDING: In the event the City, during the adoption of the City's annual budget, reduces, changes, eliminates, or otherwise modifies the funding for any of the projects identified herein, the Contractor agrees to abide by any such decision including revision or termination of services.

18. ASSIGNMENT AND SUBCONTRACTING: This Price Agreement or any interest therein shall not be assigned or subcontracted to any other person or entity without the prior written consent of the City of Portland. In the event of transfer without prior written consent, the purported transfer is void and the Contractor remains liable for performance of the Price Agreement. Notwithstanding City approval of a subcontractor, the Contractor shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the Contractor hereunder. The Contractor agrees that if subcontractors are employed in the performance of this Price Agreement, the Contractor and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

19. LIENS: Contractor shall not permit any claim to be filed or prosecuted against the City or any lien against the property purchased in connection with this Price Agreement and agrees to assume responsibility should such lien or claim be filed.

20. SUSTAINABLE PROCUREMENT: Pursuant to the City's [Sustainable City Principles](#), which direct City Bureaus to pursue long-term social equity, environmental quality, and economic vitality through innovative and traditional mechanisms, the Contractor is encouraged to incorporate these Principles into their scope of work with the City wherever possible. Therefore in accordance with the Principles and the City's [Sustainable Procurement Policy](#), it is the policy of the City of Portland to encourage the use of products or services that help to minimize the human health and environmental impacts of City operations. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

Packaging should be minimized to the maximum extent possible without compromising product quality. The City encourages packaging that is reusable, recyclable in local recycling programs, is made from recycled materials, and/or is collected by the vendor for reuse/recycling.

21. FORCE MAJEURE: Neither City nor Contractor shall be held responsible for performance if its performance is prevented by unforeseeable acts or events beyond the Party's reasonable control including, but not limited to: acts of God; fire, flood, earthquakes or other catastrophes; strikes or other labor unrest; power failures, electrical power surges or current fluctuations; nuclear or other civil or military emergencies; or acts of legislative, judicial, executive, or administrative authorities; or any other circumstances that are not within its reasonable control.

22. AMENDMENTS: All changes to this Price Agreement, including changes to the scope of work and Price Agreement amount, must be made by written amendment and approved by the Chief Procurement Officer to be valid. The City's Chief Procurement Officer is authorized to execute amendments to this Price Agreement without the City's further approval, provided such amendments are in writing, signed by both Parties, and approved by the City Attorney's Office. Contractor understands that City employees have no actual or apparent authority to enter into amendments, except as may be specifically granted by the City Council to the Chief Procurement Officer, or to waive the approval of the City Attorney's office.

23. NON-WAIVER: No waiver, consent, modification, or change of terms of this Price Agreement shall bind either Party unless in writing and signed by both Parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purposes given. The failure of the City to enforce any provision of this Price Agreement shall not constitute a waiver of that or any other provision.

24. COORDINATION WITH OTHER CONTRACTORS AND OTHER SERVICES: The Contractor shall cooperate fully with other contractors and City employees providing systems or support to the City during installation, operation, or maintenance of the goods and services. This includes planning for and integration of the goods and services provided under this Price Agreement with those provided by others. Further, Contractor shall make every reasonable effort to cooperate with City to minimize and/or prevent any degradation of the other computer and telecommunications systems, equipment, or services of the City by the installation, operation, or maintenance of the goods and services. Contractor's failure to cooperate with the City and other contractors may be grounds for termination as provided herein.

25. ACCESS TO RECORDS: The Contractor shall maintain professional accounting standards and on a current basis, and the City and its duly authorized representatives shall have access to, the books, documents, papers, and records of the Contractor which are directly pertinent to this Price Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three (3) years after final payment. Copies of applicable records shall be made available upon request.

26. AUDITS: The City, either directly or through a designated representative, may conduct financial and performance audits of the billings and services specified in this Price Agreement at any time in the course of the Price Agreement and during the three (3) year period established by ACCESS TO RECORDS. Audits shall be conducted in accordance with generally accepted auditing standards.

If an audit discloses that payments to the Contractor were in excess of the amount to which the Contractor was entitled, then the Contractor shall repay the amount of the excess to the City. Under no circumstances will the payment of previous invoices constitute an acceptance of the charges associated with those invoices. If any audit shows performance of services is not efficient in accordance with Government Auditing Standards, or that the program is not effective in accordance with Government Auditing Standards, the City may pursue remedies as provided under EARLY TERMINATION OF PRICE AGREEMENT and REMEDIES. In addition, the Contractor agrees to abide by the standards of the Office of the Comptroller set forth in May, 2002 Office of Justice Programs (OJP) Financial Guide, including without limitation in accordance with Office of Management and Budget (OMB) Circulars A87, A-102, A-122, A-128, A-133. All financial records, supporting documents, statistical records and all other records pertinent to this Price Agreement shall be retained by the Contractor for a minimum of five (5) years for purposes of State of Oregon or the OJP Financial Guide from the Office of the Controller and apprise itself of all rules and regulations set forth.

27. EMPLOYEES NOT TO BENEFIT: No City employee or elected official of the City shall be admitted to any share or part of this Price Agreement or to any benefit that may arise there from; but, this provision shall not be construed to extend to this Price Agreement if made with a corporation for its general benefit.

28. CONFLICT OF INTEREST: Contractor hereby certifies that, if applicable, its Price Agreement proposal is made in good faith without fraud, collusion or connection of any kind with any other proposer of the same request for proposals or other City procurement solicitation(s), that the Contractor as a proposer has competed solely on its own behalf without connection or obligation to, any undisclosed person or firm. Contractor certifies that it is not a City official/employee or a business with which a City official/employee is associated, and that to the best of its knowledge, Contractor, its employee(s), its officer(s) or its director(s) is not a City official/employee or a relative of any City official/employee who: i) has responsibility in making decisions or ability to influence decision-making on the Price Agreement or project to which this Price Agreement pertains; ii) has or will participate in evaluation or management of the Price Agreement; or iii) has or will have financial benefits in the Price Agreement. Contractor understands that should it elect to employ any former City official/employee during the term of the Price Agreement then that the former City official/Contractor employee must comply with applicable government ethics and conflicts of interest provisions in ORS Chapter 244, including but not limited to ORS 244.040(5) and ORS 244.047, and the City's Charter, Codes and administrative rules, including lobbying prohibitions under Portland City Code Section 2.12.080.

29. WARRANTY: The Contractor shall agree to immediately re-perform without charge any services which prove to be unsatisfactory.

SPECIAL TERMS AND CONDITIONS

30. CITY FURNISHED PROPERTY: No materials, labor or facilities will be furnished by the City unless otherwise provided for within this Price Agreement.

31. ADDITIONAL SERVICES The City reserves the right to procure additional services for additional City bureaus beyond those stated in the Price Agreement documents at the same prices in the Price Agreement. Price increases will be allowed, but shall be in keeping with Attachment A of this Price Agreement. Such additional services are not guaranteed and will be made at the City's sole discretion based upon the requirements of City bureaus.

32. RIGHT TO CHANGE: The City reserves the right to order changes to the goods, materials, equipment and services outlined herein. The City and the Contractor shall determine a fair and equitable cost and if required, additional time for such changes. All such changes shall be ordered in writing and agreed to by the Parties.

33. NOTICE: Except as otherwise stated in this Price Agreement, any notice or demand to be given under this Price Agreement shall be delivered in person or deposited in United States Certified Mail, Return Receipt Requested. Any notices or other communications shall be addressed as follows:

CONTRACTOR:

Allen Construction Management Services,
LLC, dba ACMS Northwest
3834 NE View Place
Gresham, OR 97030
ATTN: Laurie Allen

CITY:

City of Portland
Procurement Services
1120 SW 5th Ave, Rm 750
Portland, OR 97204
ATTN: Jim Van Nest

If either Party changes its address or if a Party's representative changes, the other Party shall be advised of such a change in writing, in accordance with this section.

34. EARLY TERMINATION OF PRICE AGREEMENT: The City and the Contractor, by mutual written agreement, may terminate the Price Agreement at any time. The City, on thirty (30) days written notice to the Contractor, may terminate this Price Agreement for any reason deemed appropriate in its sole discretion. Either the City or the Contractor may terminate this Price Agreement in the event of a material breach of the Price Agreement by the other. Prior to such termination, however, the Party seeking the termination shall give to the other Party written notice of the breach and the Party's intent to terminate. If the Party has not entirely cured the breach within seven (7) days of the notice, then the Party giving the notice may terminate the Price Agreement at any time thereafter by giving a written notice of termination.

35. SUSPENSION OF THE WORK: The City may at any time give notice in writing, by electronic mail, or by facsimile to the Contractor to suspend this Price Agreement. The notice of suspension shall specify the date of suspension and the estimated duration of the suspension. In no event shall the Contractor be entitled to any lost or prospective profits or any incidental or consequential damages because of suspension.

36. PAYMENT ON EARLY TERMINATION: In the event of termination under EARLY TERMINATION OF PRICE AGREEMENT hereof, the City shall pay the Contractor for goods and services in accordance with the Price Agreement prior to the termination date and delivered to City provided that such goods and services conform to Price Agreement specifications and are of use to the City. In the event of termination under EARLY TERMINATION OF PRICE AGREEMENT hereof, by the City due to a breach by the Contractor, then the City shall pay the Contractor for goods delivered and services performed in accordance with the Price Agreement prior to the termination date subject to set off of excess costs, as provided for in Remedies. In the event of early termination all of the Contractor's work products shall become and remain property of the City. Under no circumstances shall the City be subject to early termination penalties for recurring charges for goods or services that the City cancels during the term of this Price Agreement.

37. REMEDIES: In the event of termination under EARLY TERMINATION OF PRICE AGREEMENT by the City due to a breach by the Contractor, then the City may procure services outstanding from another contractor and the Contractor shall be liable for additional re-procurement costs incurred by the City. The City also shall be entitled to any other equitable and legal remedies that are available. Except as expressly contained in this Price Agreement, the remedies for a breach of this Price Agreement shall not be exclusive, or construed as a limitation on any other equitable and legal remedies that are available or may become available.

38. PERMITS AND LICENSES: The Contractor shall be required to have or obtain, at their expense, any and all permits and licenses required by the City and/or County, state and Federal (except FCC radio licenses), pertaining to the materials and services to be provided.

39. INTELLECTUAL PROPERTY: The City requires the following regarding copyrighting and patent pending on work products pertaining to this Price Agreement:

a. Copyright: All work products of the Contractor which result from this Price Agreement are the exclusive property of the City. If this Price Agreement results in a copyright, the City of Portland reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for governmental purposes, the work or the copyright to any work developed under this Price Agreement and any rights of copyright to which the Contractor or its sub-vendor, purchases ownership with grant support.

b. Patent: If this Price Agreement results in the production of patentable items, patent rights, processes, or inventions, the Contractor or any of its sub-vendors shall immediately notify the City. The City will provide the Contractor with further instruction on whether protection on the item will be sought and how the rights in the item will be allocated and administered in order to protect the public interest, in accordance with federal guidelines.

40. SPECIFICATIONS: This Price Agreement authorizes the Contractor to provide and the City to procure those goods, materials, equipment and services, and establishes the terms and conditions for the City to obtain said goods, materials, equipment and services from the Contractor. Goods, materials, equipment and services to be provided under this Price Agreement are described in the Attachments hereto. The Contractor shall provide to the City those goods, materials, equipment and services described in the attachments in accordance with the prices shown herein. Payment shall be made only in accordance with the payment schedule identified herein.

41. PROPRIETARY AND CONFIDENTIAL INFORMATION: The Oregon Public Records Law, ORS 192.410 et seq. strictly governs the City's treatment of requests for public records pertinent to this Price Agreement.

Contractor agrees to hold in confidence any and all information of the City's it receives while performing any of the contemplated functions of the Price Agreement and shall not disclose any such information to third parties.

42. NEWS RELEASES AND PUBLIC ANNOUNCEMENTS: The Contractor shall not use in its external advertising, marketing programs, or other promotional efforts, any data, pictures or other representatives of the City, except with prior specific written authorization from the City.

Contractor shall not issue any news release or public announcement pertaining to this Price Agreement or the project without prior written approval of the City, which may be withheld in the City's sole discretion. A minimum of three (3) business days notice is required for a response to a request for such approval. If approval is not issued within the three (3) business day period, the request shall be deemed denied.

43. INTERGOVERNMENTAL COOPERATIVE PROCUREMENT: The Contractor agrees to extend identical prices and services under the same terms and conditions to all public agencies. Quantities stated in this Price Agreement reflect the City of Portland usage only.

Any public agency that wishes to purchase items will execute its own contract with the awarded Contractor for its requirements. The Contractor, in its sole discretion, may decline to extend the prices and terms of this Price Agreement to any and/or all other public agencies. If the Contractor enters into a contract with any public agency on terms or prices other than that outlined in this Price Agreement or in conjunction with a competitive bid process, then there is no reporting requirement to City of Portland.

44. INTERGOVERNMENTAL COOPERATIVE ADMINISTRATIVE FEE (CAF): A 1.0% annual cooperative administrative fee ("CAF") on Eligible Revenues will be paid to the City for any Intergovernmental Cooperative Procurement contracts that Contractor agrees to enter into under identical prices and terms and conditions to this Agreement and which did not result from a competitive bid process ("Eligible Contracts"). The pricing extended to Participating Entity shall be the purchase price before promotional discount as outlined in Attachment B charged to the City of Portland under this Price Agreement (#31000692) for each product. Eligible Revenues shall mean the revenues on Eligible Contracts. In the event that the City exercises its unilateral right to Early Termination under clause 33(b), then Contractor will no longer be liable to City of Portland for any CAF otherwise due and payable to City of Portland.

VOLUME SALES REPORTS: When other Participating Entities are offered the same terms and conditions as the original Contract/Price Agreement between the Contractor and the City, Contractor shall provide a twice yearly Volume Sales Report to the City of Portland. The reports shall include the complete and accurate details regarding all transactions pertaining to sales under the Price Agreement terms and conditions for that Reporting Period. The Contractor shall provide the Volume Sales Reports regardless whether or not any sales have been conducted. When no sales have been recorded for the period a report must be submitted by so stating "NO SALES FOR THIS PERIOD".

Volume Sales Reports may be submitted either by email, US post or electronically and will be submitted on the City's standard document. The Contractor will submit the Volume Sales Reports to:

Celeste King, CPPO
Procurement Supervisor
Procurement Services
1120 SW Fifth Avenue, Room 750
Portland, OR 97204

Email: celeste.king@portlandoregon.gov

The City reserves the right to terminate this Price Agreement if the Volume Sales Reports are not received on a timely basis as described herein, provided however that the Contractor is granted the right to cure any breach in this regard within thirty days (30) of written notice by the City of said breach.

The sales information shall be supplied to the City of Portland, Procurement Services Division for the following Reporting Period of January 1 - June 30 and July 1 - December 31. All reports are due by the 30th day following the end of the Reporting Period.

During the term of this Price Agreement and for the sales during the previous Reporting Period, the Contractor shall remit CAF payments to the City of Portland within thirty (30) days of City's receipt of Volume Sales Report. The Contractor shall be responsible for timely reporting and payment. The City reserves the right, at its own expense, to audit Contractor's records and other pertinent data as indicated herein in Section 26 Audits.

CAF PAYMENTS: Contractor shall remit CAF payments in the form of a check to:

Procurement Services, Operations

1120 SW Fifth Avenue, Room 750
Portland, OR 97204

All payments shall be due thirty days after the City's receipt of the Volume Sales Report. The CAF will NOT be reflected as a separate line item charge to authorized purchasers. Contractor's bid prices shall reflect all of the Contractor's charges to authorized purchasers. City of Portland CAF shall be calculated based upon Participating Entity Volume Sales Report limited to paid-for purchases, net of returns, discounts and credits made by the Participating Entity. The calculation will be as follows:

City of Portland Price \$100.00 Markup 1% Participating Entity pays \$101.00; rebate to be paid to the City of Portland = \$1.00 (\$101-(\$101/1.01))

DEFINITIONS:

Participating Entity shall be any public/governmental organization utilizing this Agreement in accordance with purchasing procedures mandated by Local and State procurement statutes and regulations.

Reporting Period means the twice yearly reporting of sales as conducted via cooperative procurement under this Agreement/Contract.

Intergovernmental Cooperative Procurement means the Contractor will consider, on a case by case basis and in its sole discretion, whether to extend the products and services provided under this Price Agreement with the same terms and conditions to all public agencies. Quantities stated in this bid reflect the City of Portland usage only. A public agency wishing to purchase items will execute its own contract with the awarded Contractor for its requirements. Participating Entities may utilize City contracts through Intergovernmental Cooperative procurement if the Price Agreement is determined by the Participating Agency to have been awarded in compliance with their bidding requirements and there is no statutory provision prohibiting such purchase.

45. ANNUAL USAGE REPORT: The Contractor may be required to make available to the City product and/or service usage reports resulting from the Price Agreement award. The reports will include all transaction activities including Intergovernmental Cooperative Purchasing usage resulting from the award. Report schedule due dates and content will be determined by the City of Portland. Usage reports will be delivered as requested by Procurement Services.

46. OREGON HAZARD COMMUNICATION RULES: The Contractor must comply with all provisions of OAR 437, Subsection H: Hazardous Materials. Inquiries concerning compliance should be directed to any office of the Accident Prevention Division or the Workers' Compensation Department central office in Salem

Material Safety Data Sheets (MSDS) shall be provided along with delivery of the product to each Bureau or Division that receives merchandise. The City does not have a centralized Hazard Communication Rules program and supplying MSDS's to one location does not qualify as compliance.

The City reserves the right to refuse and withhold payment for shipments that are not properly labeled or for which an MSDS has not been provided. Noncompliance with OAR 437 is violation of this Price Agreement and justifiable cause for cancellation.

47. NON-EXCLUSIVE AGREEMENT: The City may, but is not required, to purchase any goods or services under this Price Agreement. Good or services will be requested on an as needed basis, therefore there is no guarantee of goods to be purchased or services requested under any resulting agreement. Payment shall be made only for goods actually ordered, delivered, and accepted, whether greater or less than the original estimated quantities. This Price Agreement does not establish an exclusive arrangement between the City and Contractor, and the City retains the right to purchase the same or similar goods from other providers.

48. ENTIRE PRICE AGREEMENT: This Price Agreement and its Attachments represent the entire Price Agreement between the Parties. This Price Agreement is a final, complete exclusive statement of the terms thereof, and supersedes and terminates any prior Price Agreement, understanding, or representation between the Parties with respect thereto, whether written or oral.

ARTICLE IV. This Price Agreement may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same agreement. It is understood and agreed by the Parties hereto that:

1. Any reference in this Price Agreement to the scope of work or specifications is intended as a convenience to the Parties in administration of the Price Agreement. Therefore, in the absence of an express statement to the contrary herein, any restatement or partial restatement in this Price Agreement of any provision of the scope of work or specifications is not intended, nor shall be construed to change, alter, modify, amend, or delete the requirements of the scope of work or specifications.
2. All statutory, charter and ordinance provisions applicable to public contracts in the City of Portland and State of Oregon shall be followed with respect to this Price Agreement.

3. Contractor hereby certifies that, if applicable, its Price Agreement proposal is made in good faith without fraud, collusion or connection of any kind with any other proposer of the same request for proposals or other City procurement solicitation(s) that the Contractor as a proposer has competed solely on its own behalf without connection or obligation to, any undisclosed person or firm. Contractor certifies that it is not a City official/employee or a business with which a City official/employee is associated, and that to the best of its knowledge, Contractor, its employee(s), its officer(s) or its director(s) is not a City official/employee or a relative of any City official/employee who: i) has responsibility in making decisions or ability to influence decision-making on the Price Agreement or project to which this Price Agreement pertains; ii) has or will participate in evaluation or management of the Price Agreement; or iii) has or will have financial benefits in the Price Agreement. Contractor understands that should it elect to employ any former City official/employee during the term of the Price Agreement then that the former City official/Contractor employee must comply with applicable government ethics and conflicts of interest provisions in ORS Chapter 244, including but not limited to ORS 244.040(5) and ORS 244.047, and the City's Charter, Codes and administrative rules, including lobbying prohibitions under Portland City Code Section 2.12.080.

4. The City and Contractor may conduct this transaction, including any Price Agreement amendments, by electronic means, including the use of electronic signatures.

IN WITNESS WHEREOF, Contractor and City have caused this Price Agreement to be executed by their duly authorized representative(s), all on the day and year first above written.

**ALLEN CONSTRUCTION MANAGEMENT SERVICES,
LLC DBA ACMS NORTHWEST**

by _____

Approved as to form:

City Attorney

Name, Title and Date
Address: 3834 View Place
Gresham, OR 97030

Telephone No: (503) 490-5673
Fax No: (971) 231-2015
Email: lallen@acmsnw.com

CITY OF PORTLAND

by _____
Christine Moody, Chief Procurement Officer Date

ATTACHMENT A

1. BACKGROUND AND SCOPE OF PRICE AGREEMENT

The Contractor shall efficiently perform temporary on-call construction management, inspection, and project support services and perform all associated administrative tasks as required on an as needed basis to supplement City staff within any requesting bureau during peak periods. As employer of the temporary personnel or subcontractors, the Contractor shall perform the functions of a staffing firm, including, recruiting, hiring, assigning, compensating, orienting, reassigning, counseling, disciplining, and discharging the temporary personnel ("Services").

The Contractor shall provide services on an as-needed basis to supplement the City as requested by any bureau within the City. Work will be assigned to the Contractor as project needs are identified. The Price Agreement shall not be construed as an exclusive agreement between the Contractor and the City and other contractors may be engaged and utilized for the same or like purposes. The specific available position requirements, desired start and end date, description of assignment and critical skills needed, will be established in writing via a Contract Employee Recruitment Request (CERR), sample attached for reference, prior to commencement of the work. The CERR shall be issued by the PWB Contract Administration Branch (CAB) or their designee to the Contractor. The Contractor shall complete the Contractor's portion of the CERR and immediately return the CERR to: Portland Water Bureau, Attn: Contract Administration Branch, 1120 SW Fifth Avenue, Room 600, Portland, OR 97204. Any changes to the position requirements, desired start and end date, description of assignment and critical skills needed must be agreed to by the Contractor and the City in writing as an amendment to the CERR. Each assigned project will have a maximum monetary limit established in writing on the CERR.

Following acceptance of the personnel and notification to begin work, the City's Project Manager/Supervisor will work directly with the temporary worker unless otherwise noted in the written request. Invoices shall be e-mailed to: wbaps@portlandoregon.gov. All timesheets, work progress reports will be submitted by the Contractor and their employees to the PWB's designated Project Manager who will submit to the appropriate City staff for processing. Contact information will be provided once the CERR has been approved by all parties. All work reports will be submitted to the City's Project Manager/Supervisor.

Services will be requested as needed, billed as rendered and as approved by PWB. Payment will be made based upon an established hourly billing rate per specified classification and within a total Price Agreement not-to-exceed limit of \$500,000 per year and the total contractual value of the Price Agreement shall not exceed \$2,500,000 for the five (5) years of the Price Agreement.

The Contractor shall work closely with designated City of Portland bureau personnel to accomplish the goals and perform the tasks as listed below:

- a) Provide overall managerial and personnel management services necessary to the performance of the Price Agreement, including the recruitment and selection of sufficient personnel in each of the job categories to maintain a pool of qualified workers that will be made available to the City.
- b) Be responsible for the discipline, hiring, and firing of such personnel.
- c) Perform sufficient proficiency testing and background reference verification to assure the qualifications of the workers to be provided under the Price Agreement:
 1. All personnel proposed by the Contractor must have the basic skills required to work in engineering/construction and related technical support.
 2. Required skills and abilities include but are not limited to: proficiency in written and verbal communication, facility in decision-making, fundamental knowledge of engineering and construction practices and general problem solving.
 3. Submit documentation of reference checks and verification of minimum knowledge and experience of temporary personnel that will be assigned under the Price Agreement.
 4. Supply the City with qualified personnel (temporary personnel) as outlined in this RFP. "Qualified candidates" are those having verifiable Construction Management Inspection and Technical support experience, and having the minimum qualifications and experience indicated in the classification descriptions as outlined in this document.
 5. Assume all legal responsibilities as the employer of temporary workers as provided under the Price Agreement, including, but not limited to:
 - Payment of salaries, wages, fringe benefits, and any other benefits to which the individual may be entitled;
 - Withholding of taxes pursuant to local, state, and federal law;
 - Payment of any taxes that may be due based upon employee or payroll parameters;
 - Provision of Workers' Compensation coverage pursuant to Oregon law;
 - Payment of unemployment taxes and benefits; and,
 - Provision of any health or medical insurance to which the individuals may be entitled.
 - The Contractor shall be available at all times to the PWB Project Manager and the PWB Contract Administration Branch staff during the work hours of their personnel.
 - The Contractor shall be available to their personnel during their work hours.

2. REQUIRED WORKFLOW AND REPORTING

Once the Portland Water Bureau determines a need for temporary services, Portland Water Bureau will issue a CERR to the Contractor. The following is the workflow process that will be followed.

- a) The Portland Water Bureau determines there is a need for temporary services.
- b) The Portland Water Bureau will issue a CERR to the Contractor.
- c) The Contractor will provide resumes of qualified candidate temporary personnel for the Portland Water Bureau to review.
- d) The Portland Water Bureau may interview some or all of the proposed candidates. The Portland Water Bureau is not obligated to interview or hire any candidates, and the Portland Water Bureau may elect to reject personnel for any reason before or after an interview.
- e) The Portland Water Bureau and the Contractor will agree on a selected candidate.
- f) The Contractor will complete the Contractor's Section of the CERR form, will confirm the requested start date for the temporary personnel and will return it to the Portland Water Bureau.
- g) Candidate reports to the designated Portland Water Bureau Project Manager/Supervisor office on start date/time directed and will continue to report to that designated person as required.

The Contractor will be required to supply the City with qualified construction management, inspection, and/or support personnel within two (2) weeks of written notice during the term of the Price Agreement. The Contractor will submit documentation of reference checks and verification of minimum knowledge and experience of temporary personnel that will be assigned under the Price Agreement upon request. For any employee required to drive as part of their employment, driving record information will be required prior to an employee being selected. In addition, all temporary employees who may drive a City vehicle will be required to take the City's Smart Driver training.

The Contractor will be required to notify and/or remove unsatisfactory personnel immediately upon notification by the Portland Water Bureau. If a candidate does not perform effectively or fails to meet the minimum qualifications, the Portland Water Bureau will inform the Contractor of the situation and may require the Contractor to provide a qualified replacement. The Contractor must provide qualified replacement temporary employees to the Portland Water Bureau within one (1) week of such written request.

For utilization of this price agreement by bureaus other than the Water Bureau, use the following procedures:

The Price Agreement is managed by the Portland Water Bureau's Contract Administration Branch and is available for usage to other City of Portland bureaus only upon request to the Portland Water Bureau's Contract Administration Branch. If there is availability to utilize the Price Agreement the requesting City bureau and the Portland Water Bureau will enter into a Memorandum of Agreement that must be approved by the Portland Water Bureau Administrator and the requesting City bureau's Administrator/Director. The Portland Water Bureau's Contract Administration Branch will provide an email to the Contractor notifying them that a request will be submitted shortly for services and include the requesting City bureau's contact information

Upon approval and receipt of a signed Memorandum of Agreement, the requesting City bureau may begin negotiations for services with the Contractor. The requesting City bureau and Contractor are required to enter into a Task Order Form. This form is maintained by the Portland Water Bureau's Contract Administration Branch and will be provided to the City bureau requesting services once the Memorandum of Agreement has been signed and approved by both City bureaus.

Once the Contractor and the City's requesting bureau have negotiated, agreed and both parties signed the Task Order the Contractor is responsible for providing a signed electronic copy to the Portland Water Bureau's Contract Administration Branch.

The Contractor and the requesting City bureau are required to negotiate and agree on the applicable invoicing process that is to be used for services completed and provided. Contractor shall comply with the terms of the Task Order and not exceed the authorized amount of the Task Order, unless an amendment revising the Task Order amount has been approved by the appropriate authorities and approved by an amendment to the original Memorandum of Agreement.

3. SPECIFIC JOB DESCRIPTIONS AND DUTIES TO BE PERFORMED

Examples of classifications and specific qualifications are outlined below; other classifications may be included elsewhere in the Price Agreement:

Public Works Inspectors (various)

The City may request up to ten (10) qualified construction inspectors. Qualified construction inspectors have five years verifiable construction inspection and/or construction supervision experience on underground pipeline, pump station and/or treatment plant projects and the minimum knowledge skills and abilities required to perform the work satisfactorily. In addition, Specialty Inspectors may be required that also have the training, experience, and/or license(s) as negotiated by the City and Contractor to perform specialized inspection duties such as electrical, reinforced concrete or other specialty areas. Qualifications and the Class Specifications for these classes are included and attached as an Exhibit to the RFP.

Engineering Technicians

Level I possesses strong math, computer and organizational skills. They are detail oriented and able to read and interpret plans and specifications. An associate degree in a technical field, preferably engineering or construction management, and/or 2 yrs. experience working in an engineering/construction environment is desirable. Experience and/or classroom knowledge of green building or green infrastructure approaches and techniques is also preferable. Qualifications and the Class Specifications for this class are included and attached as an Exhibit.

Level II possesses one of the following:

- an associate degree in a technical field, preferably engineering or construction technology
- certification by a nationally recognized agency as an engineering technician
- 5 years experience in an engineering technician position in the field of wastewater or municipal utilities
- combination of formal training and experience as described above
- Experience and/or classroom knowledge of green building or green infrastructure approaches and techniques is also preferable.

Qualifications and the Class Specifications for this class is included and attached as an Exhibit.

Level III is the advanced journey-level class in the Engineering Technician position description series. Temporary personnel may participate in the work of lower-level technical and administrative personnel and perform the more difficult analysis, drafting, plan checking, site review and related technical duties in the assigned unit. Completed work is reviewed in terms of compatibility with requirements, effectiveness and expected results. Engineering Technician III is distinguished by filling more complete project management assignments, and performing the most difficult and responsible technician-level work. Qualifications and the Class Specifications for this class is included and attached as an Exhibit.

All levels in the Engineering Technician class may support design engineering or construction management activities. Engineering Technician qualifications may be modified at the sole discretion of the Portland Water Bureau Project Manager.

4. TRAINING

The Contractor shall be responsible for supplying all Price Agreement personnel basic training as required for the position, as outlined in the Technical Specifications included to the RFP. The Contractor is responsible for keeping personnel supplied to the Portland Water Bureau, current with their training requirements; specifically safety training certificates, and the Contractor shall supply the Portland Water Bureau documentation of the safety training.

5. SUPPLIES AND EQUIPMENT REQUIRED

The Contractor temporary personnel working at Portland Water Bureau facilities will be provided with office space and computers, as necessary. If work is being performed on property other than PWB Facilities, the Contractor must provide all temporary personnel with office space and computers necessary to perform the work.

The Contractor must provide all of their temporary personnel or subcontractors working under the Price Agreement with vehicles or must ensure their temporary personnel have their own reliable transportation and valid insurance when completing work under the Price Agreement.

Any vehicles provided by the Contractor will be automobiles, pick-ups or vans in good serviceable condition, with the carrying capacity for the equipment and tools necessary for the work. The Contractor is required to furnish vehicles with auto liability coverage, mileage and fuel for their employees. The Contractor's subcontractors shall provide the same insurance requirements and limits as the Contractor and per the terms of the Agreement unless an exemption is approved by the City and followed with an amendment to the Price Agreement identifying the exemption or waiver. The Contractor must provide standard inspection supplies and safety equipment for automobiles (fire extinguisher, flares, first aid kits, etc.).

The Contractor will be responsible to provide their temporary personnel with cellular phones, and when required digital cameras compatible with standard City systems. The Contractor's cellular phones that are required to be connected and synchronized with the City of Portland Exchange Email and Calendar Services via a data service with a wireless carrier will require the Contractor's completion of a Wireless Synchronization of a Contractor Owned Electronic Device with the City of Portland Exchange Email Service Agreement and are potentially subject to information searches as required for public records, electronic discovery, and human resources investigation requests.

The Contractor is responsible for providing their temporary personnel with protective clothing (safety shoes and/or boots made of leather construction, coverall, reflective vests), hard-hats, safety glasses, hearing protection, hand protection, standard inspection supplies and safety equipment for automobiles (fire extinguisher, flares, first aid kits, etc.). The Contractor shall also provide office personnel with safety equipment necessary for fieldwork. The Contractor's temporary personnel must adhere to the PWB personal protective equipment (PPE) requirements for construction projects. Additional site specific safety requirements may be required and it will be the responsibility of the Contractor's temporary personnel to comply with these specific requirements.

6. HIRING OF TEMPORARY PERSONNEL: Contractor shall impose no penalties to the City when a temporary employee is hired by the City after the temporary employee has worked the minimum 500 hours for the City as Contractor's

employee. If the City employs in any capacity any temporary employee before the temporary employee has performed and Customer has paid for, Five Hundred (500) hours of work on an assignment, the City shall pay a conversion fee of twenty percent (20%) of the employee's annualized pay. As used above, the phrase "employs in any capacity" includes, but is not limited to, any of the following: employing the person directly; purchasing the person's services as a temporary, pay rolled, or temporary employee of an organization other than Contractor; obtaining the person's services through any independent contractor, agency, facility staffing, or consulting relationship; or arranging, suggesting, endorsing, facilitating, or acquiescing in the person's employment or recruitment by another organization under common ownership or control with the City. The City shall complete recruitment/hiring process in accordance with City's rules and policies.

7. WORK PERFORMED BY THE CITY OF PORTLAND WATER BUREAU

The City of Portland Water Bureau has assigned Project Managers/Supervisors who will oversee the work of the temporary personnel and provide support as needed. Bureau staff shall make available sufficient hours of staff personnel as is required to meet with Contractor staff and provide such information as required. Specific duties the City of Portland Water Bureau may provide include:

- Provide temporary office personnel with office space, computers, equipment, and basic office supplies.
- Provide technical and policy support.
- Training for in-house software and processes.
- Provide all Price Agreement personnel with City-issued Identification Cards, allowing limited access to City facilities.
- Provide oversight of staff while working on City projects.
- Monitor all work performed by temporary personnel assigned to a project.
- Provide Price Agreement administration.

8. DELIVERABLES AND SCHEDULE

Deliverables will be considered those tangible resulting work products which are to be delivered to the Portland Water Bureau such as reports, draft documents, data, interim findings, drawings, schematics, training, meeting presentations, final drawings and reports.

Deliverables and schedule for this project also includes:

- a) A monthly report, submitted by the 15th of each month, outlining the employees used for the month by project. The report must include the following:
 - 1) Project Name and Number (supplied by the Portland Water Bureau Project Manager)
 - 2) Temporary employees name
 - 3) Temporary employee's classification
 - 4) Total Hours worked (divided out by regular hours and overtime hours per temporary employee and per project number)
 - 5) Total Monthly Charges
- b) A consolidated report, for the period July 1st – June 30th, submitted by August 1st of each year, outlining the temporary employees used for the year by project. The report must include the following:
 - 1) Project Name and Number (supplied by the Portland Water Bureau)
 - 2) Temporary employees name
 - 3) Temporary employee's classification
 - 4) Total Hours worked (divided out by regular hours and overtime hours per temporary employee and per project number)
 - 5) Total Yearly Charges
- c) Copy of any draft and final reports or documentation developed for the Portland Water Bureau in paper and electronic format, deliverable schedule to be negotiated for each report. All deliverables and work products from the resulting Price Agreement will become the property of the Portland Water Bureau. All deliverables and work products created by the Contractor or its assigned temporary workers and subcontractors during the performance of the Price Agreement shall be work-for-hire. The Portland Water Bureau shall own, and have the right to any intellectual property interest in all works, including but not limited to documents, drawings, designs, computer programs, and photographs, produced by any temporary worker or subcontractor provided by the Contractor under the Price Agreement.

9. PLACE OF PERFORMANCE

Work will be performed at City facilities, a third-party location, or any combination thereof.

10. PUBLIC SAFETY

The Contractor shall supply temporary workers to work in City facilities or otherwise on City property. It is likely that City facilities will have physical security mechanisms or access control devices (keycards and door locks or similar systems). Public safety may require limiting the Contractor's public access to public work sites, public facilities, and public offices, sometimes with little or no advance notice. The Contractor shall anticipate delays in such places and provide for the cost of delay or frustration of purpose in the costs in its proposal. The Contractor and any of their employees and agents shall carry sufficient identification to show who they are employed and display it upon request to security personnel. City staff has discretion to require the Contractor's employees, subcontractors, and agents to be escorted to and from any public office, facility or work site if national or local security appears to require it.

11. SUSTAINABLE PRACTICES

In addition to those sustainable practices that have been identified in the RFP, the Contractor is encouraged to use products or materials that help to minimize the human health and environmental impacts of operations to their firm and the City. This may include production of documentation associated with the Price Agreement and include the office machines that are being used by you or your subcontractors in support of the Price Agreement with the City and other various products and equipment being provided by the Contractor which may include, but are not limited to, vehicles provided to temporary employees, equipment required by the City to accomplish work requirements, submission of resumes to the City, documents required during the process of requests for staffing, invoicing, and report distribution.

12. EQUIPMENT AND SUPPLIES PROVIDED BY THE CITY OF PORTLAND WATER BUREAU

When needed, the Contractor's temporary personnel working for the Portland Water Bureau will be provided with the following: City map, AC Thermometer, Mason Line, 100', Hammer Claw Rip, Hammer 3 lb., Hand Held Stop Sign, Hand Cleaner, Flashlight 3-cell, Torpedo Level, Crayon Lumber Yellow Tape Meas. 50' Cloth/Reel, Manhole Hook, Clipboard, Legal, Shovel #2 (round point), and 2' Carpenter Level. All supplies and equipment must be returned when the Contractor's personnel are finished working on the duties assigned.

13. TIME IS OF THE ESSENCE: Contractor shall make every reasonable effort to meet established delivery dates and other deadlines. Circumstances that may delay the delivery of goods and services from established delivery dates and other deadlines, including excusable delays and force majeure events, shall be reported to the City immediately upon discovery. The City and Contractor shall mutually agree upon any schedule or pricing change due to excusable delays or force majeure events in writing. In the event Contractor does not meet the established delivery dates or other deadlines and Contractor has failed to cure such breach within fifteen (15) days of written notice by the City, the City may obtain the undelivered goods and/or non-performed service from another source, and no recurring charges, one-time charges, or termination charges or other penalties shall be due the Contractor. In addition, the City will be entitled to reasonable compensation as stated under REMEDIES.

14. CONSIDERATION

Payments shall be made to the Contractor by the City on a monthly basis for the services ordered and performed, and accepted by the City. Acceptance occurs when the City authorizes payment of the invoice. Unit prices shall be exclusive of any sales, purchaser, or consumer tax. Tax exemption certificates will be furnished to the Contractor upon request. Pricing shall be in accordance with Exhibit B.

15. ESCALATION/DE-ESCALATION CLAUSE: Pricing established in this Price Agreement may be adjusted up or down after the initial first year. Requests for increases shall be supported by submission of documentation which justifies the Contractor's request such as: prices in effect to all similar classes of customers; documentation of cost increases affecting prices in this Price Agreement, or an available price index or industry index documenting price increases affecting work performed under this Price Agreement. Additionally, all price reductions shall be passed on, in total, as of the effective date. The PWB shall have the option of accepting the price increase or canceling the balance of the Price Agreement. The Contractor shall notify the City of all price increases and decreases as far in advance of the effective date as possible. No upward price adjustment of any sort shall be allowed during the first year of the Price Agreement period. All decreases shall be passed on to the PWB as of the effective date, not at the end of the first year. All adjustments to pricing shall be finalized by both parties executing an amendment to this Price Agreement.

APPENDIX A

Contractor shall observe all applicable state and local laws pertaining to public contracts including the City's Equal Benefits Ordinance and its administrative rules, all of which are incorporated by this reference. Failure to comply with the Ordinance permits the City to impose sanctions or require remedial actions as stated in Section 13.1 of the rules. ORS Chapters 279A, 279B and 279C require every public contract to contain certain provisions. Pursuant to those chapters, the following provisions shall be a part of this contract, as applicable.

- Pursuant to ORS 279B.220, on every public contract, the contractor shall make payment promptly, as due, to all persons supplying to the contractor labor or material for the performance of the work provided for in the contract; shall pay all contributions or amounts due the Industrial Accident Fund from the contractor or subcontractor incurred in the performance of the contract; not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished, and; pay to the Department of Revenue all sums withheld from employees under ORS 316.167.
- Pursuant to ORS 279C.505, on public improvement contracts, the contractor shall make payments promptly, as due, to all persons supplying to such contractor labor or material for the prosecution of the work provided for in such contract. The contractor shall pay all contributions or amounts due the Industrial Accident Fund from such contractor or subcontractor incurred in the performance of the contract. The contractor shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished. The contractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. Contractor shall demonstrate that an employee drug-testing program is in place.
- Pursuant to ORS 279C.510 (1), in every public contract for demolition the contractor shall salvage or recycle construction and demolition debris, if feasible and cost-effective. Pursuant to ORS 279B.225 and 279C.510 (3) in every public contract and every public improvement contract for lawn and landscape maintenance, the contractor shall compost or mulch yard waste material at an approved site, if feasible and cost-effective.
- Pursuant to ORS 279B.230(1), in every public contract, the contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury.

to the employees of the contractor, of all sums that the contractor agrees to pay for the services and all moneys and sums that the contractor collected or deducted from the wages of employees under any law, contract or agreement for the purpose of providing or paying for the services.

- Pursuant to ORS 279B.230(2), in every public contract, all subject employers working under the contract are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126.
- Pursuant to ORS 279B.235(1), persons may not be employed for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely requires it. In such cases, the employee shall be paid a) at least time and half pay for all overtime in excess of 8 hours in any one day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or b) for all overtime in excess of 10 hours in any one day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and c) for all work performed on Saturday and on any legal holiday specified in ORS 279B.020.
- Pursuant to ORS 279C.515(1), on public improvement contracts, if the contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the contractor or a subcontractor by any person in connection with the public contract as such claim becomes due, the proper officer or officers representing the state, county, school district, municipality, municipal corporation or subdivision thereof, as the case may be, may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due the contractor by reason of such contract. The payment of a claim in the manner authorized by ORS 279C.515 shall not relieve the contractor or the contractor's surety from obligation with respect to any unpaid claims.
- Pursuant to ORS 279C.515(2), on public improvement contracts, if the contractor or a first-tier subcontractor fails, neglects or refuses to make payment to a person furnishing labor or materials in connection with the public improvement contract within 30 days after receipt of payment from the contract agency or a contractor, the contractor or first-tier subcontractor shall owe the person the amount due plus interest charges commencing at the end of the 10-day period that payment is due under ORS 279C.580(4) and ending upon final payment, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest charged to the contractor or first-tier subcontractor on the amount due shall equal three times the discount rate on 90-day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve district that includes Oregon on the date that is 30 days after the date when payment was received from the contracting agency or from the contractor, but the rate of interest may not exceed 30 percent. The amount of interest may not be waived.
- Pursuant to ORS 279C.515 (3), in every public improvement contract and every contract related to the public improvement contractor, if the contractor or subcontractor fails, neglects or refuses to make payment to a person furnishing labor or materials in connection with the public improvement contract, the person may file a complaint with the Construction Contractors Board, unless payment is subject to a good faith dispute as defined in ORS 279C.580.
- Pursuant to ORS 279C.520, no person shall be employed for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it, and in such cases, except in cases of contracts for personal services as defined in ORS 279C.100, the employee shall be paid at least time and a half pay for all overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or for all overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and for all work performed on Saturday and on any legal holiday specified in ORS 279C.540. The contractor shall give notice to employees who work on a public contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work. In the case of contracts for personal services as defined in ORS 279C.100, an employee shall be paid at least time and a half for all overtime worked in excess of 40 hours in any one week, except for individuals under these contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. sections 201 to 209 from receiving overtime. Persons employed under contracts for services shall receive at least time and a half pay for work performed on the legal holidays specified in a collective bargaining agreement or in ORS 279C.540 (1) (b)(B) to (G) and for all time worked in excess of 10 hours a day or in excess of 40 hours in a week, whichever is greater. The contractor shall give notice to employees who work on a contract for services in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.
- Pursuant to ORS 279C.530(1), in every public improvement contract, the contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to the employees of such contractor, of all sums which the contractor agrees to pay for such services and all monies and sums which the contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service. In every public contract, subject to ORS 279C, all employers working under the contract are subject employers that shall comply with ORS 656.017.
- Pursuant to ORS 279C.580(3)(a), the contractor shall include in each public improvement subcontract for property or services entered into by the contractor and a subcontractor, including a material supplier, for the purpose of performing a construction contract, a payment clause that obligates the contractor to pay the subcontractor for satisfactory performance under its subcontract within 10 days out of such amounts as are paid to the contractor by the public contracting agency under such contract, and an interest penalty clause that obligates the contractor to pay to the subcontractor an interest penalty on amounts due in the case of each payment not made in accordance with the payment clause included in the subcontract pursuant to ORS 279C.580 (3), for the period beginning on the day after the required payment date and ending on the date on which payment of the amount due is made, and computed at the rate specified in ORS 279C.515 (2).
- Pursuant to ORS 279C.580(4), the contractor shall include in each of its subcontracts for a public improvement, for the purpose of performance of such contract condition, a provision requiring the subcontractor to include a payment clause and an interest penalty clause conforming to the standards of ORS 279C.580 (B) (4) in each of its subcontracts and to require each of its subcontractors to include such clauses in their subcontracts with each lower-tier subcontractor or supplier.
- Pursuant to ORS 279C.830(1)(a) workers shall be paid not less than the specified minimum hourly rate of wage in accordance with ORS 279C.838 and 279C.840.

July 25, 2008

EXHIBIT B

PROPOSER'S RATES FOR REQUIRED CLASSIFICATIONS

CLASSIFICATION TITLE	REQUIRED QUALIFICATIONS	REGULAR HOURLY RATE CHARGED TO CITY	OVERTIME HOURLY RATE CHARGED TO CITY
Engineering Technician I	The Engineering Technicians will support construction management activities based upon skills and backgrounds. The Contractor's Technicians must have computer skills on PC-based systems with additional skills in networked systems desired. In addition, the Technicians must meet a combination of 2 years education and/ or experience equivalent in engineering or a related field. The Engineering Technician I must have the following training: (1) proficient in using software – Microsoft Word, Excel, PowerPoint, Access and Adobe Professional; (2) experience in documentation control and contract administration preferred; (3) Construction Site Safety. In addition, this position must meet Specific training and the other technical requirements as identified in Exhibit C detailing the Technical Specifications.	\$ 54.75	\$ 65.70
Engineering Technician II	The Engineering Technicians will support construction management activities based upon skills and backgrounds. The Contractor's Technicians must have computer skills on PC-based systems with additional skills in networked systems desired. In addition, the Technicians must meet a combination of 2 years education and/ or experience equivalent in engineering or a related field. The Engineering Technician II must have the following training: (1) proficient in using software – Microsoft Word, Excel, PowerPoint, Access and Adobe Professional; (2) experience in documentation control and contract administration preferred; ; (3) Construction Site Safety. In addition, this position must meet Specific training and the other technical requirements as identified in Exhibit C detailing the Technical Specifications.	\$ 64.75	\$ 77.70
Engineering Technician III	The Engineering Technicians will support construction management activities based upon skills and backgrounds. The Contractor's Technicians must have computer skills on PC-based systems with additional skills in networked systems desired. In addition, the successful Proposer's Technicians must meet a combination of 2 years education and/ or experience equivalent in engineering or a related field. The Engineering Technician III must have the following training: (1) proficient in using software – Microsoft Word, Excel, PowerPoint, Access and Adobe Professional; (2) experience in documentation control and contract administration preferred; (3) Construction Site Safety. In addition, this position must meet Specific training and the other technical requirements identified in Exhibit C detailing the Technical Specifications.	\$ 74.75	\$ 89.70
Public Works Inspector I	Qualified Public Works Inspector I must have three years verifiable construction inspection and/or construction supervision experience preferably in public water systems, including underground pipeline, pump stations and/or storage reservoir projects and the minimum knowledge, skills and abilities required to perform the work satisfactorily. In addition, the Public Works Inspector I may be required to also have the training, experience, and/or license(s) as negotiated by the City and the Contractor to perform specialized inspection duties such as electrical, reinforced concrete or other specialty areas. It is desirable that the Public Works Inspector I has current 40-hour Hazmat training. The Public Works Inspector I shall have the following training prior to working for the Portland Water Bureau: (1) Work Zone Traffic Control; (2) 10-hour OSHA Compliance for Construction Safety (within the past 3 years); (3) Excavation/Trench Hazard Recognition and Evaluation (within the past 3 years); (4) First Aid/CPR (current certification required); (5) Confined Space Entry Hazard Recognition and Evaluation (within the past 3 years); (6) Writing/Communication/Interaction. In addition, this position must meet the detailed requirements per Exhibit C, Technical Specifications.	\$ 68.75	\$ 82.50

CLASSIFICATION TITLE	REQUIRED QUALIFICATIONS	REGULAR HOURLY RATE CHARGED TO CITY	OVERTIME HOURLY RATE CHARGED TO CITY
Public Works Inspector II	Qualified Public Works Inspector II must have three years verifiable construction inspection and/or construction supervision experience preferably in public water systems, including underground pipeline, pump stations and/or storage reservoir projects and the minimum knowledge, skills and abilities required to perform the work satisfactorily. In addition, the Public Works Inspector II may be required to also have the training, experience, and/or license(s) as negotiated by the City and the Contractor to perform specialized inspection duties such as electrical, reinforced concrete or other specialty areas. It is desirable that the Public Works Inspector II has current 40-hour Hazmat training. The Public Works Inspector II shall have the following training prior to working for the Portland Water Bureau: (1) Work Zone Traffic Control; (2) 10-hour OSHA Compliance for Construction Safety (within the past 3 years); (3) Excavation/Trench Hazard Recognition and Evaluation (within the past 3 years); (4) First Aid/CPR (current certification required); (5) Confined Space Entry Hazard Recognition and Evaluation (within the past 3 years); (6) Writing/Communication/Interaction. In addition, this position must meet the requirements identified in Exhibit C detailing the Technical Specifications.	\$ 78.75	\$ 94.50
Public Works Inspector – Electrical Specialty	Qualified Public Works Inspectors – Electrical Specialty must have three years verifiable construction inspection and/or construction supervision experience preferably in public water systems, including underground pipeline, pump stations and/or storage reservoir projects and the minimum knowledge, skills and abilities required to perform the work satisfactorily. In addition, Public Works Inspectors – Electrical Specialty may be required to also have the training, experience, and/or license(s) as negotiated by the City and the Contractor to perform specialized inspection duties such as electrical, reinforced concrete or other specialty areas. It is desirable that the Public Works Inspectors have current 40-hour Hazmat training. The Public Works Inspectors shall have the following training prior to working for the Portland Water Bureau: (1) Work Zone Traffic Control; (2) 10-hour OSHA Compliance for Construction Safety (within the past 3 years); (3) Excavation/Trench Hazard Recognition and Evaluation (within the past 3 years); (4) First Aid/CPR (current certification required); (5) Confined Space Entry Hazard Recognition and Evaluation (within the past 3 years); (6) Writing/Communication/Interaction. In addition, this position must meet the requirements identified in Exhibit C detailing the Technical Specifications.	\$ 104.75	\$ 125.70

EXHIBIT C TECHNICAL SPECIFICATIONS

ENGINEERING TECHNICIAN I

GENERAL PURPOSE

Under general supervision, performs supportive and technical assignments of standard to moderate difficulty applying scientific and technical knowledge in the areas of engineering, construction and permit processing, including explaining policies and procedures to the public to achieve understanding, cooperation and compliance with codes; performs drafting, computer operation, technical writing, research, map reading, plan review and field inspections; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

Engineering Technician I is the entry-level position in the Engineering Technician series. Temporary personnel perform standard to moderately difficult supportive and technical tasks in engineering, construction and permit processing as assigned. Completed work is reviewed for accuracy and compliance with instructions.

Engineering Technician I is distinguished from Engineering Technician II in that the later personnel perform more complex and difficult engineering, construction and permit processing support assignments requiring a more thorough understanding of scientific and technical knowledge. Engineering Technicians I perform more standard to moderately difficult tasks and are more process oriented, typically performing well-defined duties, are assigned discrete portions of a larger project, and exercise basic problem-solving skills.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Any one position in this class may not perform all the duties listed below, nor do the listed examples of duties include all similar and related duties that may be assigned to this class.

1. Explains City codes, policies and procedures to the public, contractors, engineers, architects and other public or utility organization employees to improve their understanding of City programs and to ensure adherence to procedures in routine technical matters.
2. Indexes, files, updates, researches and compiles data from various sources.
3. Collects, summarizes and stores programmatic data to improve program effectiveness using computers, source documents, and other records according to established procedures.
4. Through onsite visits, collects field data, verifies conditions, takes measurements, and notes developing problems, carries out duties related to specific assignments and reports results to PWB Supervisor for evaluation.
5. Provides administrative, logistical and technical support to project and construction management staff by organizing and coordinating records, files and databases; gathers, records and evaluates data; assists with meetings, document preparation and enforcement of standards or specifications.
6. Composes correspondence.
7. Utilizes calculators and computers to perform calculations or enter and extract information to assist engineers in developing plans and specifications for various public works projects.
8. Draws plans, maps and charts and assists in writing specifications for contracts and materials.
9. Prepares reports, including graphics, to describe project or program goals or activities using manual or computer tools.
10. Processes applications for permits, inspections or services and issues work orders and permits.

OTHER DUTIES

1. Lifts, carries, installs and makes simple adjustments to data collection devices.

MINIMUM QUALIFICATIONS**Knowledge of:**

1. Basic engineering and/or architectural terminology, practices and procedures.
2. Basic arithmetic, algebra, geometry, trigonometry and statistics related to engineering work.
3. Standard office practices and procedures for maintaining and setting up both manual and electronic files; basic methods and procedures for archiving and retrieving map and drawing information; and data gathering and research techniques.
4. Acceptable construction practices.
5. City geography and street locations.

Ability to:

1. Understand and follow written and oral instructions; work under general supervision; work simultaneously on multiple tasks.
2. Perform detailed work thoroughly, neatly, accurately and efficiently.
3. Perform basic engineering and mathematical computations; utilize specialized drafting, engineering, surveying or electronic tools, materials and equipment.
4. Establish and maintain effective working relationships with PWB management and staff, contractors and others encountered in the course of work.
5. Learn and interpret codes, rules, regulations, and policies and apply these to a variety of customer requests.
6. Interpret and explain both orally and in writing technical information to the public, specifically City Codes, policies, procedures and regulations.
7. Search and obtain information from such documents as engineering or architectural drawings, regulations, reports, application forms, manuals, property records, plans, specifications and various kinds of maps, graphs and construction plans; gather, record and analyze data to prepare technical reports, documents and recommendations.
8. Learn and operate a variety of computer software programs to record and analyze data, maintain technical files, and prepare maps, plans, records, graphics, documents and reports.
9. Use safety precautions when driving or working at field sites.
10. Draft line drawings, update maps, plot graphs and prepare display materials.
11. Provide direction to support staff.

Training and Experience:

A typical way of obtaining the knowledge, skills and abilities outlined above is graduation from high school, trade school or vocational school, or G.E.D. equivalent, supplemented by courses in engineering technology; or an equivalent combination of training and experience. Experience in a public agency is preferred.

Licenses; Certificates; Special Requirements:

A valid state driver's license may be required for certain assignments.

PHYSICAL AND MENTAL DEMANDS

Persons with disabilities may be able to perform the essential duties of this class with reasonable accommodation. Reasonable accommodation shall be evaluated on an individual basis and depend, in part, on the specific

requirements for the job, the limitations related to disability and the ability of the hiring bureau to accommodate the limitation.

ENGINEERING TECHNICIAN II

GENERAL PURPOSE

Under general supervision, performs specialized support and technical assignments of moderate to advanced difficulty applying scientific and technical knowledge in the areas of engineering, construction and permit processing, including explaining policies and procedures to the public to achieve understanding, cooperation and compliance with codes; performs drafting, computer operation, technical writing, research, map reading, plan review and field inspections; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

Engineering Technicians II are responsible for performing moderate to difficult engineering, construction or permit processing tasks using independent judgment and specialized technical and scientific knowledge. The temporary personnel produce a variety of technical materials, correspondence, documents, plans, drawings, specifications, cost estimates and project schedules and ensure quality control and compliance with applicable regulations, standards and policies of a variety of public works projects and processes.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Any one position in this class may not perform all the duties listed below, nor do the listed examples of duties include all similar and related duties that may be assigned to this class.

1. As a project leader, reviews work products; prepares cost estimates, monitors and maintains records on the financial status and progress of work to ensure projects are completed on schedule and meet local, state or federal standards.
2. Performs analysis, evaluation and system design work; adapts quantitative models to computer programs; organizes data for purpose of computer modeling.
3. Collects, analyzes, summarizes and maintains integrity of programmatic data to improve program effectiveness using computers, source documents, and other records according to established procedures.
4. Processes applications for permits, inspections or services; issues permits.
5. Performs specialized data gathering and research; analyzes data and makes recommendations.
6. Through independent, onsite visits, collects field data, verifies conditions, takes measurements, notes potential or developing problems, makes recommendations and carries out other duties related to the field visit.
7. Provides administrative, logistical and technical support to project and construction management staff by assisting in the bidding process, reviewing specifications and submittals, managing records, files and databases, reviewing and preparing project documentation, gathering, recording and evaluating data, preparing reports and work orders, enforcing standards and specifications; verifying accuracy of and issuing payments, writing change orders, and preparing for and conducting meetings.
8. Composes correspondence and drafts ordinances.
9. Drafts and maintains detailed infrastructure maps using manual or computer-aided methods.
10. Prepares reports and presentations, including graphics, maps, and technical drawings to describe project or program goals and activities using manual or computer tools.
11. Reviews a variety of plans and applications, e.g., building, water service, street improvement plans, land use for conformance to regulations and standards to ensure public safety using knowledge of codes, master plans, and accepted practices; coordinates plan review process with other bureaus; prepares comments and conditions of approval.

OTHER DUTIES

1. Assists in the development of the CIP by maintaining database, reviewing Project Request Forms for completeness and accuracy, documenting project review meetings; processing project actions forms; performing cost estimate calculations, overseeing the trending process; and inputting data into the project-scheduling program.
2. Coordinates, schedules and attends community and neighborhood meetings related to program.
3. Makes minor repairs or adjustments on field recording devices; collects samples.

MINIMUM QUALIFICATIONS

Knowledge of:

1. Engineering and/or architectural terminology, practices, procedures and basic principles.
2. Mathematics, algebra, geometry, trigonometry and statistics related to engineering work.
3. Federal and state laws and regulations relating to program area; working knowledge of municipal regulating codes pertaining to assigned projects or programs.
4. Standard office practices and procedures including manual and electronic file development and maintenance; specialized data gathering and research techniques; methods and procedures for archiving and retrieving technical documents, maps and drawings.
5. Principles, standards and practices of engineering, constructions and maintenance project management; contract management including specification writing, cost estimating techniques, project tracking and required documentation.
6. City operating policies and departmental work procedures and quality standards.
7. Computer use, applications, languages and programming techniques pertaining to the work.

Ability to:

1. Assist PWB Project Manager to manage various standard public works, engineering-oriented construction and maintenance projects.
2. Conduct field investigations and inspections; collect field data and samples and analyze and make recommendations regarding data and sampling results.
3. Operate a computer and use a variety of programs; maintain technical files both electronic and manual; utilize specialized engineering, drafting, measuring, surveying, or electronic tools, materials and equipment.
4. Use safety precautions when working at field sites.
5. Read and interpret various kinds of maps, architectural and engineering drawings, construction plans, and blueprints and other technical materials and documents, such as specifications, engineering manuals, surveying tables, computer manuals, trade journals, equipment instruction manuals, engineering code provisions, state and federal guidelines; learn and apply local, state or federal codes and regulations.
6. Clearly present technical information in oral, written, graphic or other forms; speak in front of groups; cope with dissent and conflict.
7. Perform detailed work thoroughly, neatly, accurately and efficiently.
8. Establish and maintain effective working relationships with PWB management and staff, contractors and others encountered in the course of work.

9. Interact effectively, to problem solve and partner with citizens, community groups and/or contractors and to negotiate agreements with contractors and the public.

Training and Experience:

A typical way of obtaining the knowledge, skills and abilities outlined above is graduation from high school, trade school or vocational school, or G.E.D. equivalent, supplemented by courses in engineering technology; and two years of progressively responsible engineering technician experience; or an equivalent combination of training and experience. Experience in a public agency is preferred.

Licenses; Certificates; Special Requirements:

A valid state driver's license may be required for certain assignments.

PHYSICAL AND MENTAL DEMANDS

Persons with disabilities may be able to perform the essential duties of this class with reasonable accommodation. Reasonable accommodation shall be evaluated on an individual basis and depend, in part, on the specific requirements for the job, the limitations related to disability and the ability of the hiring bureau to accommodate the limitation.

ENGINEERING TECHNICIAN III

GENERAL PURPOSE

Under direction, performs advanced technical engineering support or engineering-related assignments, applying scientific and technical knowledge across a spectrum of engineering design, construction, and permit processing functions; performs advanced drafting, computer operation, technical writing, research, map reading, plan review and field inspections; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

Engineering Technician III is the advanced journey-level class in the Engineering Technician position description series. Temporary personnel may participate in the work of lower-level technical and administrative personnel and perform the more difficult analysis, drafting, plan checking, site review and related technical duties in the assigned unit. Completed work is reviewed in terms of compatibility with requirements, effectiveness and expected results.

Engineering Technician III is distinguished by filling more complete project management assignments, and performing the most difficult and responsible technician-level work.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Any one position in this class may not perform all the duties listed below, nor do the listed examples of duties include all similar and related duties that may be assigned to this class.

1. As a project manager, prepares cost estimates, monitors and maintains records on the financial status and progress of work to ensure projects are completed on schedule and meet local, state or federal standards.
2. Confers with representatives from engineering firms, developers, property owners, utilities, other governmental agencies and contractors on technical matters to verify data, coordinate various stages of work.
3. Reviews and evaluates studies, designs, reports and records generated by other divisions/bureaus and outside entities; analyzes data and makes recommendations; performs advanced analysis, evaluation and system design work; adapts quantitative models to computer programs; organizes complex data for purpose of computer modeling; collects, analyzes, summarizes and stores programmatic data to improve program effectiveness using computers, source documents and other records.
4. Oversees the processing of applications for permits, inspections or services; oversees permit issuance.
5. Through independent, onsite visits, collects field data, verifies conditions, takes measurements, notes potential or developing problems, makes recommendations and carries out other duties related to the field visit.

6. Provides administrative, logistical and technical project oversight by assisting in the bidding process, reviewing specifications and submittals, managing records, files and databases, reviewing and preparing project documentation, gathering, recording and evaluating data, preparing reports and work orders, enforcing standards and specifications; verifying accuracy of and issuing payments, making recommendations on change orders, and preparing for and conducting meetings.
7. Composes correspondence and drafts ordinances; prepares reports and presentations, including graphics, maps and technical drawings, to describe project or program goals and activities using manual or computer tools.
8. Reviews a variety of plans and applications (e.g., building, water service, street improvement plans, land use for conformance to regulations and standards to ensure public safety using knowledge of codes, master plans and accepted practices); coordinates plan review process with other bureaus; prepares comments and conditions of approval.

MINIMUM QUALIFICATIONS

Knowledge of:

1. Engineering and/or architectural terminology, practices, procedures and basic principles; technical standards involved in design and construction engineering and specification development.
2. Mathematics, algebra, geometry, trigonometry and statistics related to engineering work.
3. Federal and state laws and regulations relating to program area; working knowledge of municipal regulating codes pertaining to assigned projects or programs.
4. Standard office practices and procedures including manual and electronic file development and maintenance; specialized data gathering and research techniques; methods and procedures for archiving and retrieving technical documents, maps and drawings.
5. Principles, standards and practices of engineering, constructions and maintenance project management; contract management including specification writing, cost estimating techniques, project tracking and required documentation.
6. Computer use, applications, languages and programming techniques pertaining to the work.

Ability to:

1. Assist the PWB Project Manager in managing various standard public works, engineering-oriented construction and maintenance projects.
2. Conduct field investigations and inspections.
3. Provide knowledgeable, technical guidance and advice to PWB staff, other government agencies, private businesses and citizens.
4. Operate a computer and use a variety of programs; maintain technical files both electronic and manual; utilize specialized engineering, drafting, measuring, surveying, or electronic tools, materials and equipment.
5. Use safety precautions when working at field sites.
6. Read and interpret various kinds of maps, architectural and engineering drawings, construction plans, blueprints and other technical materials and documents, such as specifications, engineering manuals, surveying tables, computer manuals, trade journals, equipment instruction manuals, engineering code provisions, state and federal guidelines; learn and apply local, state or federal codes and regulations.
7. Clearly present technical information in oral, written, graphic or other forms; speak in front of groups; cope with dissent and conflict.
8. Perform complex work thoroughly, accurately and efficiently.

9. Establish and maintain effective working relationships with PWB management and staff, contractors and others encountered in the course of work.
10. Interact effectively to problem solve and partner with citizens, community groups and contractors and to negotiate agreements with contractors and the public.

Training and Experience:

A typical way of obtaining the knowledge, skills and abilities outlined above is graduation from high school, trade school or vocational school, or G.E.D. equivalent and supplemented by courses in engineering technology; and four years of progressively responsible engineering technician experience; or an equivalent combination of training and experience. Experience in a public agency is preferred.

Licenses; Certificates; Special Requirements:

A valid state driver's license may be required for certain assignments.

PHYSICAL AND MENTAL DEMANDS

Persons with disabilities may be able to perform the essential duties of this class with reasonable accommodation. Reasonable accommodation shall be evaluated on an individual basis and depends, in part, on the specific requirements for the job, the limitations related to disability and the ability of the hiring bureau to accommodate the limitation.

PUBLIC WORKS INSPECTOR I

Distinguishing Characteristics

The Public Works Inspector I is a fully qualified journey inspector conducting independent field inspections. It is distinguished from other classes of inspectors by the focus on public works projects.

Typical Duties/Examples of Work

1. Reviews engineering plans, specifications and contract documents related to a wide variety of civil construction projects; comments and makes recommendations and reports during pre-construction period; informs contractors of requirements.
2. Inspects and prepares daily reports on public works projects, such as pipeline, structure and street construction, for quality of work and material, for proper line, grade, slope, placement, and for adherence to stipulations and specifications, including ensuring contractor, personnel and public safety.
3. Inspects and prepares daily reports on methods of construction utilized by contractors. Investigates complaints relative to projects; checks for proper dimensions, quantities, and proper use of materials. Interprets plan requirements such as survey stakes and controls for projects; verifies accuracy and consistency with plans and drawings. Discusses, explains, interprets and relays changes to contractor during construction.
4. Inspects and prepares daily reports on the construction of curbs, sidewalks and street and other pavements for proper grade and slope. Checks forms for proper alignments and surfacing; checks crown before and after surfacing material has been laid down; inspects gravel, asphalt and other concrete mixes, and joint material going into pavement for quality.
5. Inspects and prepares daily reports on the manufacture and construction of pipeline, interpreting specification requirements for contractors; inspects line and grade for pipeline placement of thrust anchors and concrete footings; inspects back-fill and cleanup; inspects structural steel work including welding, sandblasting, and application of protective coatings.
6. Inspects and prepares daily reports on the construction of pumping stations, including installation of equipment; checks amounts and types of materials and installations used; makes progress reports and recommendations to supervisor for modifications or alterations; inspects underground utility installations for conformity to plans.
7. Provides final walk-through and measurement of work performed; ensures correctness and creates payment documents; arranges for and monitors testing of materials.

8. Performs related duties as assigned.

Required Knowledge, Skills and Abilities

Knowledge of: administration of construction public works contracts; construction processes methods, processes, materials and their use, characteristics, preparation and/or installation; and construction specifications and standards. Knowledge of: Characteristics and capabilities of construction equipment; construction surveying practices and requirements; safety practices to be followed during construction; quality standards and test methods for construction materials. Knowledge of: Computer software such as Primavera Contract Management (PCM) or other types of electronic documentation programs.

Ability to: interact effectively, to problem solve and partner with citizens, community groups and/or contractors; establish and maintain effective working relationships with a diversity of others.

Skill in: reading and interpreting survey notes and performing survey-related computations. Reading and interpreting construction plans, specifications, codes, laws and contracts; math calculations associated with the computation or estimation of construction progress, dimensions, quantities and costs. Maintaining construction records; documenting daily construction activities and writing related reports; drafting; tools used in construction inspection. Establishing and maintaining effective working relationships with construction personnel, equipment operators, supervisors and crews, contractors

Special Requirements

Valid state driver's license

PUBLIC WORKS INSPECTOR II

Distinguishing Characteristics

The Public Works Inspector II is distinguished by training and assignments to other inspectors or is regularly assigned to inspect public works projects that have a higher level of complexity. Typically these projects have tight schedules, involve extensive coordination among many stakeholders, and have high visibility and an increased level of community involvement.

Typical Duties/Examples of Work

1. Attends project preparation, design reviews and pre-construction conferences; reviews plans and specifications; inspects project site to determine features, and anticipated construction problems; recommends design changes, and reviews cost estimates.
2. Works closely with property owners, contractors, and utility representatives to coordinate project, secure necessary clearances, and assists construction manager in resolution of impending issues and problems; attends job-site meetings.
3. Observes and checks for contractor compliance with construction safety measures; provides guidance to office and field staff to ensure contractor correction of unsafe conditions.
4. Directs final inspection work on major construction projects which involve the efforts of several or more inspectors or involve greater complexity, coordination, schedule sensitivity, and/or a high level of publicity and community involvement.
5. Assists in providing training and technical assistance to new and less experienced inspection personnel.
6. Provides input into making assignments and provides lead direction to inspectors.
7. Performs related duties as assigned.

Required Knowledge, Skills and Abilities

Knowledge: of safety practices to be followed during various and multiple construction processes, understands and has knowledge of Construction Manager/General Contractor (CM/GC) and Design-Build formats/contracts, understands and has knowledge of Contractor Quality Control (CQC) per the U.S. Army Corp of Engineers.

Ability to: interact effectively, to problem solve and partner with citizens, community groups and/or contractors; establish and maintain effective working relationships with a diversity of others.

Skill in: reviewing and interpreting current construction technology methods, materials, and applicable specifications; maintaining construction records; writing reports, business letters, and specifications; leading and scheduling field personnel; leadership of others.

Special Requirements

Valid state driver's license; Confined Space Certification; OSHA Safety training.

Working Conditions

Work in this class is typically performed in an office and field environment. Incumbent is typically required to negotiate rough terrain; to work outdoors in all weather conditions; to be called back to work during emergencies; to work in and around traffic and confined spaces.

PUBLIC WORKS INSPECTOR – ELECTRICAL SPECIALTY

GENERAL PURPOSE

Positions in this class are responsible for enforcing contract stipulations, regulations, specifications, and codes relating to public works construction projects.

DISTINGUISHING CHARACTERISTICS

The Public Works Inspector – Electrical Specialty is a fully qualified journey inspector conducting independent field inspections. It is distinguished from other classes of inspectors by the focus on public works projects and has electrical code knowledge.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Any one position in this class may not perform all the duties listed below, nor do the listed examples of duties include all similar and related duties that may be assigned to this class.

1. Reviews engineering plans, specifications and contract documents related to a wide variety of civil construction projects; comments and makes recommendations and reports during pre-construction period; informs contractors of requirements.
2. Reviews designs of electrical, instrumentation and control systems.
3. Reviews electrical, instrumentation and control system plans and specifications.
4. Inspects and prepares daily reports on public works projects, such as pipeline, structure and street construction, for quality of work and material, for proper line, grade, slope, placement, and for adherence to stipulations and specifications, including ensuring contractor, personnel and public safety.
5. Inspects and prepares daily reports on methods of construction utilized by contractors. Investigates complaints relative to projects; checks for proper dimensions, quantities, and proper use of materials. Interprets plan requirements such as survey stakes and controls for projects; verifies accuracy and consistency with plans and drawings. Discusses, explains, interprets and relays changes to contractor during construction.
6. Inspects and prepares daily reports on the construction of curbs, sidewalks and street and other pavements for proper grade and slope. Checks forms for proper alignments and surfacing; checks crown before and after surfacing material has been laid down; inspects gravel, asphalt and other concrete mixes, and joint material going into pavement for quality.
7. Inspects and prepares daily reports on the manufacture and construction of pipeline, interpreting specification requirements for contractors; inspects line and grade for pipeline placement of thrust anchors and concrete footings; inspects back-fill and cleanup; inspects structural steel work including welding, sandblasting, and application of protective coatings.
8. Inspects and prepares daily reports on the construction of pumping stations, including installation of equipment; checks amounts and types of materials and installations used; makes progress reports and

recommendations to supervisor for modifications or alterations; inspects underground utility installations for conformity to plans.

9. Inspects existing electrical, control and instrumentation systems and those under construction to ensure compliance with codes and specifications. Installations include electro-mechanical devices and ones linked to a computerized reporting system.
10. Inspects programmable controller programming, simulation, debugging and start-up.
11. Provides final walk-through and measurement of work performed; ensures correctness and creates payment documents; arranges for and monitors testing of materials.
12. Performs related duties as assigned.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of: administration of construction public works contracts; construction processes methods, processes, materials and their use, characteristics, preparation and/or installation; construction specifications and standards; and understands and has knowledge of Contractor Quality Control (CQC) per the U.S. Army Corp of Engineers

Knowledge of: Characteristics and capabilities of construction equipment; construction surveying practices and requirements; safety practices to be followed during construction; quality standards and test methods for construction materials.

Ability to: interact effectively, to problem solve and partner with citizens, community groups and/or contractors; establish and maintain effective working relationships with a diversity of others.

Skill in: reading and interpreting survey notes and performing survey-related computations. Reading and interpreting construction plans, specifications, codes, laws and contracts; math calculations associated with the computation or estimation of construction progress, dimensions, quantities and costs. Maintaining construction records; documenting daily construction activities and writing related reports; drafting; tools used in construction inspection. Establishing and maintaining effective working relationships with construction personnel, equipment operators, supervisors and crews, contractors

SPECIAL REQUIREMENTS

Valid state driver's license

DISTINGUISHING CHARACTERISTICS

Knowledge of instrumentation, control panel design and PLC programming.

Knowledge of electrical codes and standards relating to municipal infrastructures.



Mayor Charlie Hales
David G. Shaff, Administrator
1120 SW 5th Avenue, Room 600
Portland, Oregon 97204-1926
Information: 503-823-7404
www.portlandoregon.gov/water



Item 7c.

An Equal Opportunity Employer

EXHIBIT D - Contract Employee Recruitment Request (CERR) & Approval

DATE: _____
PWB Requestor or
Project Manager: _____
Work Group: _____
Phone Number: _____

Contractor: _____
Contract No. _____
CERR No.: _____

Position Requested:

- | | |
|--|---|
| ☐ Engineer-Civil | ☐ Engineering Technician I |
| ☐ Engineer-Electrical | ☐ Engineering Technician II |
| ☐ Engineer-Geotechnical | ☐ Engineering Technician III |
| ☐ Engineer-Mechanical | ☐ Public Works Inspector I |
| ☐ Engineer-Structural | ☐ Public Works Inspector II |
| ☐ Public Works Inspector – Electrical Specialty | ☐ Other (Describe) _____ |

SAP Cost Object: _____
Desired Start Date: _____
Estimated Duration of Assignment: _____
Critical Skills Needed: _____

PWB's Approving Authority: Authorizes PWB Project Manager to begin coordination with the PWB Contract Administration Branch (CAB) for position and the selection process of candidates to occur.

Supervising Engineer or
Principal Engineer: _____
Print Name / Signature Date: _____

PWB's Funding Approval: obtained by Requestor or Project Manager via email or by signature of this CERR Request:

PWB Program Manager:	Via Email
Print Name	Signature Date

Contractor's Section -Complete and return:

Candidate(s) Selected _____

Background Check: _____

Std Hourly Rate: _____

OT Hourly Rate: _____

Start Date: _____

End Date: _____

Total Cost: _____

By signing below, Contractor agrees that the Contract Employee Recruitment shall not exceed the total cost indicated above and Contractor temporary employee shall begin as soon as this document is signed by all parties. All terms and conditions of the contract remain the same.

Contractor Approval:

Contractor's Name: _____

Phone No.: _____

Signature: _____

Date: _____

PWB's Final Signature Authority:Supervising Engineer or
Principal Engineer: _____

Print Name

Signature

Date

FORM INSTRUCTIONS

STEP 1: PWB REQUESTOR OR PROJECT MANAGER (PM) REQUESTS POSITION BY COMPLETING THE APPROPRIATE SECTION OF THE *CONTRACT EMPLOYEE RECRUITMENT REQUEST* (CERR) FORM, OBTAINS SUPERVISING ENGINEER OR ESG PRINCIPAL ENGINEER APPROVAL AND PROGRAM MANAGER APPROVAL ON AVAILABLE FUNDS. PWB REQUESTOR OR PM SUBMITS TO PWB CONTRACT ADMINISTRATION BRANCH (CAB); PWB CAB REVIEWS, RELEASES, AND SUBMITS REQUEST TO CONTRACTOR.

STEP 2: CONTRACTOR RECEIVES REQUEST AND IF CONTRACTOR HAS STAFFING AVAILABLE SUBMITS RESUMES VIA EMAIL TO PWB CAB WHO THEN FORWARDS TO PWB PM FOR REVIEW AND DECISION TO ACCEPT. PWB REQUESTOR OR PM THEN NOTIFIES PWB CAB OF DECISION AND IDENTIFIES THE CONTRACTOR'S STAFF PERSON THEY HAVE INTEREST IN; **OR**, ACCEPTS NONE AND REQUESTS ADDITIONAL RESUMES UNTIL REQUEST IS ABLE TO BE MET; **OR** REQUIRES INTERVIEWS AND COORDIANTES AS REQUIRED.

STEP 3: PWB CAB RECEIVES CONFIRMATION FROM PWB PM & CONFIRMS VIA EMAIL WITH CONTRACTOR OF DECISION. .

STEP 4: IF POSITION IS ACCEPTED, CONTRACTOR COMPLETES CONTRACTOR SECTION OF *CONTRACT EMPLOYEE RECRUITMENT REQUEST* (CERR) FORM, SIGNS AND SENDS ORIGINAL SIGNED COPY TO PWB CAB; CONTRACTOR WILL FOLLOW WITH FAXED SIGNED COPY TO PWB CAB AT 503.823.9407 ASAP. SHOULD AN INTERVIEW BE REQUIRED THE PWB REQUESTOR OR PM WILL COORDINATE WITH THE CONTRACTOR ON LOGISTICS AND IDENTIFY TO THE CAB OF THE SELECTED TEMPORARY STAFF MEMBER ONCE INTERVIEW IS COMPLETED.

STEP 5: PWB CAB FORWARDS TO PWB APPROVING AUTHORITY FOR FINAL SIGNATURE OF APPROVAL.

STEP 6: PWB APPROVING AUTHORITY SIGNS & RETURNS TO PWB CAB; CAB FORWARDS ONE ORIGINAL SIGNED COPY TO CONTRACTOR, KEEPS ANOTHER ORIGINAL, AND FORWARDS A COPY TO PWB REQUESTOR OR PM FOR FILE. WORK BEGINS.

Note: *Only for emergency position requirements the initial request process may deviate but must be followed by the PWB Project Manager's completion of the CERR Form, submission to PWB CAB, and approval of the PM's Supervising Engineer or PWB Principal.*

Revised March 2014



AMENDMENT No FOUR (4)

to

PRICE AGREEMENT No. 31000692

FOR

INSPECTION AND ENGINEERING TECHNICIAN SUPPORT SERVICES

This Amendment No. Four (4) amends Price Agreement No. 31000692 dated the 6th day of March, 2015, by and between Allen Construction Management Services, LLC dba ACMS Northwest (“Contractor”), a domestic Limited Liability Company of the State of Oregon, and the City of Portland, a municipal corporation of the State of Oregon (“City”) by and through their duly authorized representatives. This Amendment may refer to Contractor and City individually as a “Party” or collectively as the “Parties.”

The Effective Date of this Amendment is March 6, 2020. The purpose of this Amendment is to extend the Price Agreement for two additional years and amend the hourly billing rates.

The Price Agreement was previously amended as follows:

Amendment 1, dated August 1, 2017, amended the hourly billing rates for the following positions: Engineering Technician I, Engineering Technician II, Engineering Technician III, Public Works Inspector I, Public Works Inspector II and Public Works Inspector – Electrical Specialty.

Amendment 2, dated August 1, 2018, amended the hourly billing rates.

The Parties agree to Amend the Price Agreement as follows:

1. The Term is extended from March 5, 2020 to **March 5, 2022**, unless terminated sooner under the provisions of the Price Agreement.
2. **The hourly billing rates are amended per Exhibit A.**

All other terms and conditions of the Price Agreement remain unchanged by this Amendment and in full force and effect.

IN WITNESS WHEREOF, the Parties hereby cause this Amendment to be executed.

CONTRACTOR

Authorized Signature

Date

Printed Name and Title

Address:

Phone Number:

Email:

The remainder of this page intentionally left blank.



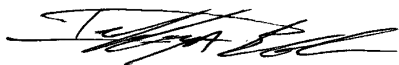
CITY OF PORTLAND, OREGON

Contract No. 31000692 Amendment/Change Order No. 4

Contract Description: INSPECTION AND ENGINEERING TECH SUPPORT SVCS

CITY OF PORTLAND SIGNATURES:

By: N/A Date: _____
Bureau Director

By:  Date: 03/19/2020
Purchasing Agent

By: N/A Date: _____
Elected Official

Approved:

By:  Date: 03/19/2020
Office of the City Auditor

Approved as to Form:

By:  Date: 03/19/2020
Office of City Attorney

Position	Hourly Billing Rates: 3/6/2020 – 3/5/2021	
	Regular Rates	Overtime Rates
Engineering Associate	\$99.68	\$129.58
Engineering Technician I	\$62.33	\$81.03
Engineering Technician II	\$73.71	\$95.82
Engineering Technician III	\$85.09	\$110.62
Public Works Inspector I	\$78.27	\$101.75
Public Works Inspector II	\$89.65	\$116.55
Public Works Inspector – Electrical Specialty	\$119.25	\$155.03
Senior Program Manager	\$143.43	\$186.46

Position	Hourly Billing Rates: 3/6/2021 – 3/5/2022	
	Regular Rates	Overtime Rates
Engineering Associate	\$102.87	\$133.73
Engineering Technician I	\$64.32	\$83.62
Engineering Technician II	\$77.40	\$100.62
Engineering Technician III	\$87.81	\$114.15
Public Works Inspector I	\$80.77	\$105.00
Public Works Inspector II	\$92.52	\$120.28
Public Works Inspector – Electrical Specialty	\$123.07	\$159.73
Senior Program Manager	\$148.02	\$192.43



Item 7c.

Offsite
Night Work

Project Site

Page 67



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

Cost Reimbursement Agreement with Pahlisch Commercial, Inc. for the Timberview Private Development for Night Inspection Services (PS 21-011)

STAFF RECOMMENDATION:

Authorize the City Manager to execute the Cost Reimbursement Agreement with Pahlisch Commercial, Inc. in the amount of \$62,400 for night inspection services, for the Timberview Private Development (PS 21-011).

EXECUTIVE SUMMARY:

The Timberview Development is required by the land use decision issued under Planning File No. SP 14-01 to construct a sanitary sewer and water main extension within Beaver Creek Road. Beaver Creek Road is under County jurisdiction. The County has made the decision to require the sanitary and sewer and water main work within Beaver Creek Road be completed between the hours of 8:00 PM and 5:00 AM. The City does not have the resources to inspect the construction during these hours and has opted to hire ACMS Northwest, LLC to complete this needed oversight of the work. Pahlisch Commercial Inc. has agreed to reimburse the City for any night inspection services required.

BACKGROUND:

The Timberview Multi-Family Development was originally called Villages at Beaver Creek. It was approved under Planning File No. SP 14-01. The project has been through a couple different owners until Pahlisch Commercial purchased the project and started construction earlier this year. The project involves the construction of an extension of Meyers Road, two new roadways, and new public utilities serving 12 buildings with 180 units. The construction of a sanitary sewer and water main extension is entirely within the public right-of-way of Beaver Creek Road, which is under Clackamas County jurisdiction.

The Timberview Multi-Family Development requires nightwork by Clackamas County for the offsite sanitary sewer and water main proposed within Beavercreek Road. While the property is within the City limits, Beavercreek Road is currently under County jurisdiction. The County has the final say whether work can be completed during the day or is required to be completed overnight. The County conducted a courtesy call with City staff whereby we agreed that due to the traffic counts on Beavercreek Road, it was appropriate to require night work.

The attached cost reimbursement agreement details the parameters that the City and Pahlisch will be held to within the duration of the contract.

The work will occur for 4 months to be able to successfully complete the offsite utility improvements. The County is requiring the working hours to be 8:00 PM to 5:00 AM Monday night through Friday night. The request has been made for the dates of May 3, 2021 to August 31, 2021. Pahlisch Commercial will be required to reimburse the City for any night services during this construction period.

ACMS Northwest, LLC is a consultant which the City anticipates using for the night inspection services. The City anticipates entering into a contract on a time and material basis not to exceed \$62,400.

You will notice that ACMS Northwest, LLC provided a proposal with an assumed start of May 17 and assumed end date of July 23. The hours needed to complete proper inspection as shown (480 hours) will be sufficient for the City's needs during this project. There will be periods of time where the inspector is not needed all night long; therefore, this is not in conflict with the night work resolution that requests May 1 to August 31.

The City will enter into an agreement with Pahlisch Commercial whereby these services are paid for by them on a monthly basis so that the City has no costs associated with this work by the end of the contract. Revenue from Pahlisch will cover the expenditure of the City for these inspection services.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$62,400

FY(s): FY 21/FY 22

Funding Source(s): Engineering Services 250-525-6006

REIMBURSEMENT AGREEMENT FOR NIGHT INSPECTION SERVICES NECESSARY FOR EXTENDING PUBLIC UTILITIES WITHIN BEAVERCREEK ROAD

This AGREEMENT is made by and between the CITY OF OREGON CITY, an Oregon municipal corporation, (the “City”) and PAHLISCH COMMERCIAL, INC. (“Pahlisch”)(taken together, the “Parties”) this ____ day of _____, 2021.

WHEREAS, Pahlisch owns approximately 9.73 acres of real property located at the intersection of Beavercreek Road and Meyers Road, more specifically identified as TL 800 on Clackamas County Map 32E 10C (the “Property”); and

WHEREAS, on November 14, 2014, the original property owner Beavercreek Road, LLC obtained Site Plan and Design Review approval authorizing the construction of a mixed-use development (the “Timberview Development”) on the Property, City File: SP 14-01; and

WHEREAS, utility extensions within Beavercreek Road, as depicted in the Project Improvement Map attached as Exhibit 1, are necessary to serve the Timberview Development including Condition 38 requiring the construction of a water line from Glen Oak Road to Meyers Road and Condition 37 requiring the payment of a fee-in-lieu to cover a portion of the sanitary sewer extension cost; and

WHEREAS, a sanitary sewer extension was constructed by the City under project #CI 16-013 in Beavercreek Road to the vicinity of the intersection of Loder Road making further extension of this same line by Pahlisch to the Property feasible; and

WHEREAS, rather than pay the fee-in-lieu, Beavercreek Road, LLC agreed to build the required sanitary sewer extension, in addition to the conditioned water line from Glen Oak Road to Meyers Road (the “Required Beavercreek Road Utility Extensions”); and

WHEREAS, the Property was subsequently purchased by Pahlisch in order to proceed with the Timberview Development consistent with the conditions set forth in SP 14-01; and

WHEREAS, Clackamas County has restricted utility line installation work within the Beavercreek Road right-of-way to between the hours of 8:00 PM and 5:00 AM Monday through Friday; and

WHEREAS, all new utility line installation work must be regularly inspected and given the night limitation, the City desires to retain and direct ACMS Northwest, LLC to complete this required work; and

WHEREAS, Pahlisch has agreed to reimburse the City for the costs associated with the ACMS Northwest, LLC inspection work that must occur outside of normal

working hours (7:00 AM to 4:30 PM Monday through Friday), as necessary to serve the Timberview Development.

NOW, THEREFORE, based on the foregoing recitals, the CITY COMMISSION FOR THE CITY OF OREGON CITY and Pahlisch, hereby agree to the following:

1. **Scope of Work:** The City will, through its consultant ACMS Northwest, LLC, inspect the Required Beaver Creek Road Utility Extensions to be completed by Pahlisch in substantial conformance with the approved engineering drawings dated 1-13-21 and as shown in Exhibit 2. ACMS Northwest, LLC inspection of the Required Beaver Creek Road Utility Extensions shall be completed at the sole direction of the City and consistent with standard engineering inspection practices.
2. **Share of Costs and Satisfaction:** Pahlisch shall reimburse the City for the costs invoiced by ACMS Northwest LLC for inspecting the Required Beaver Creek Road Utility Extension installation work. The value of this work is identified as an amount not to exceed \$62,400 as shown in Exhibit 3. The City shall provide monthly invoices for services based on a time and material basis. Pahlisch shall remit payment within thirty days from the date appearing on the invoice from the City.
3. **Effective Date, Term and Modification:** This Reimbursement Agreement shall be effective upon signature by both Parties and will terminate one year from the effective date of this Agreement or when construction work is complete and final invoicing accomplished and paid, whichever is later. This Agreement may be modified or terminated sooner than the period described in the preceding sentence only upon a written agreement signed by authorized representatives of both Parties.
4. **Completion of Public Improvements:** The Parties understand that time is of the essence in completing the Required Beaver Creek Road Utility Extension and as a result, shall cause all necessary construction and inspection work to be completed within one year of the effective date of this Agreement.
5. **Satisfaction of Agreement:** Pahlisch' obligation for reimbursement pursuant to this Agreement shall cease upon payment of the Final Invoice provided by the City for ACMS Northwest, LLC services.
6. **Remedies for Breach:** Should either party materially breach this Agreement, the parties reserve all legal and equitable rights available to them to remedy such a breach. The termination or expiration of this Agreement shall not relieve any party of any obligation arising under this Agreement that accrues prior to such expiration or termination.

7. **Controlling Law and Venue for Disputes:** This Agreement is governed by the laws of the State of Oregon, without respect to conflict of laws principles. Any action or suit arising out of or related to this Agreement shall be filed in the Circuit Court for the State of Oregon in Clackamas County. The parties consent to the personal jurisdiction of that court.
8. **Entire Agreement:** The City and Pahlisch acknowledge and agree that no promises or representations have been made which do not appear written herein and that this Agreement contains the entire understanding of the parties as to the subject matter contained in this Agreement.
9. **Severability Clause:** If any term, provision, covenant, condition or portion of this Agreement is held to be illegal, invalid, void, voidable or unenforceable, the remainder of the provisions shall remain in full force and effect to the maximum extent permitted by law.
10. **Assignment:** Pahlisch may not assign all or any portion of its right, interest in or obligations set forth in this Agreement, whether by disposition of its property or otherwise, whether by direct or indirect assignment or transfer, by operation or law or by any stock sale, merger, consolidation or other means in any one or more transactions, without the prior written consent of the City, which consent shall not be unreasonably withheld.
11. **Third-Party Beneficiaries:** Pahlisch and City are the only parties to this Agreement. There are no third-parties, intended or otherwise, which benefit from it.

CITY OF OREGON CITY:

City Manager

Date

Pahlisch Commercial, Inc:

Kevin Kunishige, Project Manager

Date

Approved as to form:

City Attorney

Attachments:

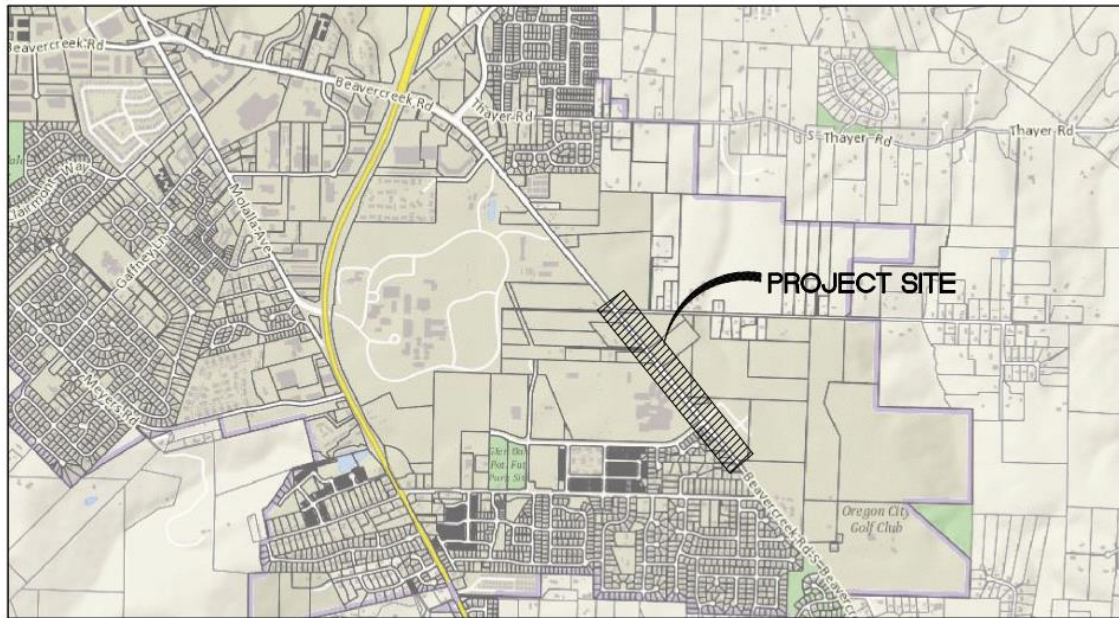
Exhibit 1 – Project Improvements Map

Exhibit 2 – Scope of Work

Exhibit 3 – Pahlisch Reimbursement Costs

Timberview Night Inspection Services Cost Reimbursement Agreement

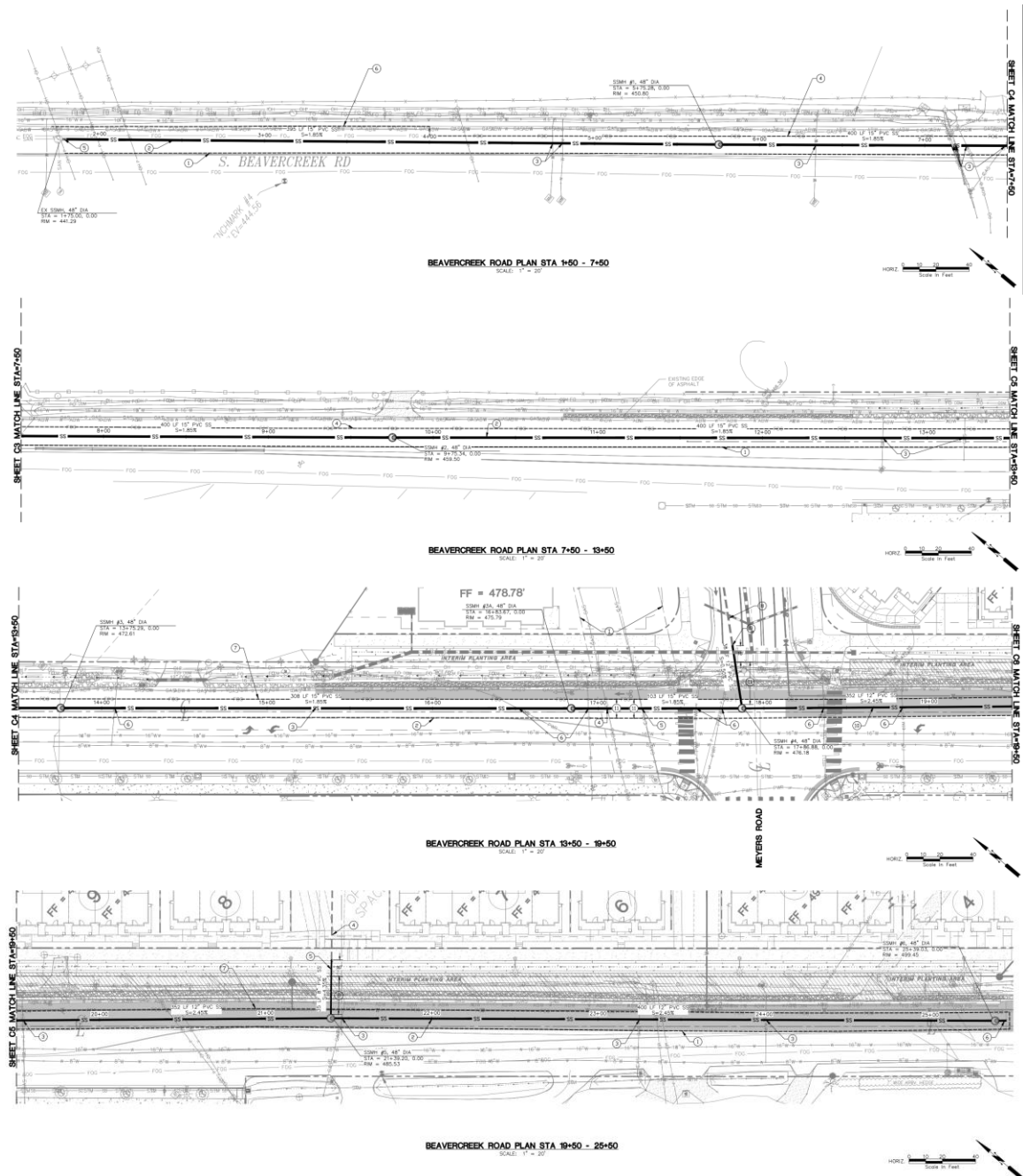
Exhibit 1 – Project Improvements Map



N.T.S.

Exhibit 2 – Scope of Work

Construction of Sanitary Sewer within Beavercreek Road as shown on approved Engineering Plans in the images below :



Timberview Night Inspection Services Cost Reimbursement Agreement

Construction of Water Main within Beavercreek Road as shown on approved Engineering Plans in the images below :

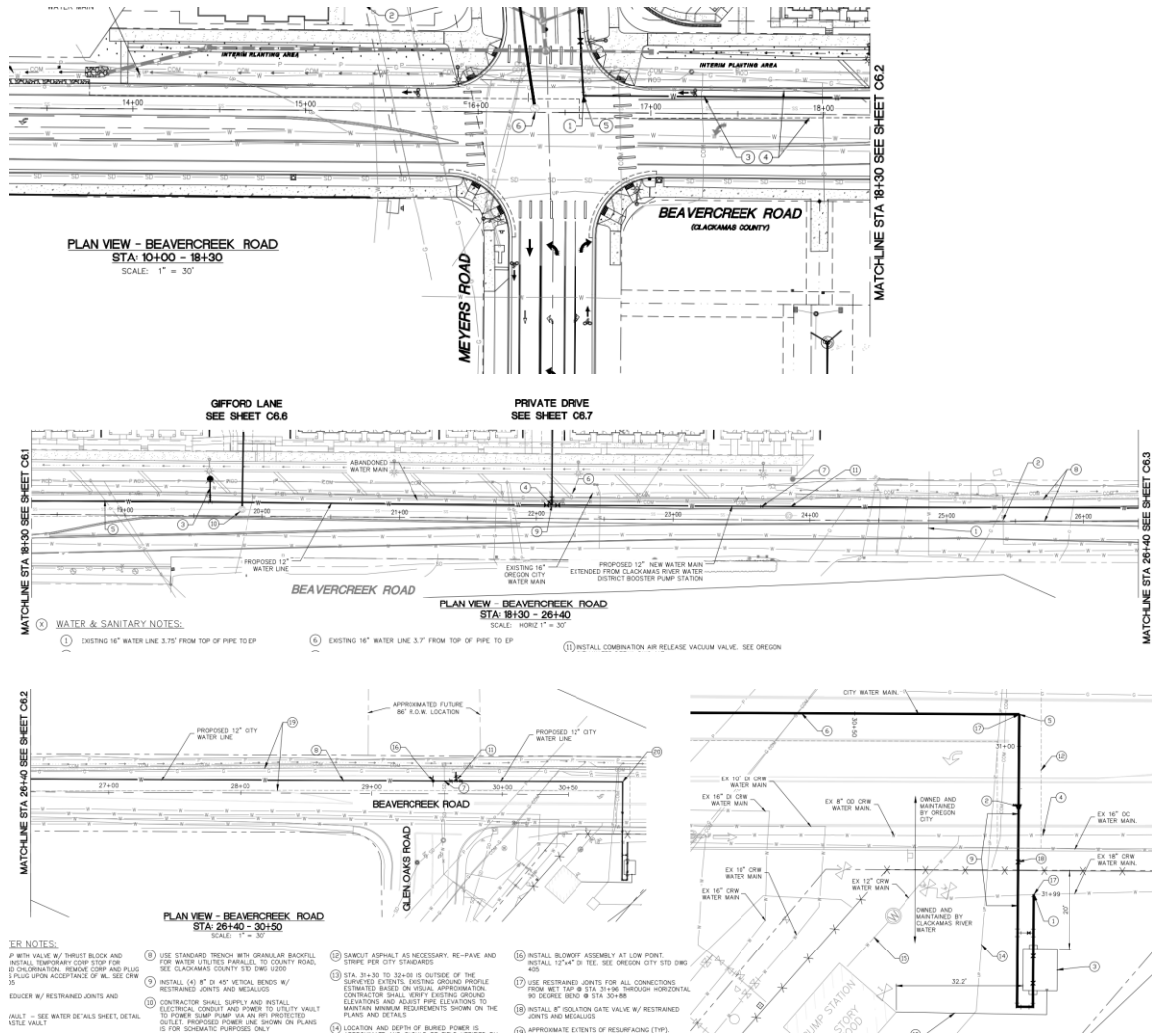


Exhibit 3 – Pahlisch Reimbursement Costs

The following scope of work will be completed by ACMS Northwest, LLC under contract with the City of Oregon City. Pahlisch will reimburse City of Oregon City for costs associated with night inspection by ACMS Northwest, LLC as invoiced on a monthly basis at the listed hourly billing rates not to exceed \$62,400.

Workdays/Shift: Workdays will be Monday through Friday starting at 8:00 p.m. and ending at 6:00 a.m.
 Scope of Work: Night work consisting of approximately 2,800 LF of pipe and seven (7) manholes.

CLASSIFICATION	HOURLY BILL RATE	TOTAL HOURS/DAYS	TOTAL COST
Construction Inspector Regular Hourly Rate	\$ 130.00	480 Estimated Reg Hours	\$ 62,400.00
Construction Inspector Overtime Hourly Rate	\$ 195.00	OT Hours TBD	

Estimated Total: \$ 62,400.00



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

Banner Permit Fee Waiver Request for the Oregon City Farmers Market and the Oregon City High School Graduation Committee

STAFF RECOMMENDATION:

Staff recommends the City Commission waive the annual permit fee for banners and street light pole banners for the Oregon City Farmers Market Non-Profit Organization and the Oregon City School District High School Graduation Party Committee through October 1, 2021, due to the COVID Pandemic.

EXECUTIVE SUMMARY:

The Public Works Department is responsible for installing and removing the banners from the public infrastructure, and the fee covers the City's cost to provide that service. The Commission received and approved a request to waive the fees associated with placing banners on City-owned street light poles in May of 2020. The City has continued to receive this kind of request for the 2021 summer banner season.

The annual permit for banners in the right-of-way is \$195 (prior to June 30). The street light pole banner installation/removal permit is \$23 per street light pole banner. The proposed waiver of the banner fees for the Oregon City Farmers Market Non-Profit Organization and the Oregon City School District High School Graduation Party Committee is proposed through October 1, 2021. This request is not anticipated to have a significant impact on the operating budget of the Public Works Department.

BACKGROUND:

City staff have received a written request from the Oregon City Farmers Market Executive Director and a verbal request from the Oregon City School District High School Graduation Party Committee to waive the fees associated with placing banners on City-owned street light poles designed to hold banners in Oregon City. The annual permit for banners in the right of way is \$195. The street light pole banner installation/removal permit is \$23 per street light pole banner.

The Public Works Department is responsible for installing and removing the banners from the public infrastructure, and the fee covers the City's cost to provide that service. The attached email from the Oregon City Farmers Market dated April 8, 2021, is requesting that the banner fees be waived for the summer season. It is estimated that the permit fees for the Farmers Market banners will cost approximately \$655.

The Oregon City School District High School Graduation Party Committee has not yet submitted their written request, but we anticipate a request for up to 25 banners on Main Street which represents a permit fee cost of \$770. Both organizations, while very different, are struggling to provide community service through the pandemic and are working diligently to make this Farmers Market season and the 2021 High School Graduation a success for all our Oregon City community. This non-profit organization and public agency are strong community supporters and specifically offer community interest banners through October 1, 2021. The proposed waiver of the banner fees is not anticipated to have a significant impact on the operating budget of the Public Works Department. The January 1, 2021 Engineering Fee Schedule is attached (please see page 3 for the banner permit fees).

OPTIONS:

1. Approve the proposed fee waiver.
2. Deny the proposed fee waiver.
3. Amend the proposal.

BUDGET IMPACT:

Amount: \$1,425

FY(s): 2021

Funding Source(s): Transportation Fund

Pam Harris

From: Pam Harris
Sent: Wednesday, April 14, 2021 10:16 AM
To: Pam Harris
Subject: Banner Permit - Fee Waiver Request from Oregon City Farmers Market

From: Jessica Land <info@orcifyfarmersmarket.com>
Sent: Thursday, April 8, 2021 9:41 AM
To: Josh Wheeler <jwheeler@orcify.org>
Subject: Fwd: FW: Banner Permit

Good Morning,

This is Jess with Oregon City Farmers Market and I'm writing in regards to the above email I received from Aaron Parker and our request for a banner fee waiver. Oregon City Farmers Market is a 501c3 and has been a strong community supporter since 2005. We serve a large SNAP demographic and are a source of fresh food for our community. We work to decrease the hunger gap both in our town and Clackamas County by providing a local point of food access. The pandemic has hit our resources greatly since many of our supporters lost grant funding, such as Clackamas Soil and Water Conservation District, Bob's Red Mill and more. We count on grants to help fuel our programs in order to serve our community for the greater good. I am told by the Oregon City Community Showcase that we want our town to be a destination point and increase tourism. It would certainly be helpful to have those banners displayed encouraging visitors to attend. In addition, our farms and vendors rely on this market as a main source of income for their livelihood.

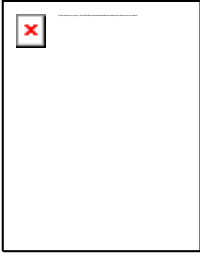
I am requesting your help in this matter and would like to appeal to the City for reconsideration. Our market serves an extremely important purpose in Oregon City and the banners work as a great reminder both of our location, dates and hours of operation. In addition, our farms and vendors rely on this market as a main source of income for their livelihood.

I appreciate your time and consideration.

Sincerely,

Jess Land

Executive Director/Market Manager



Please note new email address - info@orcifyfarmersmarket.com

Jess Land

Manager
Oregon City Farmers Market
orcifyfarmersmarket.com
503 734-0192

----- Forwarded message -----

From: **Aaron Parker** <aparker@orcify.org>
Date: Thu, Apr 8, 2021 at 8:06 AM
Subject: FW: Banner Permit
To: Jackie Hammond-Williams <info@orcifyfarmersmarket.com>
Cc: Josh Wheeler <jwheeler@orcify.org>

Hi Jessica,

I received your application for 20 street light pole banners for OC Farmer's Market. You ask for the permit fees to be waived due to being a non-profit organization. The general business item for waiving banner permit fees for non-profit organizations expired in 2020 – see below excerpt from the 5/6/2020 City Commission agenda. Fees for 2021 total \$655.

If you have any concerns please contact my supervisor Josh Wheeler, Assistant City Engineer, at jwheeler@orcify.org. Otherwise, you may pay by check or card at City Hall, 625 Center St, or at my direct number below.

Waiver for Non-Profit Organizations of the Annual Permit for Banners in the Right-of-Way and Street Light Pole Banner Installation/Removal Permit Fees

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the waiver for non-profit organizations of the annual permit for banners in the right-of-way and street light pole banner installation/removal permit fees for the remainder of 2020. 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

Thank you,



Aaron Parker, PE
Engineering Technician II
aparker@orc.org
503-496-1560 Direct
503-657-0891 City Hall
503-657-7026 Fax
City of Oregon City
Public Works Engineering
625 Center Street
Oregon City, Oregon 97045



City of Oregon City

Public Works

Engineering Fee Schedule

March 17, 2021

Item 7e.

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee
Erosion & Sediment Control SFR Permit (Application, Plan Review, Inspection)	Regular	Flat	\$274
	Reduced w/ Certification	Flat	\$210
	Re-inspection for failed inspection	Flat	\$85
Erosion & Sediment Control Non-SFR Permit (Application, Plan Review, Inspection)	Regular (1 acre or less)	Flat	\$726
	Reduced w/ Certification (1 acre or less)	Flat	\$402
	PLUS, each additional acre or fraction thereof	Per Unit	\$129
	Re-inspection for failed inspection	Flat	\$85
Engineering Services for Building Permits	Engineering Site Plan Review for Building Permit	Flat	\$85
	Inspection for Public Sidewalk and Driveway Approach for single family subdivision lot Building Permit	Flat	\$170
Public Utility Service Permit	Application for Public Water Service Line, Sanitary Sewer or Stormwater Service Laterals	Flat	\$54
	Plan Review	Flat	\$116
	Utility Inspection	Flat	\$170
	Pavement Cut & Restoration Inspection	Flat	\$28
	Utility Permit Sidewalk Repair Inspection	Flat	\$28
	Utility Permit Driveway Approach Repair Inspection	Flat	\$28
	Utility Re-Inspection	Flat	\$85
	Sanitary Sewer Service Lateral Launch Video Inspection by City per Customer request	Flat	\$238
	Sanitary Sewer Service Tap Video Inspection at Public Main Line Connection	Flat	\$238
Public Street Driveway Approach Permit	Application	Flat	\$54
	Plan Review	Flat	\$116
	Inspection	Flat	\$170
	Re-Inspection	Flat	\$85
Public Street Sidewalk Permit	Application and Plan Review	Flat	\$54
	Inspection	Flat	\$116
	Re-Inspection	Flat	\$85
Public Street Sidewalk Group Permit	Application (one contractor for multiple sidewalk panel replacements along one block of street frontage, block length shall be a maximum length of 500 feet)	Flat	\$54
	Plan Review	Flat	\$116
	Inspection	Flat	\$170
	Re-Inspection	Flat	\$85

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee Item 7e.
Grading Permit (Filling, Grading, Excavating, including temporary material stockpile)	Application, Plan Review and Site Monitoring (*Engineer's Cost Estimate when applicable)	Flat Fee Plus Percentage	\$296 plus 2.5% of cost estimate*
Public Improvements Development Engineering Services (Street, Water, Sanitary Sewer, Stormwater)	5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)	Percentage	5% of cost estimate
	Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review	Percentage	0.5% of cost estimate
Geotechnical Review	City Peer Review of Geotechnical Documents (Reports, Plans, Other)	Actual Cost	Actual Peer Review cost
Stormwater Management Peer Review	City Peer Review of Engineered Method to Calculate Size of Stormwater Management Facilities	Actual Cost	Actual Peer Review cost
Temporary Obstruction in ROW Permit	Application and Plan Review	Flat	\$28
	Inspection	Flat	\$28
Long Term Obstruction in ROW with Revocable ROW Permit	Application	Flat	\$54
	Plan Review	Flat	\$116
	City Resolution and Document Process	Flat	\$227
	Revocable ROW Permit	Flat	\$170
City Resolution and Document Processing	City Resolution and Document Processing	Flat	\$227
Document Processing and Recording Fee	Record one document at one time	Flat	\$309
	record each additional document at same time with first document	Flat	\$175
Plat Review	Partition	Flat	\$585
	Subdivision	Flat	\$819
	Planned Development	Flat	\$2,125
Vacation of Public Rights-of-Way or Public Easements	Public Right-of-Way	Flat	\$1,129
	Public Easement	Flat	\$666
Special Event ROW Permit	Application and Review	Flat	\$170
	ROW Inspection for use of ROW during Special Event	Flat	\$170
Renewable ROW Permit (outdoor seating, monitoring wells, other)	Application, Review and Inspection	Flat	\$85
ROW Permit General - Minor work outside of travel ways and no vehicular traffic control	Application, Review and Inspection	Flat	\$170
ROW Permit General - Moderate work within travel ways and not requiring Technical Plan Review	Application and Plan Review	Flat	\$170
	Inspection	Flat	\$170
ROW Permit General - Major work in ROW requiring technical plan review	Application, Technical Plan Review and ROW Inspection is Flat Fee plus 2.5% of Engineer's Final Cost Estimate	Flat Fee Plus Percentage	\$296 plus 2.5% of cost estimate
Small Cell Facility - Minor Installation (on Existing Third Party Utility Structure)	Application, Review and Inspection	Flat	\$784

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee Item 7e.
Small Cell Facility - Major Installation (on City Utility Structure or Proposed New Structure) (requires Technical Plan Review)	Application, Technical Plan Review and Inspection - Flat Fee plus actual cost over Flat Fee plus 15% Administrative Fee	Flat Fee plus Actual Cost over Flat Fee plus Administrative Cost Percentage	\$784 plus actual cost over Flat Fee plus Administrative Fee
ROW Licensee Major Installation - Fiber, Cable, Natural Gas, Electric, Telecommunications (does not include Small Cell Facility) requires Technical Plan Review	5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)	Percentage	5% of cost estimate
	Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review	Percentage	0.5% of cost estimate
Film Permit	ROW Inspection for use of ROW during filming	Flat	\$170
	Usage fee for using City facilities' sanitary sewer during filming	Flat	\$37
	Usage fee for using City facilities' water during filming	Flat	\$37
Annual Permit for Banners in Right-of-Way (ROW)	(Note: Fees adopted through Resolution 15.31)	One Flat Fee applies prior to June 30 th / One Flat Fee after June 30 th	\$195 prior to June 30 th / \$98 after June 30 th
Street Light Pole Banner Installation/Removal Permit in ROW	Fees for application, review, installation and removal of street light pole banners (Note: Fees adopted through Resolution 15.31)	Flat Rate per street light pole banner	\$23
Cross Street Banner Installation/Removal Permit in ROW (ODOT Hwy 99E Pedestrian Bridge)	Fees for application, review, installation and removal of cross street banner at ODOT Hwy 99E pedestrian bridge (Note: Fees adopted through Resolution 15.31)	Flat	\$74
Approved requests for after-hours or weekend City staff inspections shall be billed based on staff cost.			



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

Public Improvement Contract with Clackamas Construction, Inc. for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Clackamas Construction, Inc. in the amount of \$394,245.25 for construction of the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003).

EXECUTIVE SUMMARY:

In 2018, the City requested that RH2 Engineering, Inc. develop alternatives and conceptual designs for stabilizing the ongoing landslide and restoring or permanently abandoning the road and utilities in Trillium Park Drive. The City has chosen to move forward with the plan to relocate the damaged sewer out of the slide zone using horizontal directional drilling.

BACKGROUND:

In May 2020, the City contracted with RH2 Engineering, Inc. to provide design and construction administrative services for the Trillium Park Drive Sanitary Sewer Relocation Project.

On March 8 and 10, 2021, the project was advertised in the *Daily Journal of Commerce* and on the City bid site in accordance with City and State contracting procedures. The bid opening was held on April 8, 2021 and two (2) bids were received. Staff and RH2 Engineering, Inc. reviewed the bids and determined that Clackamas Construction, Inc. was the low responsive bidder. The contract award value is three hundred ninety-four thousand, two hundred forty-five dollars and twenty five cents (\$394,245.25).

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

Clackamas Construction, Inc.	\$394,245.25
Pacific Underground Co.	\$395,543.00
Engineer's Estimate	\$294,500.00

The two bids received were close in price, but higher than the Engineer's Estimate. RH2 Engineering, Inc. and staff reviewed the bids and attribute the higher bids to the following:

- A majority of the work included in this project will be performed by a specialized horizontal directional drilling subcontractor.
- With most of the work being done by the specialty subcontractor, the unit prices for bid items that would be performed by the general contractor are minimal. They applied overhead and profit to a small number of bid items and the low unit quantities resulted in higher unit prices for that work.
- General market trends indicate that bids have been increasing, particularly due to an increase in materials and labor costs.

Considering these factors, RH2 Engineering, Inc. and City staff feel that the bids received are representative of the challenging and specialized nature of the project, and we recommend the City award the contract.

OPTIONS:

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

BUDGET IMPACT:

Amount:	\$394,245.25
FY(s):	2021/22
Funding Source(s):	Sanitary Fund

Term of Contract: _____

SECTION III A

CONTRACT AGREEMENT

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

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

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **Trillium Park Drive Sanitary Sewer Relocation (CI 20-003)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form Contract Agreement Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Performance Bond Payment Bond State of Oregon Statutory Public Works Bond General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2021 Prevailing Wage Apprenticeship Rates dated January 1, 2021 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents Addenda 1, dated 3/18/2021 Addenda 2, dated 3/23/2021 All items included within these Contract Documents.
--	---

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

ARTICLE II - Time of Completion

The project shall be complete within **60 calendar days** from the Beginning of Contract Time as identified in 00180.50(c) of the Special Provisions. A Limited Notice to Proceed is expected to be issued prior to the Notice to Proceed as described in 00130.90 of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **three hundred ninety-four thousand, two hundred forty-five and 25/100 dollars (\$394,245.25)**.

ARTICLE IV - Warranty and Quality of Work

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

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

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

CITY OF OREGON CITY**CLACKAMAS CONSTRUCTION, INC.**

by: _____
 Anthony J. Konkol III
 City Manager

 Printed Name

by: _____
 Authorized signature

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

 Title

 Federal Taxpayer ID Number

Approved as to Legal Sufficiency:

Address:

by: _____
 City Attorney

City Commission Award Date:


**RH2 ENGINEERING
Portland**

5335 Meadows Road, Suite 420
Lake Oswego, OR 97035
1.800.720.8052 / rh2.com

April 13, 2021

Mr. John Burrell
Project Manager
City of Oregon City
625 Center Street
Oregon City, OR, 97045

Sent via: Email

**Subject: Trillium Park Drive Sanitary Sewer Relocation (CI 20-003)
Recommendation for Award**

Dear Mr. Burrell:

The bids for the Trillium Park Drive Sanitary Sewer Relocation project were opened as advertised on Thursday, April 8, 2021, at 2:00 PM, at Oregon City's City Hall. Clackamas Construction, Inc., (Clackamas Construction) submitted the lowest bid of the two bids received. A summary of the bid totals is provided below:

1. Clackamas Construction, Inc.	\$394,245.25
2. Pacific Underground Co.	\$395,543.00

A detailed bid tabulation is attached for your reference. A review of the bids shows that Clackamas Construction's low bid was approximately 33.9-percent higher than the engineer's estimate of \$294,500.00. The second lowest bidder, Pacific Underground Co., was approximately 34.3-percent higher than the engineer's estimate.

The difference between the engineer's estimate and the bids received may be attributed to a few factors. First, the majority of the work will be performed by a specialized horizontal directional drilling subcontractor and, due to the challenging conditions of the project, only one drilling subcontractor, Downing Diversified, submitted their qualifications and was approved to do the work. Seeking to increase competition, the City issued an addendum to postpone the deadline for submitting the specialized subcontractor qualifications yet Downing Diversified remained the only specialized subcontractor to submit qualifications. Secondly, the work that will be performed by the prime contractors where they apply overhead and profit costs is relatively small and the low unit quantities resulted in higher unit prices for that work. Third,

**WASHINGTON
LOCATIONS**

Bellingham
Bothell (Corporate)
East Wenatchee
Issaquah
Richland
Tacoma

**OREGON
LOCATIONS**

Medford
Portland



trends in the market indicate that bids have been increasing over what we have seen previously, particularly due to an increase in materials and labor costs.

Considering these factors, RH2 feels that the bids received are representative of the challenging and specialized nature of the project and recommends that the City award the contract to Clackamas Construction.

If you have any questions or would like to discuss anything further regarding this recommendation or the bid results, please contact me at (503) 446-2911 or jbarrow@rh2.com. Thank you for the opportunity to assist you with this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Barrow', written in a cursive, flowing style.

Justin Barrow, P.E.
Project Engineer

Enclosures or Attachments:

Trillium Park Drive Sanitary Sewer Relocation Bid Tabulation

City of Oregon City
Trillium Park Drive Sanitary Sewer Relocation
Bid Tabulation
Date: 4/8/21 2:00 PM

Apparent Low

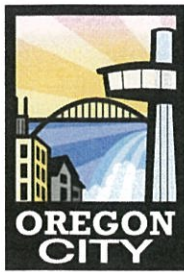
Other Bidders

Item	Description	Units	Quantity
1	Mobilization	LS	1
2	Work Zone Traffic Control, Complete	LS	1
3	Erosion and Sediment Control	LS	1
4	Construction Survey Work	LS	1
5	Rock Excavation	CY	37
6	Boulder Excavation	CY	74
7	8-inch PVC Sewer Pipe, Class B Backfill	LF	15
8	10-inch HDPE Sewer Pipe, Trenchless	LF	349
9	Concrete Manholes w/ Inside Drop Connection, 48-inch Diameter	EA	1
10	Concrete Manholes w/ Outside Drop Connection, 48-inch Diameter	EA	1
11	Abandon Existing Sanitary Sewer Main and Manhole	LS	1
12	Bypass Pumping	LS	1
13	Connections to Existing Manholes	EA	2
14	Temporary Trench Resurfacing, HMAc, 2-inch Depth	SY	60
15	Trench Resurfacing, HMAc, 4-inch Depth	SY	80
16	Extra Work as Authourized	LS	1
TOTAL (ITEMS 1 TO 16)			

Engineers Estimate	
Unit Price	Extended
\$ 21,900.00	\$ 21,900.00
\$ 5,000.00	\$ 5,000.00
\$ 2,000.00	\$ 2,000.00
\$ 5,000.00	\$ 5,000.00
\$ 300.00	\$ 11,100.00
\$ 200.00	\$ 14,800.00
\$ 175.00	\$ 2,700.00
\$ 500.00	\$ 174,500.00
\$ 9,000.00	\$ 9,000.00
\$ 9,000.00	\$ 9,000.00
\$ 4,000.00	\$ 4,000.00
\$ 5,000.00	\$ 5,000.00
\$ 2,500.00	\$ 5,000.00
\$ 25.00	\$ 1,500.00
\$ 50.00	\$ 4,000.00
\$ 20,000.00	\$ 20,000.00
	\$ 294,500.00

Clackamas Construction, Inc.	
Unit Price	Extended
\$ 40,000.00	\$ 40,000.00
\$ 1,875.00	\$ 1,875.00
\$ 2,075.00	\$ 2,075.00
\$ 2,173.00	\$ 2,173.00
\$ 692.00	\$ 25,604.00
\$ 67.00	\$ 4,958.00
\$ 515.00	\$ 7,725.00
\$ 665.25	\$ 232,172.25
\$ 11,000.00	\$ 11,000.00
\$ 16,000.00	\$ 16,000.00
\$ 9,200.00	\$ 9,200.00
\$ 7,683.00	\$ 7,683.00
\$ 2,250.00	\$ 4,500.00
\$ 48.00	\$ 2,880.00
\$ 80.00	\$ 6,400.00
\$ 20,000.00	\$ 20,000.00
33.9%	\$ 394,245.25

Pacific Underground Co.	
Unit Price	Extended
\$ 8,000.00	\$ 8,000.00
\$ 50,000.00	\$ 50,000.00
\$ 3,500.00	\$ 3,500.00
\$ 11,000.00	\$ 11,000.00
\$ 300.00	\$ 11,100.00
\$ 275.00	\$ 20,350.00
\$ 215.00	\$ 3,225.00
\$ 550.00	\$ 191,950.00
\$ 14,815.00	\$ 14,815.00
\$ 13,815.00	\$ 13,815.00
\$ 9,948.00	\$ 9,948.00
\$ 10,000.00	\$ 10,000.00
\$ 5,000.00	\$ 10,000.00
\$ 124.00	\$ 7,440.00
\$ 130.00	\$ 10,400.00
\$ 20,000.00	\$ 20,000.00
34.3%	\$ 395,543.00



CITY OF OREGON CITY

TRILLIUM PARK DRIVE SANITARY SEWER RELOCATION

SPRING 2021
VOLUME II OF II

Item 7f.
REGISTERED
ENGINEER
OREGON
MARCH 3, 2019
JUSTIN R. BARROW
EXPIRES: 12/31/2021
SIGNED: 02/08/2021

PROJECT NUMBER:
CI 20-003
PROJECT MANAGER:
JOHN BURRELL

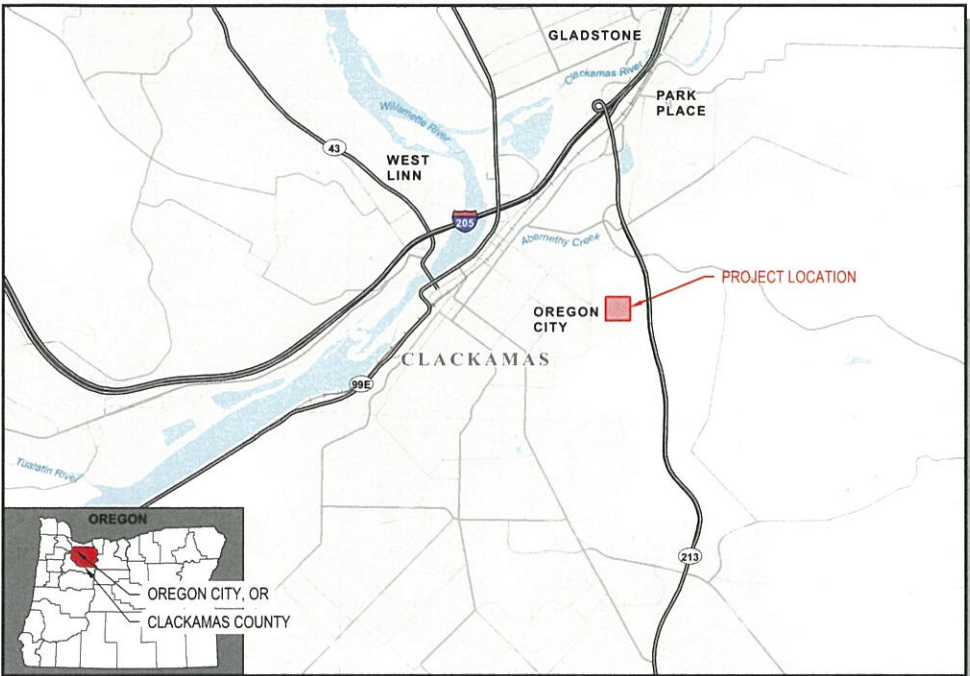
RH2 ENGINEERING INC.
5335 MEADOWS DRIVE
LAKE OSWEGO, OREGON 97035
SUITE 420
PROJECT NO.:
618-007
DESIGNED BY:
JRB
SCALE:
SHOWN
DATE:
Feb 8, 2021
DRAWN BY:
AEL
CHECKED BY:
KMP

COVER
TRILLIUM PARK DRIVE SANITARY SEWER RELOCATION
OREGON CITY, OREGON
CITY FILE NO. CI 20-003

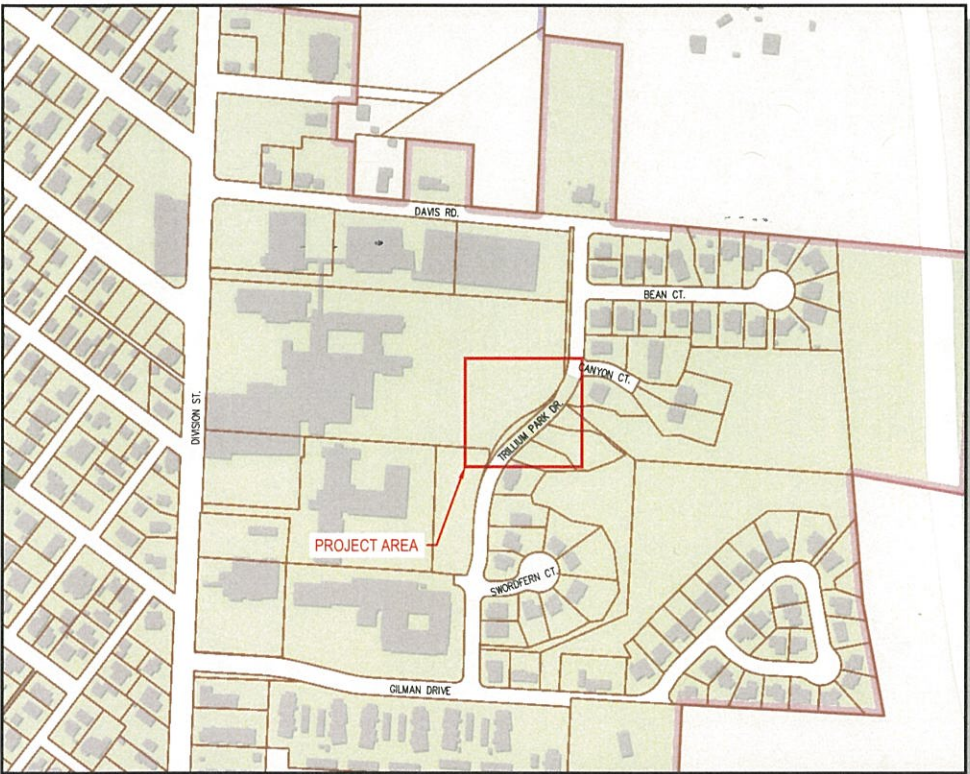
REVISION	DATE	DESCRIPTION

DRAWING NUMBER:
COV
SHEET
Page 92

PROJECT VICINITY MAP



PROJECT LOCATION MAP



LEGENDS

EXISTING LEGEND

- WATER METER
- FIRE HYDRANT (2 PORT)
- WATER GATE VALVE
- STORM DRAIN MANHOLE
- CATCH BASIN (RECTANGULAR)
- DITCH INLET
- SANITARY SEWER MANHOLE
- POWER RISER
- LIGHT POLE
- COMMUNICATIONS RISER
- NATURAL GAS METER
- NATURAL GAS VALVE
- BORE LOCATION
- INCLINOMETER
- MONUMENT
- BUILDING EDGE
- NATURAL GAS
- UNDERGROUND POWER
- EXISTING PHONE
- EXISTING TV
- ROADWAY CURB
- SANITARY SEWER
- STORM DRAIN LINE
- PROPERTY LINE
- RIGHT OF WAY LINE
- WATER LINE
- ASPHALT PATCH
- ASPHALT
- SIDEWALK CONCRETE
- EXISTING CONTOUR LINE MAJOR
- EXISTING CONTOUR LINE MINOR
- SOIL BORING
- ROCK

PROPOSED LEGEND

- SEWER MANHOLE
- GRAVITY SEWER
- FIRE HYDRANT
- WATER LINE
- PIPE TO BE ABANDONED

DRAWING INDEX

SHEET NO	SHEET TITLE	DRAWING NO
1	COVER	COV
2	GENERAL NOTES	G01
3	EROSION CONTROL NOTES AND DETAILS	G02
4	SEWER MAIN PLAN AND PROFILE	SS01
5	DETAILS	D01
6	DETAILS 2	D02

CONTACT PERSONNEL

CONTACT	AGENCY	PHONE
JOHN BURRELL (PROJECT MANAGER)	OREGON CITY	(503) 496-1556
ERIC HAND (SANITARY AND STORMWATER)	OREGON CITY	(503) 657-8241
KEVIN HANKS (WATER)	OREGON CITY	(503) 657-8241
JASON THORNBERG (STREETS)	OREGON CITY	(503) 657-8241
JONATHAN McDOWELL (SIGNAL OPERATIONS)	CLACKAMAS COUNTY	(503) 970-8989
KYLE PETTIBONE, P.E.	RH2 ENGINEERING	(503) 446-2816
DAVID NICHOLS, P.E.	RH2 ENGINEERING	(503) 446-5949
JUSTIN BARROW, P.E.	RH2 ENGINEERING	(503) 446-2911
RICH GIRARD, P.E.	NW NATURAL GAS	(360) 921-0314
ROSS CICHOSZ	PORTLAND GENERAL ELECTRIC	(503) 669-3331
BRENT CHRISTIANSEN	COMCAST	(503) 347-0854
DAVID DODD	CENTURY LINK	(503) 242-8849
BRIAN DAVIDSON	ZAYO	(360) 558-4215
WINIFRED VOGT	LIGHTSPEED	(503) 936-8107
ERIC KEHLER	BEAVER CREEK TELEPHONE	(503) 266-8223

CALL 48 HOURS BEFORE YOU DIG
ONE CALL 1-800-332-2344

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER AT 503-232-1978.

PREPARED BY:





CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Chief of Police Jim Band

Agenda Date: 04/21/2021

SUBJECT:

OLCC: Liquor License Application – Full On-Premises, Commercial, applying as LLJJ, Inc. (dba Lucky Rooster), 13547 S. Redland Rd, Oregon City

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the OLCC Application for LLJJ, Inc. (dba Lucky Rooster), 13547 S. Redland Rd, Oregon City.

EXECUTIVE SUMMARY:

The attached application is for an OLCC (Oregon Liquor Control Commission) Full On-Premises, Commercial license for LLJJ, Inc. (dba Lucky Rooster).

BACKGROUND:

The Oregon City Police Department conducted background checks on Lenore R. Lowden and Larry D. Lowden, Jr. They are eligible to hold a liquor license. The applicant already holds an approved liquor license and is adding full on-premises, commercial. All applicants must obtain an Oregon City business license before submitting their application for an OLCC liquor license. The Oregon City business license application process includes routing of the application for review through various City departments.

OPTIONS:

1. Approve the OLCC Liquor License Application.
2. Deny the OLCC Liquor License Application and provide staff direction.



LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

Item 7g.

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
☐ Brewery 1 st Location	Date application received and/or date stamp:
Brewery Additional location (2 nd) ☐ (3 rd) ☐	Name of City or County:
☐ Brewery-Public House (BPH) 1 st location	Recommends this license be:
BPH Additional location (2 nd) ☐ (3 rd) ☐	☐ Granted ☐ Denied
☐ Distillery	By: _____
☒ Full On-Premises, Commercial	Date: _____
☐ Full On-Premises, Caterer	
☐ Full On-Premises, Passenger Carrier	
☐ Full On-Premises, Other Public Location	
☐ Full On-Premises, For Profit Private Club	
☐ Full On-Premises, Nonprofit Private Club	
☐ Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) ☐ (3 rd) ☐	
☐ Limited On-Premises	
☒ Off-Premises	
☐ Warehouse	
☐ Wholesale Malt Beverage & Wine	
☐ Winery 1 st Location	
Winery Additional location (2 nd) ☐ (3 rd) ☐ (4 th) ☐ (5 th) ☐	

OLCC USE ONLY
Date application received: 12-7-20
Date application accepted: 12-7-20
License Action(s): A/Priv G/PRIV

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)¹**
applying for the license(s):

LLJJ, Inc.

12-7-20 RE

Lenore R. Lowden

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

Larry D. Lowden Jr.

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)

Lucky Rooster

4. Business Address (Number and Street Address of the Location that will have the liquor license)

13547 S. Redland Rd.

City
Oregon CityCounty
ClackamasZip Code
97045

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.

**LIQUOR LICENSE APPLICATION**

5. Trade Name of the Business (Name Customers Will See) Lucky Rooster			
6. Does the business address currently have an OLCC liquor license? ☒ YES ☐ NO			
7. Does the business address currently have an OLCC marijuana license? ☐ YES ☒ NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in <u>OR 845-004-0065(1)</u>.) PO Box 2498			
City Clackamas	State OR	Zip Code 97015	
9. Phone Number of the Business Location 503 650-4906		10. Email Contact for this Application and for the Business luckyrooster@comcast.net	
11. Contact Person for this Application Lenore R. Lowden		Phone Number 503 706-1178	
Contact Person's Mailing Address (if different)	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

Lenore R. Lowden, Secretary		12/7/2020	
App. #1: (PRINT NAME)	App #1: (SIGNATURE)	App #1: Signature Date	Atty. Bar Information (if applicable)
Lenore R. Lowden		12/7/2020	
App. #2: (PRINT NAME)	App #2: (SIGNATURE)	App #2: Signature Date	Atty. Bar Information (if applicable)
Larry D. Lowden Jr.		12/7/2020	
App. #3: (PRINT NAME)	App #3: (SIGNATURE)	App #3: Signature Date	Atty. Bar Information (if applicable)
App. #4: (PRINT NAME)	App #4: (SIGNATURE)	App #4: Signature Date	Atty. Bar Information (if applicable)



CITY OF OREGON CITY

CITY COMMISSION SPECIAL EMERGENCY MEETING

DRAFT MINUTES

Virtual Meeting
Tuesday, February 16, 2021 at 3:30 PM

SPECIAL EMERGENCY MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Commission President Rocky Smith called the meeting to order at 3:33 PM.

PRESENT: 4 - Commissioner Denyse McGriff, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith, Jr., and Commissioner Frank O'Donnell

STAFFERS: 4 - City Manager Tony Konkol, Communications Director Kristen Brown, Assist. to the City Manager Lisa Oreskovich, and Police Chief Jim Band

2. GENERAL BUSINESS

2a. Resolution No. 21-12, Extending the Declaration of a State of Emergency in Oregon City due to Winter Storm Destruction

Commission President Rocky Smith Jr. had declared a state of emergency on Sunday, February 14, 2021 and it needed to be extended, so the resolution before the Commission would extend it until March 18, 2021.

Tony Konkol, City Manager, discussed the winter storm events, City staff responses, power outages, and the damages sustained in the City. He also cautioned the residents about possible dangers and the two locations that the City opened for debris drop-off.

Commissioner Lyles Smith asked for updates on Meals on Wheels and local hospitals. Mr. Konkol provided a Meals on Wheels update and did not have an update on hospitals. Commissioner Lyles Smith asked what residents should do with their debris and tree limbs if they can't take their debris to a drop-off location.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith to approve Resolution No. 21-12. The motion passed by the following vote:

Yea: 4 - Commissioner McGriff, Commissioner O'Donnell, Commissioner Smith, Commissioner Smith, Jr.

3. ADJOURNMENT

Commission President Rocky Smith adjourned the meeting at 3:44 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED

DRAFT MINUTES

Virtual Meeting

Wednesday, February 17, 2021 at 7:00 PM

6:15 PM - CITY COMMISSION VIRTUAL EXECUTIVE SESSION:

The City Commission Executive Session will be held virtually via Zoom beginning at 6:30 PM. Please contact the City Recorder's Office recorderteam@orc.org.

- a. *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 – CITY COMMISSION REGULAR MEETING

1. CONVENE MEETING AND ROLL CALL

Commission President Rocky Smith called the meeting to order at 7:08 PM.

PRESENT: 3 - Commissioner Denyse McGriff, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

ABSENT: 1 - Commissioner Frank O'Donnell

STAFFERS: 13 - City Manager Tony Konkol, Asst. City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, Sr. Planner Christina Robertson-Gardiner, Asst. City Recorder Jakob Wiley, Human Resources Director Patrick Foiles, Economic Development Manager James Graham

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

William Gifford, resident of Oregon City, thanked the City staff for all the hard work during the winter storm and Water Environment Services for working to get the sewage treatment issues resolved that resulted from the recent ice storm.

5. PRESENTATIONS

5a. Transportation Advisory Committee Annual Report

John Lewis, Public Works Director, introduced the Transportation Advisory Committee Chair Henry Mackenroth.

Mr. Mackenroth explained how many meetings they held over the last year and some of the discussion topics covered, which included involvement in the National Night Out, the Meyers Road Project and the Molalla Avenue Streetscape.

6. ADOPTION OF THE AGENDA

Commissioners McGriff and Lyles Smith requested that item 7b be pulled from the Consent Agenda and added to General Business as item 9d. Agenda adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the Consent Agenda except for item 7b, which includes items 7a, and 7c - 7i. Motion carried with the following vote:

Yea: 3 - Commissioner McGriff, Commissioner Lyles Smith, and Commissioner Smith, Jr.

- 7a. Resolution No. 21-11, Extending the State of Emergency Declaration in Oregon City due to the COVID-19 Pandemic
- 7c. Deed of Dedication for Mountain View Jara, LLC (Mountain View Apartments) - Molalla Avenue Streetscape Project (CI 18-004)
- 7d. OLCC: Liquor License Application – Full On-Premises and Off-Premises, applying as Not Yours, LLC (dba Trails End Saloon), 1320 Main Street, Oregon City
- 7e. Minutes of the December 2, 2020 Regular Meeting
- 7f. Minutes of the December 8, 2020 Joint Work Session with the Parks and Recreation Advisory Committee
- 7g. Minutes of the December 8, 2020 Special Meeting
- 7h. Minutes of the December 8, 2020 Work Session
- 7i. Minutes of the February 3, 2021 Regular Meeting

8. PUBLIC HEARINGS

- 8a. Request Continuance: Appeal of the Planning Commission's Approval of an Expansion to a 30-Bed Residential Care Facility with Memory Care at 182 Warner Parrott Road (Planning Files GLUA-20-00020, CU-20-00002, SP-20-00043, AP-21-00001)

Laura Terway, Community Development Director, discussed the reasons staff had requested to continue the hearing for this item and not to take any testimony. Due to the widespread loss of electricity caused by the recent storm, staff recommends continuing the hearing until the March 3, 2021 meeting to enable greater public participation.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to continue the hearing of Planning Files GLUA-20-00020, CU-20-00002, SP-20-00043, AP-21-00001 until the March 3, 2021 regular meeting. The motion passed by the following vote:

Yea: 3 - Commissioner McGriff, Commissioner Lyles Smith, and Commissioner Smith, Jr.

9. GENERAL BUSINESS

- 9a. Second Reading of Ordinance No. 20-1005, Emergency Annexation of 0.9 Acres at 19242 Beavercreek Road (File No. GLUA-20-00017: AN-20-00001)

Ms. Terway introduced the second reading of the Ordinance.

Motion made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve the second reading and final adoption of Ordinance No. 20-1005, Emergency Annexation of 0.9 Acres at 19242 Beavercreek Road (File No. GLUA-20-00017: AN-20-00001). The motion passed with the following vote:

Yea: 3 - Commissioner McGriff, Commissioner Lyles Smith, and Commissioner Smith, Jr.

- 9b. Resolution No. 21-10, Initiating the Process to Vacate a Section of Public Right-of-Way Adjacent to 1625 Washington Street

Mr. Lewis explained an application was received by the property owner to vacate this section of an alley as a public right-of-way. The alley is encumbered by an existing building, a large elevation drop on one end, and Abernethy Creek on the other end. The vacation is in the public's best interest due to the limitation of the alley for present or future access or utilities. Staff recommended approval of this resolution, requesting initiation of proceedings for the vacation.

Commissioner McGriff asked a clarifying question on the application process. Mr. Lewis provided explanation.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-10, Initiating the Process to Vacate a Section of Public Right-of-Way Adjacent to 1625 Washington Street. The motion passed by the following vote:

Yea: 3 - Commissioner McGriff, Commissioner Lyles Smith, and Commissioner Smith, Jr.

- 9c. Clackamas County Vehicle Registration Fee

At the Clackamas County Board of Commissions Policy Session on February 9, 2021 a Commissioner requested that the Board reconsider their previous decision to enact a Vehicle Registration Fee. The Board of County Commissioners will be discussing this topic at their February 23, 2021 Policy Session. A letter was composed which detailed the projects that Oregon City has completed to date, what projects are under construction, which are currently in design and will be moving into construction this summer. Additionally, the list included projects that are proposed to get underway in the next biennial budget. The projects that Oregon City had used the Vehicle Registration Fee (VRF) to fund are projects that have high neighborhood and community support and include neighborhood transportation projects that address longstanding community bicycle and pedestrian safety concerns. Future projects would also address neighborhood transportation projects and I also include congestion management projects.

Tony Konkol, City Manager, provided the staff report that explained Clackamas County had implemented a vehicle registration fee and are now re-evaluating that implementation. The letter before the Commission would explain to the Clackamas County Board of County Commissioners how Oregon City had planned to use the fees to improve the City in various projects. Staff asked for the City Commission

City Commission Regular Meeting – REVISED Minutes

February 17, 2021

to approve and authorize Commission President Rocky Smith sign the letter to be submitted to Clackamas County for their February 23, 2021 meeting.

Mr. Lewis provided some context as to how this topic had come up very quickly before the City Commission.

Commissioner McGriff asked clarification on the fee amount and the portion allotted to cities. Mr. Konkol reviewed for the Commission the fee amounts and percentages the cities received.

Commissioner Lyles Smith commented that she hopes the sidewalk infill projects will be completed and questioned why they were called out as separate projects. Mr. Lewis explained that previously, different funding sources had been utilized. Commissioner Lyles Smith commented the fee had been a very contentious topic on the C4 (Clackamas County Coordinating Committee) Committee and she would support whatever policy decision the Commission arrived at.

The Commission took a short break from 7:40 to 7:46 PM.

Commission President Smith commented that the letter spoke to the benefits that the City received from the funds and did not address the policy aspects and perhaps the letter should mention that.

The Commission discussed if they wanted to take a policy stand on supporting or not supporting the County's vehicle registration fee.

Mr. Lewis provided additional comments on how the City was approached by County staff on how Oregon City has used the funds and that was how the letter was composed and did not address policy, as that was not what had been requested. Mr. Lewis suggested the letter be sent with the City Manager's signature, rather than the Commission President and the policy discussion would come up in further discussion with the County.

Commissioner McGriff supported the letter as it was composed.

Commissioner Lyles Smith mentioned an email she received from a County Government Affairs staff member, that the topic was coming up with the County Commissioners. Mr. Lewis and Commissioner Lyles Smith discussed the recent history of this topic and that the City had not discussed from a policy perspective.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to direct the City Manager to send the letter under his name. The motion passed by the following vote:

Yea: 3 - Commissioner McGriff, Commissioner Lyles Smith, and Commissioner Smith, Jr.

- 9d. Personal Services Agreement with Bureau Veritas Technical Assessments LLC for Parks Deferred Maintenance Assessment & Capital Improvement Plan (moved from the Consent Agenda section)

The City of Oregon City Parks & Recreation Department received approval to move forward in the process of hiring a consultant to do a deferred maintenance assessment and Capital Improvement Plan (CIP) for Oregon City Parks and facilities. A Request for Proposals (RFP) was issued on January 8th for firms to submit proposals and the submitted proposal was received on January 29, 2021. The Parks & Recreation Department selected Bureau Veritas Technical Assessments LLC to help develop a plan to address the need for immediate repairs, preventative maintenance, deferred project backlog, and capital replacement. This plan will allow the City to be proactive regarding facility maintenance, significantly reduce the need for reactive repairs, avoid deferred repairs, and provide a roadmap for corrective recommendations to help reduce the maintenance backlog.

Commissioner Lyles Smith asked about the CIP and wondered if it was including all City facilities or just Parks and Recreation facilities and if this was strictly from a maintenance perspective.

Kendall Reid, Parks and Recreation Director, explained this assessment was for twelve City facilities/properties and thirty City Parks. This is an overall approach and will establish a priorities list.

Mr. Konkol provided further explanation for Commissioner Lyles Smith that the assessment will not identify properties that the City may or may not want to retain. That will be a separate process.

Commissioner McGriff was excited that this would provide a baseline and a start towards developing a City-wide facilities plan.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the Personal Services Agreement with Bureau Veritas Technical Assessments, LLC for Parks Deferred Maintenance Assessment & Capital Improvement Plan. The motion passed by the following vote:

Yea: 3 - Commissioner McGriff, Commissioner Lyles Smith, and Commissioner Smith, Jr.

10. COMMUNICATIONS

City Manager

Mr. Konkol let the Commission know that ballots had been mailed out for the March 9, 2021 Mayoral election. He also thanked the Commission, the community, and City staff for all the work during the winter storm.

Additional contractors have been used to assist with clean-up in the City rights-of-way. Clackamas Community College provided space for debris drop-off and also an additional drop-off site would be located at the Clackamette Cove. Mr. Konkol does not anticipate the cost of debris mitigation would be reimbursable. Work was done around the library to ensure the library is accessible and operational. The water systems have greatly improved and all the hard work by South Fork Water is appreciated.

Commissioner McGriff commented that she hoped all the chipped wood would be used on park trails and that residents are careful cutting down street trees. Mr. Konkol indicated there would need to be an in-depth conversation about the storm debris with the Commission. Mr. Lewis commented on the debris clean-up and encouraged residents help one another with the clean-up efforts. Commissioner McGriff encourages residents to be careful when hiring contractors.

Commissioners

Commissioner Lyles Smith discussed the winter storm and what the County is doing about the affordable housing properties they own within the City. The County was taking care of those properties and have resources for those areas. Commissioner Lyles Smith complimented Ms. Terway for excellent work leading the City while filling in for Mr. Konkol during the storm.

Commissioner McGriff complimented staff for their efforts during the storm.

Commission President Smith thanked staff and encouraged residents to help one another while the power is still out.

Chief Band encouraged residents to be careful regarding carbon monoxide poisoning when using alternate heating sources. The Oregon City High School has resources available for residents in need that are still without power and recovering from the storm.

Mayor

11. ADJOURNMENT

Commission President Smith adjourned the meeting at 8:39 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

DRAFT MINUTES

Virtual Meeting
Wednesday, March 03, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Commission President Rocky Smith convened the meeting at 7:04 PM.

PRESENT: - 4 Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

STAFFERS: - 14 City Manager Tony Konkol, Assistant City Attorney Carrie Richter, Community Development Director Laura Terway, Public Works Director John Lewis, City Recorder Kattie Riggs, Assistant City Recorder Jakob Wiley, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Senior Planner Pete Walter, Parks & Recreation Director Kendall Reid, Economic Development Manager James Graham, Human Resources Director Patrick Foiles, and Project Engineer Patty Nelson

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

There were no citizen comments.

5. PRESENTATIONS

5a. Metro Presentation on the Metro South Transfer Station, New Site Search, and Project Update

Christine Lewis, Metro Councilor, gave a background on the use of the Metro South Transfer Station and the process to expand services to meet community needs.

Dan Blue, Systems Planning Manager, discussed the regional solid waste system, Metro South Transfer Station today, current conditions at Metro South, and looking forward with the recently adopted 2030 Regional Waste Plan.

Estee Segal, Project Manager, explained the future plans for the Metro South Transfer Station including expected project elements and benefits, planned project phases, site search criteria, site search area and zoning, site under consideration on SE Jennifer Street, evaluating opportunities and potential risks, next steps and timeline, and site-specific community outreach.

There was discussion regarding expanding the current location in Oregon City and making it more efficient instead of relocating the facility, possible red flags for the site under consideration, looking into other options, and Metro coming back with an update in the summer.

6. ADOPTION OF THE AGENDA

Item 7c was pulled from the Consent Agenda and added to General Business as Item 9e. The agenda was adopted as amended.

8. PUBLIC HEARINGS

8a. AP-21-00001 - Appeal of the Planning Commission's Approval of a 30-Bed Residential Care Facility with Memory Care at 182 Warner Parrott Road (Planning Files GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review)

Carrie Richter, Assistant City Attorney, read the hearing statement. She asked the Commission if they had any ex-parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commission President Smith often drove by the site. Commissioner McGriff regularly drove by the site and was acquainted with Ms. Donovan but had not discussed this particular issue with her. Commissioner Lyles Smith drove by the site.

Pete Walter, Senior Planner, presented the staff report. He explained how the review was on the record and was limited to those with standing, evidence in the record, and issues raised in the appeal. He discussed the subject site, application for conversion and expansion of an existing two story five room adult care home to a 30 bed residential memory care facility, and Planning Commission approval of a modification to the code for siting of the structure. He described the revisions to the site plan that were made, elevations, and landscaping plan. Then he explained the appeal issues raised including compatibility of a commercial building within a single-family neighborhood and impacts to the use of adjacent properties, lack of capacity to accommodate parking and traffic, the need to exercise discretion or judgment in approving the application, and that the proposal did not comply with OCMC 17.54.010.A.(2) regarding suitability of the use and OCMC 17.54.010.A.(4) regarding altering the character of the surrounding area. He gave options for the City Commission to consider regarding the appeal. Staff recommended denying the appeal and affirming the Planning Commission's decision to approve the application with conditions.

There was discussion regarding how the building had to comply with institutional and commercial building standards, setback requirements, issues with cars parking on the street and remedies for sight obstructions, speed requirements and sight distances in the area, and impact from the number of trips that would be generated.

Commission President Smith opened the public hearing.

Appellant's Testimony: Jerry Yarberry, resident of Oregon City, was representing the group of neighbors who would be directly affected by the expansion of this facility. The proposal for a commercial building in an R-10 neighborhood would not be compatible. The traffic and parking impact on the neighborhood would be significant and detrimental especially during events at Chapin Park which the traffic study did not take into account. The proposal would change the character of the area and would impair the use of their homes.

Testimony in favor of the appeal: Marilyn Fergus, resident of Oregon City, said the building should not change the character of the surrounding area per code. The central feature of the neighborhood was Chapin Park and people walked by her house to the park. The typical front yard setback in the neighborhood was 20 feet from the sidewalk, but this building would be 10 feet from the sidewalk and it would feel like walking in a commercially zoned district. It would impair her peace of mind. She was also concerned that it would set a precedent for more large commercial buildings in neighborhoods. She did not think commercial criteria should be used, but R-10 criteria should be.

Ingra Rickenbach, resident of Oregon City, was concerned about how a facility that large would be compatible with the neighborhood. The building would be ten feet from the sidewalk and traffic was already bad in this area. She thought it would be a detriment to the neighborhood and its safety.

Applicant's Response: Edward Radulescu, architect for the applicant, said the Donovans currently owned the site and wanted to expand. It was a use allowed as a conditional use in the R-10 zone. They designed the project to incorporate all of the base zone standards with the exception of the front setback. Because it was an institutional use they had to comply with the commercial standard for that setback. To mitigate for that, they added pedestrian amenities along the front façade and the roof pitch had been reduced to lower the height of the building. They designed the site to reach the maximum allowed parking and on-street parking was also available. They had enlarged the courtyard in the center of the building to provide larger setbacks to the east and west and looked at how the building would impact the neighbors with shading. The traffic study complied with the City's standards. He thought the building would be an important asset to a neighborhood like this. It was a valid residential use and would cater to the needs of elderly, disabled, and those with memory conditions.

Joe Kaufman, attorney representing Ms. Donovan, said this was a conditional use and no variances were requested. The application had satisfied all of the criteria. They might be able to make an agreement with the churches in the area for use of their parking.

Petronella Donovan, applicant, said they built this facility in 2007 and she had been working in senior housing long before that. There was a need for this expansion as she had a waiting list for the current facility.

Testimony opposed to the appeal: William Gifford, resident of Oregon City, was against the appeal because he thought the arguments in favor of the appeal were that the project violated City Code and he did not think that was true and had subjective discretionary impact. He thought the project would increase property values and be a good addition to the neighborhood. He thought there was a need for this type of facility and this was a good location for it.

Appellant's Rebuttal: Mr. Yarberry thought the parking and traffic report did not hold water. The parking on the side of the road in this area made it impossible to see oncoming traffic. He had seen instances where emergency vehicles could not get to Chapin Park because there were vehicles double parked. He did not think they wanted to turn the neighborhood into a commercial neighborhood but to keep it an R-10 neighborhood. There were better places in the City that this commercial looking building could be placed. He did not think it would be compatible with the neighborhood.

Applicant's Rebuttal: Mr. Kaufman said this was a conditional use which was allowable as long as it met certain criteria. The applicant had worked to satisfy the requirements and tried to address the concerns of the neighbors. He asked that they uphold the Planning Commission's decision and the application's compliance with the code.

Ms. Donovan said regarding emergency vehicles not getting in to Chapin Park, she had emergency vehicles called to her facility many times and the vehicles chose to stay on the street, not because there was no space but because they preferred that location. Around the corner on South End Road there was a memory care facility that was larger than hers and they wanted to expand. These types of facilities were in the existing neighborhood currently.

Commission President Smith closed the public hearing.

Ms. Richter reviewed the criteria that the Commission could base their decision on tonight, which were if the site was suitable for the proposed use, which she thought meant could it physically accommodate the use, and if the proposed use would alter the character of the surrounding area.

A break was held from 8:58 PM to 9:03 PM.

Commission Deliberation: The Commission deliberated on the criteria. There was discussion regarding street parking and reduced visibility which could be addressed through a different process, traffic, scale of the development and how its imposing size affected the character and livability of the neighborhood, setbacks, discretionary authority of the Council, possibility of requiring more parking, how the residential standards should apply especially for the setbacks, increasing the front setback to 20 feet to minimize the scale of the building, how increasing the front setback might create two parking spaces in front of the building, and whether changing the setback would be enough to accommodate for the size of structure in the neighborhood.

There was consensus that the site was suitable for the proposed use. However, the Commission thought it did not meet the second criteria and that the application substantially limited, impaired, or precluded the use of surrounding properties for the primary uses listed in the underlying district.

Ms. Richter thought the use of surrounding properties was residences and the question was if the residences could continue being residences, not if the facility substantially limited, impaired, or precluded livability or compatibility. If the Council wanted to continue the hearing, the applicant would have to agree to extend the 120-day deadline.

There was further discussion regarding how the facility might affect property values, how the setback was too close to the street which was not compatible with residential and modifying the conditions of approval to increase the front yard setback, how the applicant already made many modifications and a setback wouldn't make much of a difference, how the use proposed fit within a residential use as it was a home for the elderly and would not preclude other residential uses, and Planning Commission discussion regarding the setback and how it would affect the parking spaces.

Motion made by Commissioner O'Donnell, seconded by Commissioner McGriff, to deny the appeal and approve the application with the added condition that the front setback be increased to 20 feet and the parking be reduced to accommodate the larger setback. The motion carried by the following vote:

Aye: 4 - Commissioner McGriff, Commissioner O'Donnell, Commissioner Lyles Smith, and Commissioner Smith, Jr.

Ms. Richter said that was a tentative decision and staff would bring back final written findings and conditions on March 17, 2021 for Commission approval.

There was consensus to continue the meeting past 10:00 PM.

8b. Resolution No. 21-14, Repealing Resolution No. 04-21, and Adopting a Methodology, Project List, and Amounts for the City's Water System Development Charges and Establishing Effective Dates

John Lewis, Public Works Director, introduced the agenda item.

Patty Nelson, Project Engineer, gave a presentation on the Water System Development Charge (SDC) modification. She gave a background on current Water SDCs and updated rates needed to support growth and the SDC modification process.

John Ghilarducci, FCS Group, explained the key characteristics of SDCs, legal framework for SDCs, and the SDC calculation.

Doug Gabbard, FCS Group, discussed the growth calculation, reimbursement fee cost basis calculation, improvement fee cost basis calculation, and total SDC calculation.

Mr. Ghilarducci discussed the calculated SDC schedule which showed the proposed increases from the existing rates and regional SDC comparison which showed the proposed increases in Oregon City on the high end in the region.

Ms. Nelson explained the public outreach and engagement, public comments that had been received, indexing for inflation, phased-in implementation, collecting SDCs later in the construction process, and reduced interest rate for financing SDCs. The implementation recommendation was 50% implementation on July 2, 2021 and full implementation on January 1, 2022.

Commission President Smith opened the public hearing.

Roseann Johnson, Homebuilders Association, understood the need for SDC collection for infrastructure, however the amount of the collection affected housing costs. She requested the City take out the improvement fee projects from the calculations as those projects would probably not be done in the projected timeframe. She also requested implementing the new SDC charges over two years, collecting SDCs later in the construction process such as at sale transfer with a lien on the property, and reducing the interest rate for financing SDCs.

There was discussion regarding the estimated timing for when the projects on the project list would be built and how everyone between now and the time the projects were built was paying an equitable share of those eligible projects.

Mr. Ghilarducci said if they took projects off the list, they should also take growth out of the calculation because the project list would no longer be able to serve growth to the planned capacity. Leaving the project list in tact would give the City flexibility to spend the SDC money on any one of the projects. If projects were removed from the list, they could not use SDCs for them.

Commissioner Lyles Smith did not think the rate should be implemented as quickly as recommended.

Mr. Konkol explained if they did a longer phasing in, the City would be short funds to accomplish the list of projects and the City was already short on these funds. It would delay the projects by not collecting the full rate. They would need to revisit SDC charges more often than they had in the past so the adjustments were not as large as what was being proposed here.

Commissioner O'Donnell was not interested in locking in rates for the plat holders, deferral of SDC collections, or lowering the interest rate. He preferred not to have a stepped implementation and thought the rates should be imposed in a single step by July 2021. This was a small component of the total cost and he did not think it would affect housing affordability.

Commissioner McGriff was in support of the methodology that was used and the timing of the rate increases.

Motion made by Commissioner McGriff to adopt Resolution No. 21-14, repealing Resolution No. 04-21, and adopting a methodology, project list, and amounts for the City's Water System Development Charges and establishing effective dates. Motion died for lack of a second.

Motion made by Commissioner O'Donnell, seconded by Commissioner McGriff, to adopt Resolution No. 21-14 with the amendment that the full SDC rates would go into effect on July 2, 2021. Motion failed by the following vote:

Aye: 2 - Commissioner O'Donnell and Commissioner Smith, Jr.

Nay: 2 - Commissioner McGriff and Commissioner Lyles Smith

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to adopt Resolution No. 21-14 to be implemented as recommended by staff. Motion failed by the following vote:

Aye: 2 - Commissioner McGriff and Commissioner Smith, Jr.

Nay: 2 - Commissioner O'Donnell and Commissioner Lyles Smith

Motion made by Commissioner O'Donnell, seconded by Commissioner McGriff, to adopt Resolution No. 21-14 with the amendment that the full SDC rate would go into effect on July 2, 2021. Motion carried with the following vote:

Aye: 3 - Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

Nay: 1 - Commissioner Lyles Smith

9. GENERAL BUSINESS

These items were continued to the March 17, 2021 meeting. The Commission agreed to continue the existing Parklets program as is until the next meeting.

9a. Resolution No. 21-15, Revisions to the Parklet & Private Property Restaurant/Retail Guide for March 15, 2021 - November 30, 2021

9b. Resolution No. 21-01, Designating Certain Areas of the City Public Sidewalk to be Used for the Display and Sales of Goods and Merchandise

9c. Resolution No. 21-03, Adopting the Sidewalk Obstructions Standard Operating Policy

9d. Resolution No. 21-05, Modifying the Public Works Engineering Fee Schedule, and Amending Resolution No. 20-36

7. CONSENT AGENDA

Approval of the consent agenda was continued to the March 17, 2021 meeting.

7a. Personal Services Agreement with Murraysmith for a Risk and Resiliency Assessment and Emergency Response Plan for the City's Water Infrastructure (PS 21-002)

7b. Public Improvement Contract with Trench Line Excavation, Inc. for the 5th Street Waterline Replacement and Storm System Improvements Project (CI 21-001)

7c. 2019 Heritage Stand Nomination for Park Place Park

Commissioner Lyles Smith asked about the damage to some of the trees in the proposed Heritage Stand due to the recent ice storm.

Laura Terway, Community Development Director, explained the extent of the damage. She thought the Commission could approve all of the trees for designation and deal with it later when they came back to the Commission with permitting for the trees that were removed or they could approve the modified nomination based on the initial tree damage assessment and removing those trees that fell over or had significant damage from the nomination.

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the modified nomination. Motion carried with the following vote:

Aye: 4 - Commissioner McGriff, Commissioner O'Donnell, Commissioner Lyles Smith, and Commissioner Smith, Jr.

7d. Minutes of the December 16, 2020 Work Session

7e. Minutes of the January 6, 2021 Regular Meeting

7f. Minutes of the January 12, 2021 Work Session

7g. Minutes of the February 20, 2021 Special Meeting

10. COMMUNICATIONS

City Manager

Mr. Konkol thanked staff for their work during the ice storm and discussed the City's clean-up needs. He had approved contracts in response to the clean-up that normally would have come to the Commission. More clean-up of the parks would be needed and some parks had been closed due to safety issues. A damage assessment had been done and he expected federal reimbursement for up to 75% of the eligible costs.

Commissioners

There were no Commissioner reports.

Mayor

There was no Mayor's report.

11. ADJOURNMENT

Commission President Smith adjourned the meeting at 11:00 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

DRAFT MINUTES

Virtual Meeting
Tuesday, March 09, 2021 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Commission President Rocky Smith called the meeting to order at 6:04 PM.

PRESENT: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

STAFFERS: 12 - City Manager Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, Public Works Director John Lewis, Community Development Director Laura Terway, Economic Development Manager James Graham, Chief of Police Jim Band, Library Director Greg Williams, Human Resources Director Patrick Foiles, Parks and Recreation Director Kendall Reid, Finance Director Matt Zook, and Tourism Coordinator Matthew Weintraub

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Commissioner O'Donnell thought the Code amendments related to annexations should be moved up in the priority.

Commissioner McGriff thought they should have Land Use 201 training instead of 101 training that would cover some advanced topics.

Commissioner Lyles Smith asked if the annual police report would include an update on homelessness. Jim Band, Police Chief, suggested that be a separate discussion as the annual report provided information on what the Police Department did day to day.

DISCUSSION ITEMS

2. Clackamas Water Environment Services (WES) Annual Report

Greg Geist, Director of Clackamas Water Environment Services (WES), provided the 2020 Annual Report. He discussed the WES service area, upgrades at the Kellogg Creek Water Resource Recovery Facility, upgrades at the Tri-City Water Resource Recovery Facility, Tri-City outfall project, Oregon City Good Neighbor Agreement, building resiliency, February winter storm, maintaining vital infrastructure, and Inflow and Infiltration.

Chris Storey, Assistant Director of WES, explained the monthly rate and services provided, commitment to reasonable and predictable rates, and proposed tiered residential Equivalent Dwelling Unit assignment.

Mr. Geist discussed surface water management, cleanup events with SOLVE (Sustaining Oregon's Legacy by Volunteering to improve the Environment), and advisory committee. He shared a video on their programs for preparing the future workforce.

There was discussion about the projects and how the costs were shared among the rate payers, WES assisting with Inflow and Infiltration reduction projects, emergency response plans after the recent ice storm, school programs, tiered system approach for SDCs (System Development Charges), stormwater rates, process for the Inflow and Infiltration grant program and equity for Oregon City, advisory committee members and governance, one agreement with all the cities focusing on projects that made a material impact on reduction of Inflow and Infiltration, and making it equitable among the cities.

3. City Code Amendments to Chapters 16.12 and 17.04; Define Capital Improvement Project (CIP) and Including Exemptions from Land Use Process

John Lewis, Public Works Director, provided an overview of the changes coming to the City Commission in the Public Works Code Amendments Package #2. He provided a background and purpose for the changes and summarized the proposed revisions, including definitions of capital improvement project and development and land use exemptions. He would bring an ordinance implementing these changes to the April 7, 2021 City Commission meeting.

There was discussion regarding the definitions and exemptions for overlay zones. There was consensus for staff to move forward as proposed.

4. Annexation Code Amendments

Laura Terway, Community Development Director, provided an update regarding the annexation code revisions requested by the City Commission. These included adding that the proposed annexation was "timely, orderly, and efficient" in 14.04.060.(7), adding language that required infrastructure analysis for annexation applications to be based on the "reasonable worst-case scenario" in 14.04.050.7.(h), adding language to clarify that properties had forest/farm deferral or assessment status were exempt in 14.04.060.A.12, and modifying factor #12 to make it a positive rather than a negative determination in 14.04.060.A.12. She explained the next steps in the process.

The Commission made suggested changes to better clarify the language and agreed the website should be changed to let citizens know they were in the process of making amendments to the annexation code.

5. Update on the Implementation of Oregon City's Tourism Strategic Plan

James Graham, Economic Development Manager, introduced the agenda item.

Matthew Weintraub, Tourism Coordinator, gave the Tourism Strategic Plan update including the concierge institute, attraction and expansion of tourist facing businesses, community showcase, arts treasure trove, Oregon City tourism network, business support, and additional/upcoming projects.

There was discussion regarding the programs, sharing information with the Tourism Stakeholder Table and community, launching the new website in May 2021, preparing Oregon City as a destination when COVID-19 pandemic restrictions were lifted, and implementing the plan as soon as possible.

Mr. Graham discussed the next steps and Welcome to Oregon's Hometown slogan.

6. Oregon City Original Art Mural Code

Mr. Weintraub discussed the art mural code adoption process, including the project background, what was already completed, the next steps, and feedback received. He explained the differences between the proposed code changes from 2015 and the proposed code changes from 2021.

There was discussion regarding taking down a mural after five years unless it was renewed, reinstituting the Arts Commission, when murals were allowed on historic designated structures, mural approval

process, funding for murals, interactive map of the murals, encouraging murals that honored the history of Oregon City, appeal fee, and making murals vandalism resistant.

There was consensus for staff to move forward with the proposed mural code.

CITY MANAGER'S REPORT

There was no City Manager's report. Mr. Konkol congratulated Commissioner Lyles Smith on winning the Mayoral election.

COMMISSION COMMITTEE REPORTS

A. Beaver Creek Employment Area Blue Ribbon Committee - Commissioner Frank O'Donnell

B. Brownfield Grant Committee - Commissioner Frank O'Donnell

Commissioner O'Donnell said there was an ongoing discussion between City staff and Restore Cap regarding mitigation.

C. Citizen Involvement Committee Liaison – Commissioner Denyse McGriff

Commissioner McGriff reported on the March 2021 meeting, during which the committee discussed the mitigation bank, Charter Review Committee, ice storm and the City's response, and reactivation of the Hazel Grove Neighborhood Association.

D. Clackamas County Coordinating Committee (C4) – Commissioner Rachel Lyles Smith

Commissioner Lyles Smith reported on the last C4 meeting, during which the committee discussed the Climate Action Plan and Vehicle Registration Fee.

E. Clackamas County I-205 Tolling Diversion Committee – Commissioner Rachel Lyles Smith

Commissioner Lyles Smith had a conversation with the Oregon Department of Transportation (ODOT) regarding concerns about tolling.

F. Clackamas Heritage Partners – Commissioner Rocky Smith, Jr.

G. Clackamas Water Environment Services Policy Committee –
Appointed: Commissioner Rocky Smith, Jr. Alternate: Commissioner Denyse McGriff

Commissioner Smith was waiting to hear more details about the Inflow and Infiltration grant program.

H. Downtown Oregon City Association Board – Commissioner Denyse McGriff

Commissioner McGriff reported there was a new Board member. The Board received a presentation on ODOT's Comprehensive Congestion Management Program and discussed tolling and downtown events/activities. She suggested the Commission get a briefing from the State Historic Preservation Office on the state of the Oregon Main Street Program.

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

Commissioner Lyles Smith said the Committee received a presentation on the Economic Recovery Strategy and Regional Emergency Transportation Routes Project.

- J. OC 2040 Project Advisory Team** – Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.*

- K. Oregon Governor's Willamette Falls Locks Commission** – *Vacant until State Appoints Commissioner Rachel Lyles Smith*

- L. Oregon City Tourism Stakeholder's Group** – Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.*

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

Commissioner McGriff had a meeting with the West Linn representatives who also had concerns about the impacts of this project.

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

Commissioner Smith said the South Fork Water Board was still managing the fallout from the February 2021 ice storm and would soon be going into the budget cycle.

- O. Willamette Falls and Landings Heritage Area** – *Commissioner Denyse McGriff*

Commissioner McGriff said this group would be meeting on Monday. The Executive Director would be stepping down due to health issues. They were moving forward with Diversity, Equity, and Inclusion in their programming.

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

Commissioner O'Donnell discussed the delays due to the access agreement. Mr. Konkol mentioned that some tribal groups have voiced concerns about not being included in the discussion.

Commissioner McGriff discussed the League of Oregon Cities' Councilors of Color Coalition group.

Commissioner Smith congratulated Commissioner Lyles Smith for being elected as the new Mayor.

Commissioner Lyles Smith discussed Clackamas County's ability to help the City with a preparedness fair/town hall.

ADJOURNMENT

Commission President Smith adjourned the meeting at 10:17 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION SPECIAL MEETING

DRAFT MINUTES

Virtual Meeting
Monday, March 29, 2021 at 5:30 PM

CONVENE SPECIAL MEETING AND ROLL CALL

Commission President Rocky Smith convened the meeting at 5:31 PM.

PRESENT: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith, Jr.

STAFFERS: 3 - City Manager Tony Konkol, City Recorder Kattie Riggs, Finance Director Matt Zook

DISCUSSION ITEMS

1. Interviews for the Oregon City Budget Committee

The Commission discussed the process, then interviewed the following candidates for the Oregon City Budget Committee:

- William Gifford
- Casey Flesch
- Mike Mitchell
- Christina (Emma) Lugo
- Kyle Arnhart

Kattie Riggs, City Recorder, mentioned that candidates Timothy Rasch and Jonathan Deyoe had withdrawn.

The questions that were asked of the candidates were:

1. Tell us about yourself, some of your prior board/committee experience, and why you would like to serve on the Oregon City Budget Committee?
2. What skills, connections, resources, and expertise do you have to offer and are willing to contribute to the budget committee?
3. Explain any worries or concerns you have about joining the budget committee (including, but not limited to, any time constraints or scheduling hurdles)?
4. Do you have personal aspirations that could be enhanced by serving on the budget committee?
5. What is your experience working with budgets?
6. Do you have any ideas to help the City stretch funds or create new revenue?
7. What is the role of the budget committee and how is the role determined?
8. What are the most important financial issues facing the City and why are they important?

2. Interviews for the Oregon City Enhancement Grant Program Committee

The Commission took a five-minute break, then interviewed the following candidates for the Oregon City Enhancement Grant Program Committee:

- Laurie Wilson
- Linda VanHaverbeke

Kattie Riggs, City Recorder, mentioned that Jonathan Deyoe had also withdrawn from the Enhancement

Grant Program Committee candidate pool.

The Commission discussed the process and asked if Commission President Rocky Smith or Mayor-Elect Rachel Lyles Smith would be making the appointments. It was discussed that Commission President Rocky Smith could make the appointments up until April 7, 2021, when Rachel Lyles Smith would be sworn-in and could then make the appointments. Both Commission President Rocky Smith and Mayor-Elect Rachel Lyles Smith were supportive of doing it either way. Commission President Rocky Smith agreed to wait and allow Mayor-Elect Rachel Lyles Smith to make the appointments on April 7, 2021. It was agreed that the Commission would send their rankings (1 being the person they wanted to be appointed the most) to City Recorder Kattie Riggs for tabulating. Ms. Riggs would then send the ranks to both Commission President Rocky Smith and Mayor-Elect Rachel Lyles Smith.

ADJOURNMENT

Commission President Rocky Smith adjourned the meeting at 7:49 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 04/21/2021
From: Public Works Director John Lewis
Parks and Recreation Director Kendall Reid
Community Development Director Laura Terway

SUBJECT:

Discussion of Vehicular Access through Park Place Park

STAFF RECOMMENDATION:

Staff recommends the Commission proceed with implementation of the Park Place Master Plan and place on the ballot for voter approval the dedication of right of way on the northern portion of the park parking lot to provide a right-of-way connection from Front Avenue to Hiram Avenue.

EXECUTIVE SUMMARY:

At the March 17, 2021 City Commission meeting, a representative for the Park Place Neighborhood Association testified that the neighborhood association is concerned about future development of a vacant property adjacent to Park Place Park. The property, located at Clackamas County Map 2-2E-28BB, Tax Lot 1201, has right of way frontage/access only on Hiram Avenue. This section of Hiram Avenue is platted at 34' in width and is currently developed with a 14' wide gravel maintenance access which is located in the park. The neighborhood expressed concern about the impacts that a future improved street or an improved single-family driveway could have on the park and suggested the City acquire the vacant property to avoid the need for access improvements and instead expand the park. This discussion is meant to provide background to the City Commission in order for the Commission to provide policy direction.

BACKGROUND

At the March 17, 2021 City Commission meeting, a representative for the Park Place Neighborhood Association testified that the neighborhood association is concerned about future development of a vacant property adjacent to Park Place Park. The property, located at Clackamas County Map 2-2E-28BB, Tax Lot 1201, has right of way frontage/access only on Hiram Avenue. This section of Hiram Avenue is platted at 34' in width and is currently developed with a 14' wide gravel maintenance access which is located in the park. The neighborhood expressed concern about the impacts of a future

improved street, or an improved single-family driveway could have on the park and suggested the City acquire the vacant property to avoid the need for access improvements and instead expand the park.

The Park Place Park Master Plan identified rerouting a portion of Hiram Avenue so that it no longer split the park in two, but the project has not been implemented. The altered route includes vacating a portion of Hiram Avenue in the middle of the park and going to a vote of the public for approval to dedicate right of way along the northern portion of the parking lot property to provide a connection from Front Avenue to Hiram. Staff reviewed existing and future vehicular accessways through the park and identified a home that is currently accessed through the parking lot on Front Avenue as well as two vacant properties north of the park with potential for development in the future.

No development has been proposed that would require the development of Hiram Avenue through Park Place Park at this time; however, it is possible that this could occur in the future and Oregon law would require that the City allow the property to access Hiram Avenue for ingress and egress. There are several options the Commission could take in anticipation of such a development:

- Place the question of right of dedication of a portion of the park as identified in the Park Place Master Plan on the ballot for voter approval
- Purchase the property through negotiation or condemnation
- Take no action at this time
- Allow access to the property along the existing Hiram Avenue as platted

OPTIONS:

1. Provide direction;
2. Identify additional information needed to aid in providing direction and continue the item.

BUDGET IMPACT:

Amount: Unknown

FY(s):

Funding Source(s):



OREGON CITY

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

April 14, 2021

To: City Commission of Oregon City

From: John M. Lewis, Public Works Director
Kendall Reid, Parks and Recreation Director
Laura Terway, Community Development Director

Re: Vehicular Access through Park Place Park

At the March 17, 2021, City Commission meeting, a representative of the Park Place Neighborhood Association (the PPNA) provided public testimony during the citizen comment portion of the agenda. PPNA's testimony concerned the potential future development of a vacant property adjacent to Park Place Park. The property, located at Clackamas County Map 2-2E-28BB, Tax Lot 1201, has right of way frontage/access only on Hiram Avenue right-of-way (ROW). This section of Hiram Avenue ROW is platted as 34 feet wide, currently under developed (14' wide gravel maintenance access), and extends from Cleveland Street to the north, extending through Park Place Park, essentially splitting the park into two park properties. The neighborhood expressed concern about what the impacts of a future improved street, or an improved single-family driveway would have on the Park and suggested the City acquire the vacant property to avoid the need for access improvements and, instead, expand the park. A variety of questions arose about the history of access in and around the park and this memorandum is intended to provide a high level of background information.

Figure 1: Map of Properties which Currently or Potentially May Need Take Access from the Park



Access Through the Park

Park Place Park is divided into two separate parts located on either side of Hiram Avenue. Hiram Avenue is a dedicated public right-of-way and was excluded from the description for the park when Park Place Park was designated as a charter protected park. Hiram Avenue is currently minimally improved, with a limited width gravel surface running between the park sections. In addition to access through Park Place Park, the Hiram Avenue ROW also includes a South Fork Waterboard Water Transmission Main, and Oregon City sewer and stormwater lines. The minimally improved right-of-way is depicted in Figure 1 as grey. Because Hiram Avenue is not a fully built-out street, a visitor to the park may see the existing service road at the intersection of Hiram Avenue and Cleveland Street and assume the remaining portion of Hiram Avenue is part of the park or, north of the park boundary, private property.

The Hiram Avenue right-of-way could be preserved as is without further construction, additional infrastructure (such as a street or additional utilities) could be built in the right-of-way, or portions of the right-of-way could be vacated so that the land returns to the adjacent owners (Park Place Park).

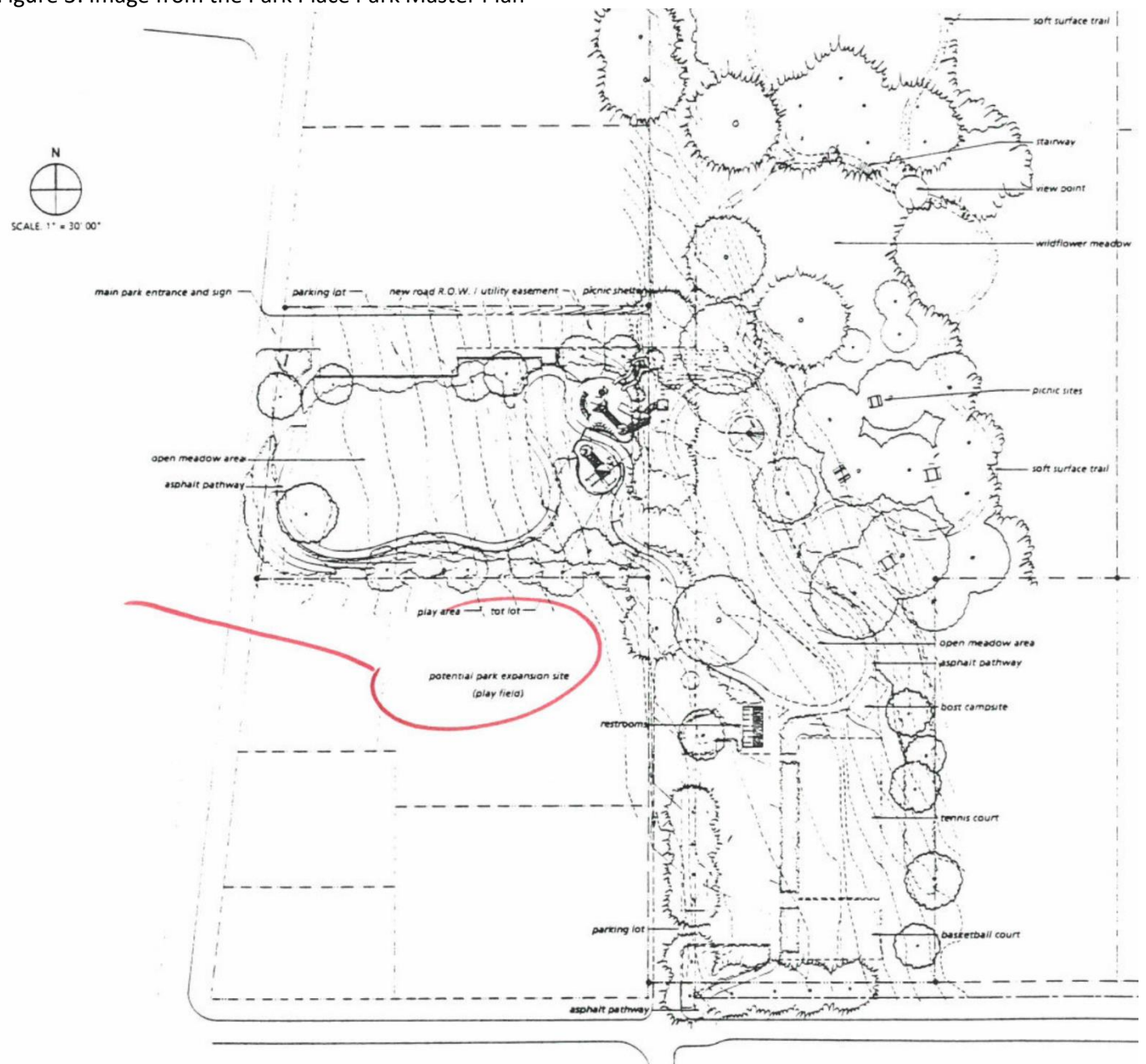
What Does the Park Place Master Plan Say About Hiram Avenue?

The City and community worked together to create a Master Plan for Park Place Park 25 years ago. The plan was finalized in 1995 and adopted by the City Commission in early 1996. The Master Plan acknowledged the existence of Hiram Avenue through the middle of the park and suggested revising the roadways so that the Hiram Avenue right-of-way does not bisect the park. The revised design contemplated by the plan would terminate Hiram Avenue extending north roughly 300 feet from Cleveland ending at a new a turnaround near the restrooms and Camp Host camp site. The portion of Hiram Avenue adjacent to the children's playground and the upper open area could be vacated to allow the core of the park user area to be "a continuous, uninterrupted park." Access to the north end of Hiram Avenue, beyond the children's playground, was envisioned to be accessed via a new 40 foot wide right of-way that would extend from Front Avenue across the northern portion of the parking lot to Hiram Avenue, and then a street extension or private driveway allowed along the remainder of the Hiram Avenue right-of-way could provide access to the undeveloped properties north of the park.

Figure 2: Conceptual Location of the Rerouted Hiram Avenue Anticipated in the Park Place Master Plan



Figure 3: Image from the Park Place Park Master Plan



The Master Plan anticipated that the new roadway would be constructed when development north of the park occurred. Given that many of the properties have been constructed years ago and development restrictions have grown to limit the density of new construction on a hillside, there are now very few vacant lots that are anticipated to take access off of Hiram Avenue north of Park Place Park. Any new development would be expected to shoulder the cost of constructing the roadway; however, there are some constitutional restraints on the costs the City can impose on development and it is possible that the City may not be able to require development of the roadway to full or even constrained City street standards. Though the exact design of the roadway could be varied through a public land use approval process, the steep topography and the low volume adds to the design considerations, and in the end the design could resemble more of a driveway than a City street. The

1996 Master Plan did not address provision of water distribution or even water service for the new Hiram development which would be required to be extended from Cleveland Street or Front Avenue.

Is There a Need to Complete Hiram Avenue or Allow a Road or Driveway Through the Park?

The need to construct a new Hiram Avenue or driveway depends on a few factors. The City has not placed the construction of the street on any funded capital project list because the land is significantly steep, the potential for additional development adjacent to the existing roadway is generally low, and there are higher priority transportation needs.

However, there are a few properties that currently take access through the park or may need to take access through the park if developed in the future.

- An existing property at 16158 Front Avenue, takes access from the parking lot of the park on Front Avenue. The property was created via partition around 1996 and, at that time, the City required the parcel to take access through the park. Correspondence from that time indicated that the parking lot access would be replaced with a new 40' road connecting Front Avenue to Hiram Avenue. Though the access was part of the approval, no access easement was ever recorded.



- The vacant site directly north of the Park Place Park (Clackamas County Map 2-2E-28BB, Tax Lot 1201) may be developed with a single-family home. Though the property is large, in early 2020 the City conducted some preliminary research in response to a request to build a home on the property and determined that the property could not safely be constructed with more than one home due to the steep slopes. No development application has been submitted, and if one is submitted in the future, it will require a public review process. The lot was likely created in Clackamas County prior to being annexed to the City and has not been altered since at least 1972.
- Another vacant site is located at the north end of unbuilt Hiram Avenue with no other direct access from a right-of-way at Clackamas County Map 2-2E-21CC, Tax Lot 600. Detailed research has not been conducted on the developability of the site, though it is almost entirely within a geologic hazard overlay, yet it also is of sufficient size to legitimately accommodate a single-family home. The lot was also likely created in Clackamas County before annexation and has not been altered since at least 1972.

How does the Charter Park play into the Hiram Avenue Decision?

In September of 2018, the City designated Park Place Park as a Charter Park, subject to the provisions of the Oregon City Charter. As Hiram Avenue is not part of the park property, the land in the Hiram Avenue right-of-way is not part of the designated Charter Park. Chapter X Section 41 of the Charter prevents the transfer, sale, vacation, or major change in use of city parks without first obtaining an approving vote of the legal voters of this city. This does not place any limit on the development of the Hiram Avenue right-of-way, but does mean that any new actions that limit the use of the park would need voter approval.

Staff believes that recording the current access of the existing home across the parking lot is not subject to voter approval because it was required with the land division in 1996 and the City granted access at that time and allowed it to be continued to the present. This all occurred well before the park was designated as a charter park in September of 2018. The existing single-family access is only available over the western portion of the connection between Front and Hiram. The City cannot dedicate the property identified in the Park Place Master Plan as right of way without a Charter mandated vote of the people.

Previous City Discussions About Hiram Avenue around Park Place Park

- The properties adjacent to the north of the park were created by a land division in 1992.
- The City acquired most of the Park Place Park land from the Park Place Water District in 1994.
- The City approved a partition resulting in one lot splitting into two lots north of the parking lot from Front Avenue in 1995. The approval includes findings that acknowledge a future roadway on the north side of the parking lot, which once built would provide access to Hiram from Front Avenue. Hiram could then be developed further to the north of the connection, though a portion of Hiram Avenue ROW to the south would be vacated to become a part of Park Place Park.
- The City worked with the Community to create and adopt a Master Plan for Park Place Park in 1996.
- In 2018, the City designated Park Place Park as a Charter Park. This did not extend to the Hiram Avenue right-of-way, though it does extend to the portion of the parking lot anticipated to become a roadway connecting Front Avenue to Hiram Avenue.
- In 2020, a pre-application meeting request to research the potential of building a home on the vacant property directly north of the park occurred. Any future development will require a public review due to the steep slopes of the site.

Options Available to the City

At this point, no development has been proposed that would require the development of Hiram Avenue through Park Place Park; however, it is possible that one could be filed in the future and Oregon law would require that the City allow the property to access Hiram Avenue. There are several options the Commission could take in anticipation of such a development:

- Take no action at this time. The City could take no action at this time and, should a development in the area be proposed, evaluate the proposal under the code in effect at that time. This would result in limited current costs to the City but would run the risk of a potential development resulting in access being taken within the existing Hiram Avenue right of way.
- Voter Approval of Access. The City could send a measure to the citizens of the City asking for voter approval of the connection between Front Avenue and Hiram Avenue. This approach would preemptively address the potential for the future development of Hiram Avenue and would provide for a less-disruptive access if the measure were successful. This would require some up-front costs in holding the election and it also runs the risk of the measure being unsuccessful. This also may have development costs to build the Hiram connection and utility connections that would be considered off site and beyond what the City can legally ask of the developed of an existing platted lot.
- Purchase Property. The City could seek to purchase some or all of the property that would otherwise take access off of Hiram Avenue. This purchase could be either through negotiation or condemnation. A purchase of the property would resolve the risk of the future development

of Hiram by development and could result in a larger Park Place Park. Purchase of the property in question would not resolve the potential development of the second vacant parcel at the north end of Hiram Avenue. The Parks Master Plan did not anticipate an expansion of the park in this direction and the suitability of this area for addition to the park has not been studied. Additionally, this would result in costs to the City of purchasing the property.

- Allow access within the existing Hiram Avenue right-of-way. The City could determine that should the properties to the north of Park Place Park develop, the existing Hiram Avenue right of way would be the route utilized to access the properties.

ORDINANCE NO. 96-1003

AN ORDINANCE AMENDING THE PARKS AND RECREATION ELEMENT OF THE COMPREHENSIVE PLAN TO ADD THE PARK PLACE PARK MASTER PLAN

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, in 1991 the City Commission adopted a Parks Master Plan as part of the Comprehensive Plan; and

WHEREAS, the goal of the Parks Master plan is to provide safe, clean, pleasant recreation areas of various sizes and uses to accommodate neighborhood, community and regional needs; and

WHEREAS, the need for a park was identified in the Park Place Neighborhood; and

WHEREAS, a Master Plan was developed for the Park Place Park and work sessions were held with the Parks Advisory Committee, Planning Commission and City Commission; and

WHEREAS, the Oregon City Planning Commission, on March 26, 1996, conducted a public hearing to consider adoption of the Park Place Park Master Plan; and

WHEREAS, on April 17, 1996, the City Commission held a public hearing to consider amending the Comprehensive Plan to add the Park Place Park Master Plan; and

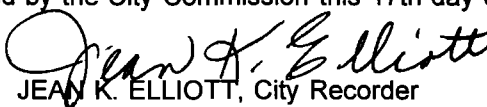
WHEREAS, the City Commission finds that the addition of this Master Plan to the Comprehensive Plan is in the best interest of the citizens of Oregon City to meet the above stated goals of the Comprehensive Plan.

Now, therefore,

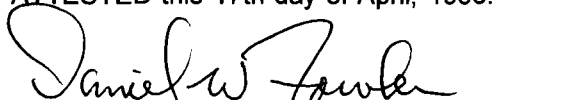
OREGON CITY ORDAINS AS FOLLOWS:

That the Park Place Park Master Plan prepared by Mayer/Reed Landscape Architects, dated September 11, 1995, is hereby adopted by the City of Oregon City as a supporting document to the Comprehensive Plan. Said Master Plan is attached as Exhibit "1" and is thereby made a part of this Ordinance as though fully incorporated herein.

Read first time at a regular meeting of the City Commission held on the 17th day of April, 1996, and the foregoing ordinance was finally enacted by the City Commission this 17th day of April, 1996.


JEAN K. ELLIOTT, City Recorder

ATTESTED this 17th day of April, 1996.


DANIEL W. FOWLER, Mayor

ORDINANCE NO. 96-1003

Effective Date: May 17, 1996



CITY OF OREGON CITY

Incorporated 1844

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

STAFF REPORT PLANNING COMMISSION MARCH 26, 1996

FILE NO.: PZ96-01

HEARING DATE: Tuesday, March 26, 1996
7:00 p.m., City Hall
320 Warner-Milne Road
Oregon City, Oregon 97045

APPLICANT/OWNER: City of Oregon City
PO Box 351
Oregon City, Oregon 97045

REQUEST: Amend the Comprehensive Plan at Element J, to add the Park Place Park Master Plan

REVIEWER: Denyse C. McGriff

CRITERIA: The criteria for amendments to the Comprehensive Plans are outlined in Section O.

Element J, Parks and Recreation, of the Comprehensive Plan was amended in November of 1991 to include a city-wide Parks Master Plan.

In 1990, the City was awarded a grant through Community Development Block Grants for the purchase of property and to develop a Master Plan for a park to be located in the Park Place area of Oregon City. The site selection was made and a 6.5 acre site, owned by the Park Place Water District, was identified. The Master Plan was developed over a period of ten (10) months.

The Planning Commission held several work sessions to review the Master Plan. It is the recommendation of staff that the Planning Commission amend the Comprehensive Plan to add the Park Place Master Plan to the City of Oregon City.

The recommendation of the Planning Commission will be forwarded to the City Commission for final adoption.

**PARK PLACE PARK
MASTER PLAN
CITY OF OREGON CITY, OREGON**

Prepared for
Clackamas County
Community Development Division
Dale Query, Project Manager

in cooperation with the City of Oregon City
Henry Mackenroth, City Engineer
Mary Palmer, Community Involvement Coordinator
Alan Tollman, Parks Superintendent

Park Place Park Citizen Steering Committee
John Mason, Chair

Prepared by
Mayer/Reed Landscape Architects
319 S.W. Washington St., Suite 820
Portland Oregon 97204
503 223-5953 tel
503 223-8076 fax

Original Date: December 7, 1994
Revised: September 11, 1995

Table of Contents

Introduction

Project Description and Analysis

Process and Public Involvement

Goals and Objectives

The Master Plan

Phasing Strategy

Phase I Plan

Appendices:

Vicinity Map

Aerial Photo

Boundary Survey

Topographic Survey

Technical Memoranda & Meeting Notes

Cost Estimate

Schedule

Proposed Plant List

INTRODUCTION

The purpose of this report is to provide project background, and describe the planning process and master plan for Park Place Park. Also contained in the report are cost estimates and discussions of the phasing strategy for construction of the improvements. At this writing, the Phase I improvements have been identified and given priority. As approved, the Phase I project will move forward with the preparation of a construction package to be constructed in summer of 1995.

After a needs assessment of the recreation resources in the city, and at the request of neighborhood residents, the City of Oregon City determined that a park was needed in the recently annexed Park Place. A 6.5 acre site, formerly owned by the Park Place Water District, was acquired and identified as the future park site.

The Park Place Park steering committee, made up of 40 neighborhood residents, along with representatives of the city, has been laying the ground work for the park during the past year. The Clackamas County Community Development Division came forth with \$175,000 in funding to match the city's \$45,000. In June of 1994, the landscape architectural firm of Mayer/Reed was selected to prepare the master plan and Phase I construction documents and administer construction.

During the course of the park master plan process, many opportunities for the park were explored. The value of the park, its potentials and effects within the community were evaluated. For the landscape architects, the most difficult task was to blend the ideas and needs of the residents with the carrying capacity of the physical resource. We believe the master plan sets forth a direction for facilities development, while striking an appropriate balance of use and protection of the natural resources.

PROJECT DESCRIPTION AND ANALYSIS

Location and Context

Park Place Park is located east of Highway 213 and south of I-205 in the Park Place district of Oregon City. More specifically, it is located approximately 315 ft. north of Cleveland St. on the east side of Front Ave. Hiram Avenue is a dedicated right-of-way which extends through the park site. Hiram Ave. is an unimproved gravel drive which provides an entrance to the site and access to private properties to the north. A number of active underground utilities are located in the Hiram Ave. right-of-way. The right-of-way also provides access to several undeveloped lots to the north of the site.

Including the Hiram right-of-way, the current park area includes 6.5 acres. The site can be divided into three main parts: a lower meadow, a mid-level transitional area, and an upper wooded area. The Hiram Avenue right-of-way, at the mid-level, divides the steep wooded upper portion of the site from the lower, flatter area. Approximately 2.3 acres of the upper portion of the site are densely wooded and steep (greater than 30% slope). The Hiram right-of-way is a flatter "bench" through the site. The remaining 4.2 acres are moderate (15-20%) to gently sloping (7-13%) terrain.

The site is surrounded by single family residences on the east, south and west sides. Several residences are located directly north of the lower portion of the site. There are several undeveloped lots north of the upper portion of the site. Four undeveloped subdividable lots are located on the south side of the lower portion of the park, currently used for pasture. If acquired by the City these four lots have potential to expand the park by .75 acres.

Park Place Elementary School is located one block north across Front Ave. The school contains an extensive playground with sports fields and is suitable for large scale activities for school age children.

Currently the local streets in the neighborhood are narrow and unimproved, having no curbs or sidewalks. There are no zones for pedestrians or bikes in the streets, and residents are concerned about safety. Parking for the park is also a concern, since these narrow, unimproved streets will not accommodate many cars on the shoulders. Front Ave. is scheduled for widening by the city during the spring/summer of 1995. The project will include two travel lanes, a bike lane and sidewalks.

Neighborhood Character

The neighborhood demographics are well distributed, ranging from young families to elderly persons. Many are long time residents, yet recent development near the park and turn over of the older housing has given rise to a number of new residents as well. There are many parcels of vacant land in the area and, if fully developed, could accommodate as many as 1000 additional households.

Residents see the Park Place neighborhood as an ideal place to live and raise families. Naturally, they are very concerned about the ways the neighborhood is changing and are protective of the quality of life they enjoy. The residents feel strongly about the park becoming an integral part of their neighborhood. In general, they see the park as an asset and would like the focus of the development to serve the needs of the local residents. However, they acknowledge the proposed park improvements will likely attract both children and adults from the immediate as well as surrounding neighborhoods, since the area is park deficient.

Vegetation and Natural Resources

The Park Place Park site has an interesting variety of existing vegetation, from open meadows to dense groves of mature trees. Several spectacular oak trees stand alone as sentinels. In two locations on the site, rows of conifers recall the times when farming plots were sometimes delineated with conifer plantings. Many species of native understory plants have become established over time, since the slopes were logged years ago.

The upper wooded portion of the park consists primarily of mature second growth Douglas fir mixed with big leaf maple, Oregon ash, and Oregon oak. The understory of the woods is scattered with cascara, Indian plum, salal and Oregon grape. Poison oak can be found growing throughout the woods. Dense blackberry thickets are established in the lower areas of the woods, along with other herbaceous species and woody plants such as naturalized hawthorns, wild plum and cherry.

The lower portion of the site is vegetated with meadow grasses with a few dense blackberry thickets. A row of mature blue atlas cedars are planted at the edge of the Hiram Ave. right-of-way. A row of mature Douglas fir trees border the park along the Cleveland frontage. The portion of the site adjacent to Front Ave. is a dense blackberry thicket interspersed with apple, pear, hawthorne, alder and white poplar. No wetlands have been identified on the site.

A wildlife inventory was not part of the project, however, it is expected that deer, raccoons, squirrels and rabbits have been seen on the site. A number of upland birds inhabit the tree canopy.

Existing Improvements and Use

To date, few improvements have been made to Park Place Park site, other than the underground utilities, the gravel drive in the Hiram Ave. right-of-way and an old barn. Utilities include a 30" water main and 8" sanitary sewer.

The abandoned barn/house structure on the site was considered for reuse as a picnic shelter in the park. Unfortunately, the structure has been heavily vandalized, is dangerous and is in very poor condition. Due to its condition, size and cost of renovation for even a portion of the structure, there is not a great deal of potential for reuse. The history of the structure has been researched, but it is not known to be of historic significance. It does, however, contain materials which can be salvaged.

Years ago, the barn was remodeled and used as a residence, with various additions made to the original structure. It has been used most recently by vagrants and is considered to be a hazard by both neighbors and city officials alike. The steering committee has requested that it be removed by the city as soon as possible. The vicinity adjacent to the barn is scattered with miscellaneous debris left over from times when it was inhabited. On the steep slope northeast of the barn, there are also remnants of a small building which appears to have burned down.

It appears as though there are one or two wells on the site that serviced the house; but the condition of the wells has not yet been determined. It may be possible to use one of them for an irrigation source.

The balance of the open space does not appear to be used for any sort of activities at this time. Even as vacant land, the site has not been used much by neighborhood children. The site is not considered to be a safe place, due to the activities associated with the derelict barn. Surveillance of the park by adjacent residents is important for public safety, yet the park site does not have a strong visual connection with the adjacent properties.

PROCESS AND PUBLIC INVOLVEMENT

In August of 1994, Mayer/Reed started gathering site information and data to familiarize themselves with the neighborhood and site. An initial meeting with the Park Place Park Steering Committee was held in mid-August to discuss both problems with the park as well as ideas and opportunities. It was apparent that the committee had given the project a great deal of thought; there was significant input for proposed elements of the park. (See Meeting Minutes dated August 18, 1994 in the Appendix.)

The issue discussed in greatest detail was the safety aspect of the park. There is strong concern that a safe activity center for children to play in be created and that it should have good visual access from the street. It was noted that given the demographics of the neighborhood, the park should appeal to and feel safe for both families and the elderly. It was generally agreed that a lighted pathway through the park from Cleveland Street to Front Avenue would allow and attract pass-through pedestrian circulation. In addition, it was proposed that a small portion of the site be furnished to accommodate a seasonal park host.

It was also apparent that parking is a concern. Where the park entry should be, where parking lots are to be located, and how large they should be were issues discussed at length. It was concluded that given the "L" shaped configuration of the lower portions of the site, two entrances are appropriate, one off Front Ave. and one off Cleveland St. Each of these entrances could accommodate a small parking lot of 8-12 cars, rather than one larger lot.

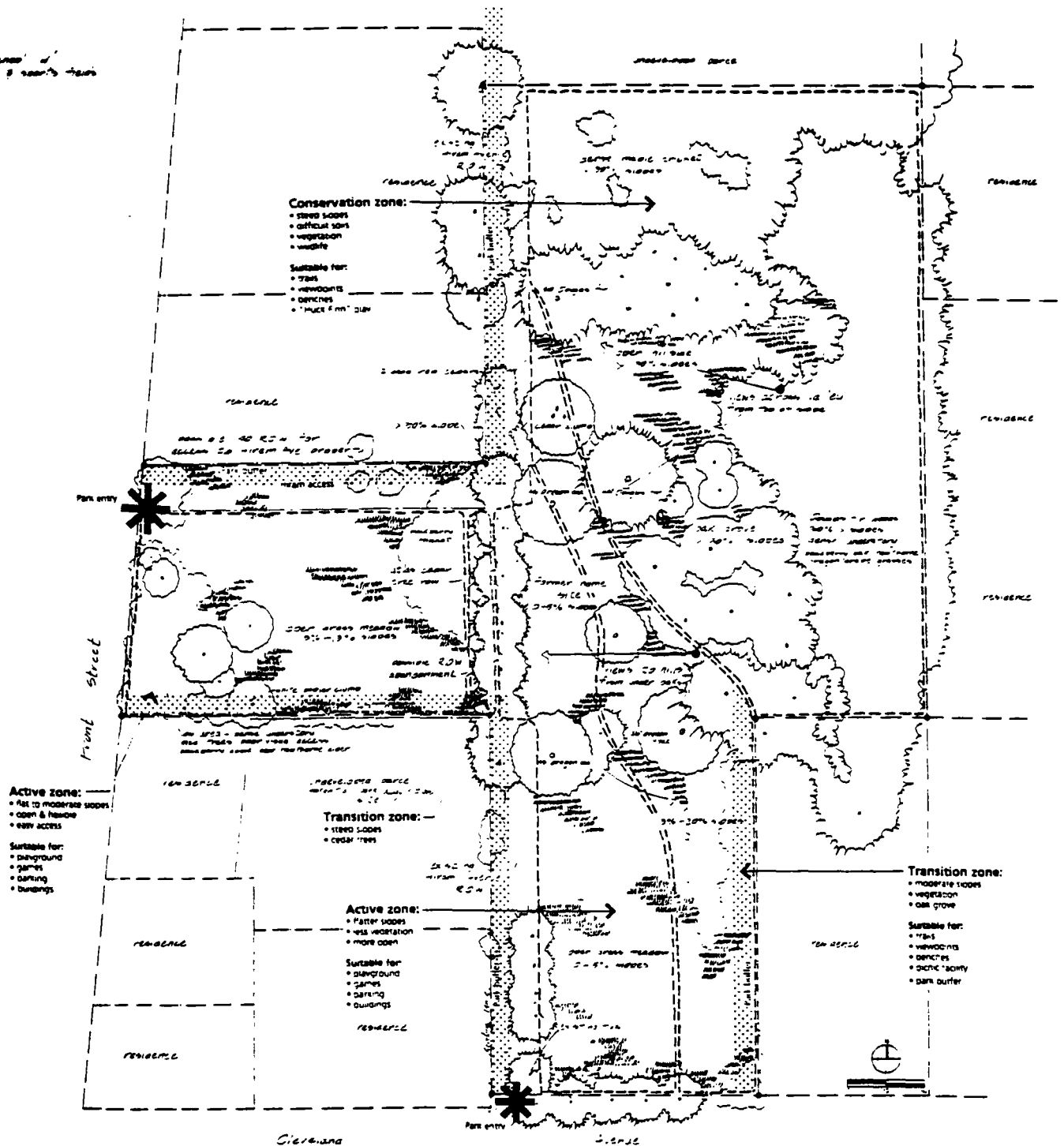
The steering committee was also concerned about protecting natural resources, while accommodating the desired improvements. Improvements mentioned at the initial meeting included a picnic gazebo, picnic tables and benches, play equipment for toddlers as well as school aged children, tennis and basketball courts, paved pathways and soft surface hiking trails, view points, restroom/storage facilities, a park host campsite and new landscaping.

From this meeting, the landscape architects developed a list of goals and objectives and a list of potential facilities as the park "program". These goals and objectives are outlined in subsequent paragraphs of this report.

Goals and objectives and the program were reviewed with the Park Place Park Steering Committee on September 15, 1994. The group reviewed written and graphic materials prepared by the landscape architects for the public meeting and presentation to be held two weeks later on September 29, 1994.

The public meeting had limited attendance, yet the response to the program elements was positive. Site analysis and a concept diagram were also presented at this meeting. The concept diagram demonstrated how the park could be developed in such a way to be compatible with the natural resources and provide some measures of safety. Various activities could interrelate within a framework of the existing trees, pathways and flexible open spaces. The elements that received the most support at the meeting were basketball and tennis courts, paved pathways, restrooms, lighting along the pathways, soft surface pathways on the upper portion of the site, parking lots and multi-use open space.

Elementary cases of
for component 3 zero's trace



Inventory and Analysis

Park Place Park
Clatsop County Community Development Division
City of Oregon City

Keywords: *depression, anxiety, self-esteem, self-efficacy, coping strategies, social support*

On October 13, 1994, a meeting was held to confirm the program, cost estimates and preliminary master plan with the city and the county, prior to presenting it to the Steering Committee. Phasing aspects of the project were discussed at this meeting. It was also decided that an official request would be made to the city to remove the barn.

During October, C.C. Baxter tapped 13 classes of children in grades K-6 at Park Place School as a source of ideas for the park. One important reason to involve these future park users was to help them invest some time thinking about the way a park is developed and used. Another reason was to help build community support for the project as the excitement spreads and the word gets out. Ms. Baxter described the site and used a simplified base map for the children to express their creativity in designing the park. The results were colorful and exciting! Interestingly, many of the actual park program elements were seen by the children as desirable features, along with ice rinks, swimming pools and baseball stadiums. The ideas of the children will be utilized to "fine tune" the park program, especially the play equipment list.

The final goals and objectives, the children's agendas, the program, master plan and phasing options were presented to the Steering Committee on October 27, 1994. The response was favorable. The overall phasing strategy is discussed in greater detail in this master plan report.

A first phase, including a construction contingency, within the \$172,000.00 budget was proposed. However, the elements of the first phase desired by the Steering Committee exceeded the initial amount budgeted for the project. The Steering Committee and consultants felt strongly that the Phase I park should be active and appear as complete as possible, so that safety concerns are addressed. Given that the Phase I improvements must include the fixed costs for basic site clearing, utilities and earthwork, the balance of the budget (which could be used for the desired park improvements) proved to be inadequate. It was unanimously decided that the Steering Committee would meet with Oregon City Commissioners on November 16 to request additional funds for an expanded Phase I development.

The park planners and designers met again with the Steering Committee on November 15 to discuss Phase I elements of the park, funding options, and the presentation to Oregon City Commissioners. On November 16, 1994, the park master plan and the proposed Phase I development were presented by the city engineer, the Steering Committee chair, and the landscape architect to the City of Oregon City Commissioners, with the request for approval of additional funding. The request was approved.

GOALS AND OBJECTIVES

Goals

The following goals were developed as a starting point for the design of Park Place Park:

Goal 1: Create a place that gets *used*.

Goal 2: Create a safe and attractive place for neighbors, including children and senior residents.

Objectives

The following objectives support the overall goals for the project:

- Identify compatible activities which bring neighbors together in a social way.
- Encourage access to the park by pedestrians; limit vehicular use.
- Encourage safe access through the park for all users.
- Accommodate parking facilities so that pressure to park on the street is reduced.
- Create a more cohesive, blended park environment.
- Improve the visual connection from the open space into the woods.
- Improve a flexible open space which can be used for a variety of activities.
- Improve site drainage and the overall quality of the landscape.
- Restore the forest environment.
- Encourage neighborhood volunteers to take part in specific projects and long term maintenance aspects of the park.
- Reroute Hiram Ave. so that access to private parcels to the north does not bisect the park.

THE MASTER PLAN

The overall concept for the park is to establish a casual character, encourage a high level of activity, and provide social opportunities for families and neighbors. The lower meadow area will be developed to be flexible and inviting for a variety of activities. The Front Avenue entrance will be cleared of blackberry and thicket materials to open up visibility, enhance the main entrance and create a better link to the adjacent neighborhood. A paved pathway will serve to frame the open space and connect the use areas with the upper portions of the site. The row of existing blue atlas cedars will be thinned and "limbed up" to promote a better physical and visual link to the mid-level and upper parts of the site.

In order to support the idea of a continuous, uninterrupted park, the Hiram Avenue right-of-way will be modified. Hiram Ave. will extend north from Cleveland through a portion of the park to a turn-around which will provide access to the undeveloped private parcels south of the park. Access to the parcels north of the park will be via a new 40 ft. dedicated right-of-way which extends along the north boundary of lower portion of the site from Front Ave. to the existing Hiram Ave. right-of-way. A portion of the Hiram right-of-way will be vacated for park use, however, existing utilities in the right-of-way will remain in place.

The wooded area will be left essentially as it exists, except for poison oak and blackberry thicket removal, soft surface trails, a viewpoint and a few picnic tables. The lower edge of the woods will be selectively thinned of brush so that the transition between the open space and the wooded area is improved. Existing trees over six inches in caliper and in good condition will be retained.

The private undeveloped property to the south of the lower meadow would make an excellent addition the park, if funding were available for its purchase. This parcel would greatly expand the lower meadow and provide additional open space for flexible use areas. While it is not large enough for a softball or soccer facility, it is certainly adequate for pick-up games and practices. The parcel would also add land to the center of the park, improving the shape and visibility through out.

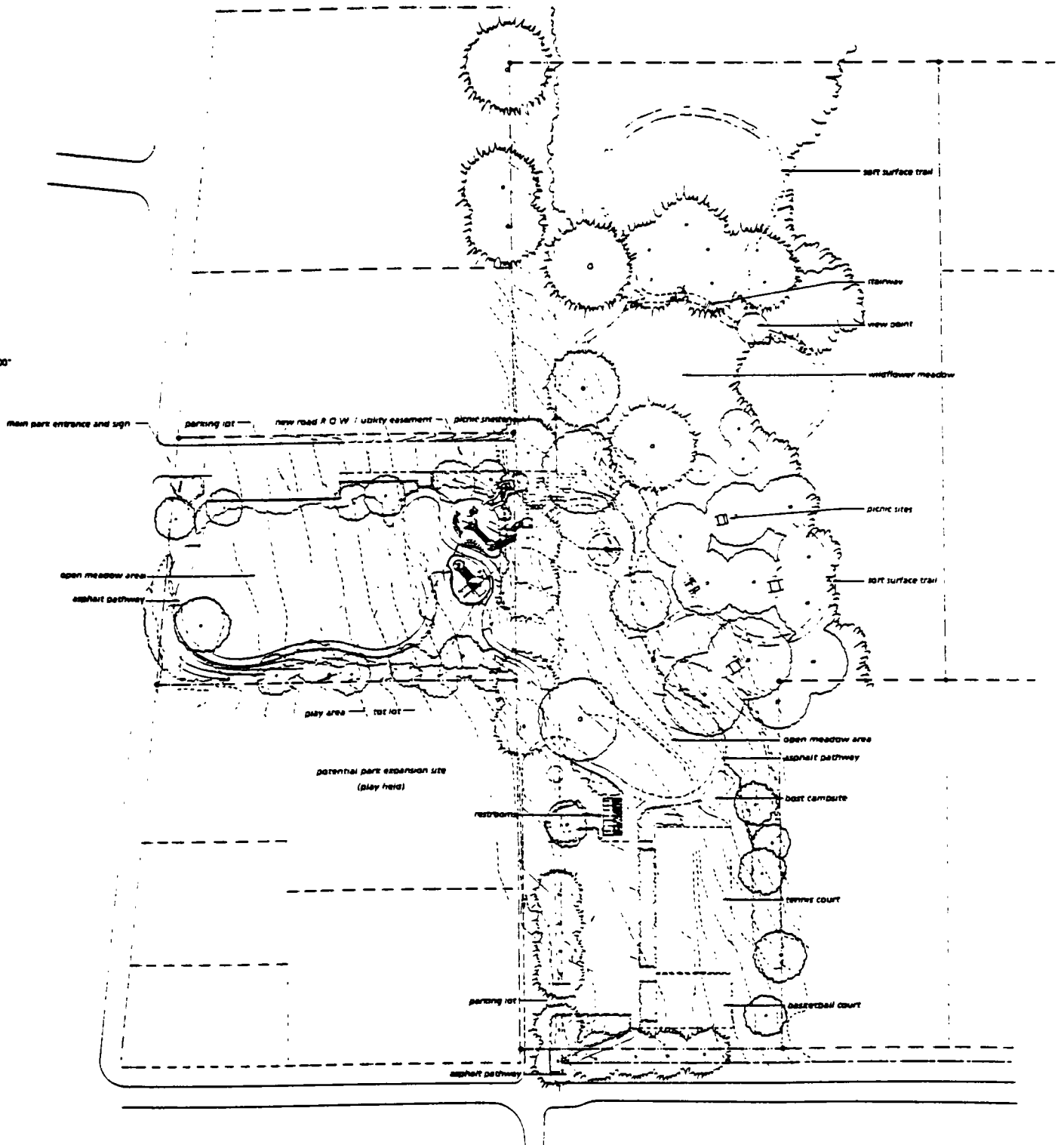
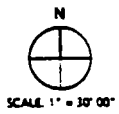
The following paragraphs discuss the park concept in greater detail:

The Meadow

The lower meadow will be improved with drainage, irrigation and grading to provide a flexible grassy area suitable for a variety of activities including pick-up ball games, sunning, kite flying, free play and neighborhood gatherings. Regrading of the meadow will help to create flatter use areas and subdivide the space, so that active and passive uses can simultaneously coexist.

Pathways

A main lighted, paved pathway will travel through the park connecting the Front Avenue entry to the Cleveland Street entry. An additional paved pathway around an open space at the mid-level will provide a loop for "touring" the park on foot or on bike, and will connect the picnic shelter, the picnic tables and the soft surface pathway leading to the viewpoint. All paved pathways will be barrier-free and below 5% gradient.



Park Place Park
Clatsamas County Community Development Division

Master Plan

Shawyer/Reed
Updated Version 9.25.94

Play Environment / Equipment for Children

A small tot lot and larger older child's play area are proposed to be located along the main park pathway, just below the row of blue atlas cedars. As the main activity center of the park, supervising adults can see much of the site from this location. This area is also visible from the picnic shelter and adjacent picnic tables. Some play elements will take advantage of the existing slope as a feature.

Equipment in the tot lot will be specifically geared for pre-school aged children. Equipment in the larger play area will be selected for school aged children and will provide a variety of experiences. The playground pathway and surfacing will be handicap accessible.

In addition to the structured play areas, there will be opportunities for more casual, spontaneous, unstructured play. The meadow and woods will yield many interesting spaces and materials for exploration, nature study and "Huck Finn" play.

The Mid-level Terrace

The mid-level serves as both a transition between active and passive uses in the park and as the center of the site. The mid-level extends to Cleveland St. as well, so it is an important connection to the neighborhood. The picnic shelter, a small lawn area, restrooms and additional parking are located in the mid-level. Utilizing the flattest portion of the site, the tennis and basketball courts are located here as well. The sport courts are located close to Cleveland, so that they are easily seen from the street. The camp site for the park host will be located at this level in order to provide adequate surveillance of the entire "L" shape of the park.

The Woods

A soft surface trail through the woods linking the open space with the view point will be established to offer a nature walk through the park's wooded areas. The construction of the soft surface path is a possible project for park volunteers. In addition, civic groups or local clubs could assist with removal of unwanted plant materials and with further restoration of the native woodland understory plant communities. The natural character of these woods will be maintained to provide discovery opportunities for children.

Landscape Elements

Improved landscaping, with a focus on native plants will help to retain the casual meadow-like character. A border of low shrubs, ground covers, wildflowers and meadow grass will provide some buffer on the lower portion of the park and better define the park boundary. The mid-level will feature some turf areas as well. Wildflower borders, shrubs and trees will be planted around the parking lots and the sport courts. The transition zone between the open space and the woods will be improved for wildlife habitat through revegetation with native plants. Plants considered for landscaping will be selected from the list included in the Appendix of this report.

Restrooms

A site built restroom will be located on the mid-level adjacent to the future tennis courts and parking lot. The restrooms will consist of mens and womens units with a storage area for maintenance equipment.

Pathway Lighting

Twelve to fourteen foot high pole mounted lights will be provided along the paved pathways with an emphasis at the restrooms, play areas and parking lot. The lighting layout will be expandable for future park improvements or additions.

Site Furnishings and Park Signage

Picnic tables and benches will encourage neighbors to linger and use the park as a destination, rather than just a place to pass through. It is expected that more social interaction will happen as a result. Picnic tables will be located in both the sunny open spaces and the lower part of the woods, so that in all seasons, comfortable places to picnic can be found. Litter receptacles will be included at the activity areas and on the main pathways, as will a drinking fountain in the restroom vicinity. Park signs will be located at the park entries.

Off-Street Parking

Given the fact that the greatest number of park users are from the surrounding neighborhood and some of the streets will be upgraded, it is desirable to encourage travel to the park by foot or bike. The need for parking is anticipated to be moderate, so ten cars will be accommodated at the Front Avenue entrance and between ten and fourteen will be accommodated at the Cleveland Street entrance. The lots will be developed to city standards with asphalt paving and concrete curbs and gutters. One parking space in each lot will be dimensioned for handicap use.

PHASING STRATEGY

These elements have been examined in terms of what should constitute the first phase and what can be added to the park in subsequent phases over time. A cost estimate for all of the program elements included in the master plan was prepared by the landscape architects.

Phase I

The following elements for the first phase of Park Place Park were identified by the Steering Committee and landscape architects as being essential to the park's initial success: Infrastructure development includes site clearing, selective demolition, earthwork for all phases, utility connections and extensions, meters and soil preparation. The barn structure will be removed through another source of funding.

- A graded, irrigated, landscaped central meadow as a flexible use area. The irrigation system will be designed to be expandable to future park development phases.
- A lighted, paved pathway connecting the Front Avenue entry through the park to the Cleveland Street entry. The lighting system will be expandable.
- A small tot lot and larger older child's play area. Additional equipment can be added in future phases.
- Ten spaces of off-street parking at the Front Ave. entry. One parking space will be dimensioned for handicap use.
- Buffer landscaping and irrigation adjacent to the meadow and a portion of the mid-level of the park.
- Several picnic tables, park benches, litter containers and a drinking fountain.
- Park signs at the two entries.

Phase II

The following improvements are recommended as funds become available. The future phase items are listed in small installation packages in the event that funding becomes available in small amounts.

Picnic / Meadow Improvements

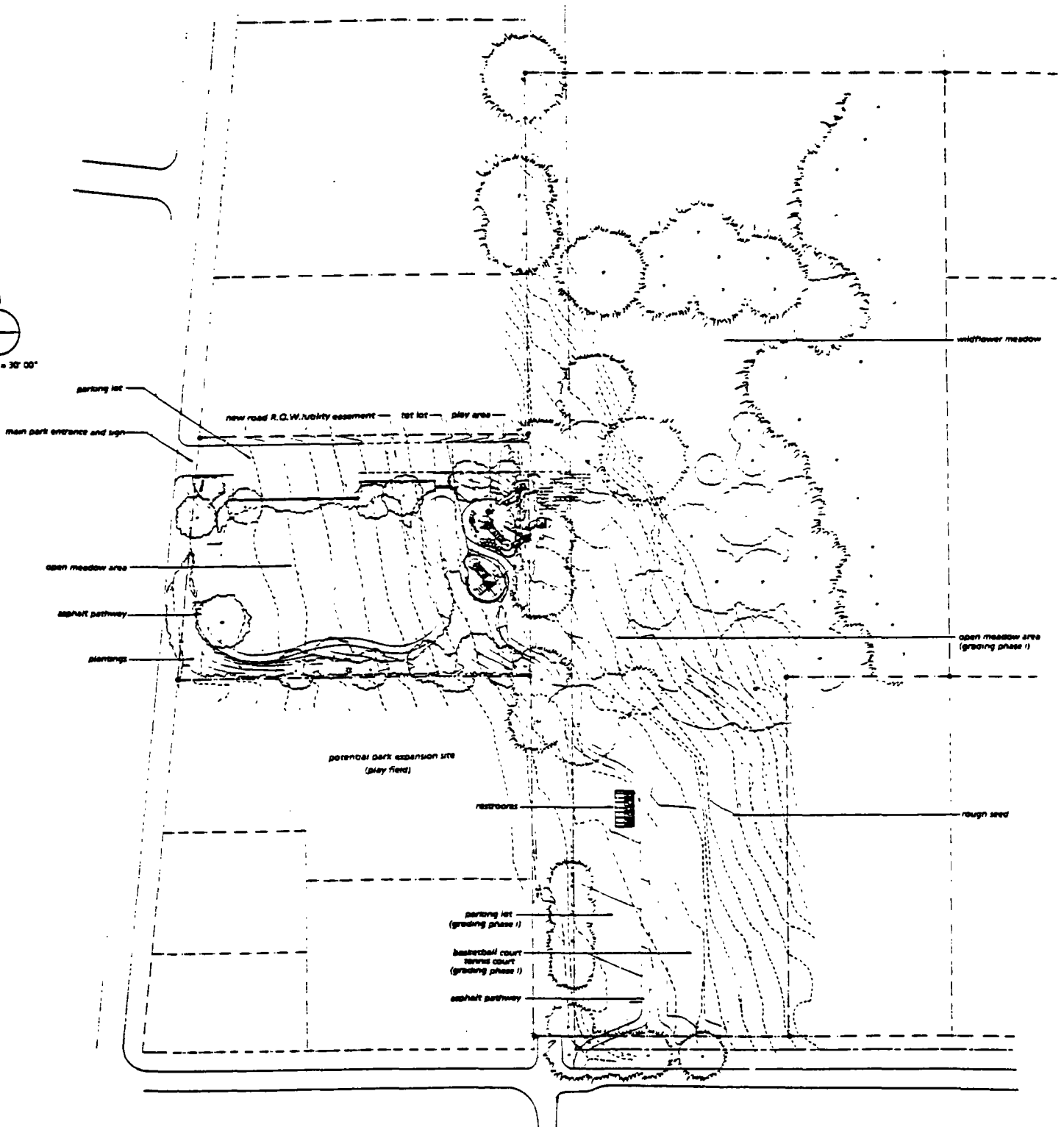
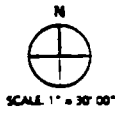
- A lighted paved loop pathway at the mid-level terrace.
- A lighted picnic shelter with a water tap at the mid-level terrace; barbecue facilities.
- Picnic tables, benches and litter containers.
- Landscaping and irrigation at the mid-level of the park.

Upper level Improvements

- Soft surface trails through the woods and to the viewpoint.
- Woodlands restoration.
- Picnic tables, benches and litter containers.

Sports / Play Improvements

- A ten to fourteen space parking lot at the Cleveland St. entry and the Hiram Ave. turn around.
- A basketball half court.
- A tennis court.
- Additional play equipment.



Park Place Park
Caldames County Community Development Division

Phase I Plan

Shirley Reed
Landscape Architect 6.29.04

It is anticipated that the new access drive to Hiram will be constructed through another source of funding when the undeveloped parcels to the north are developed.

Phase III

Future Acquisition and Development

The undeveloped parcels to the south, if purchased and added to the park, would be ideal for an expanded meadow area because the grades are relatively level.

- An additional lighted loop pathway would help expand the park as a walking destination.
- Benches, picnic tables and litter containers.
- Buffer plantings adjacent to the existing residences.

Appendix

Vicinity Map

Aerial Photo

Boundary Survey

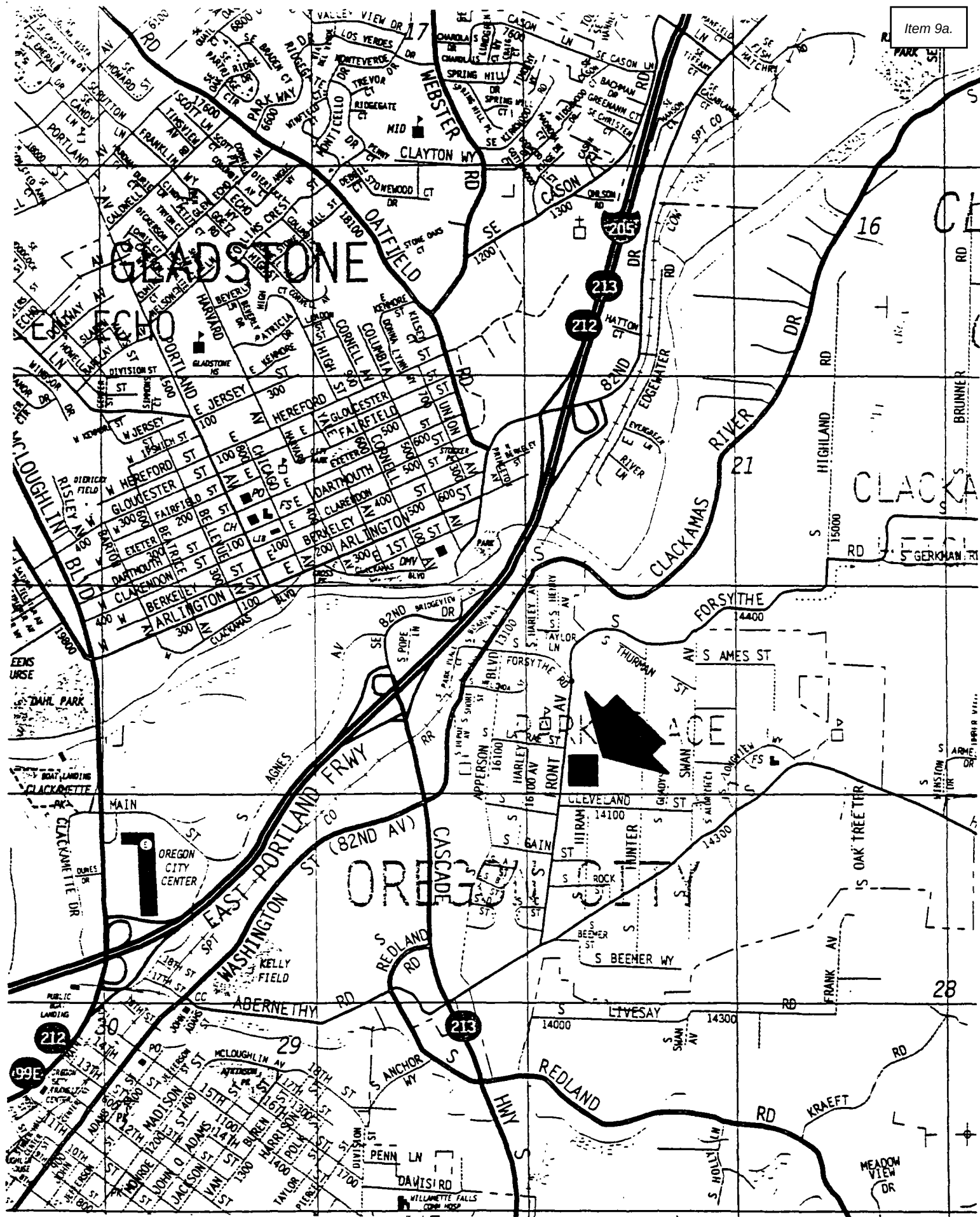
Topographic Survey

Technical Memoranda & Meeting Notes

Cost Estimates

Schedule

Proposed Plant List

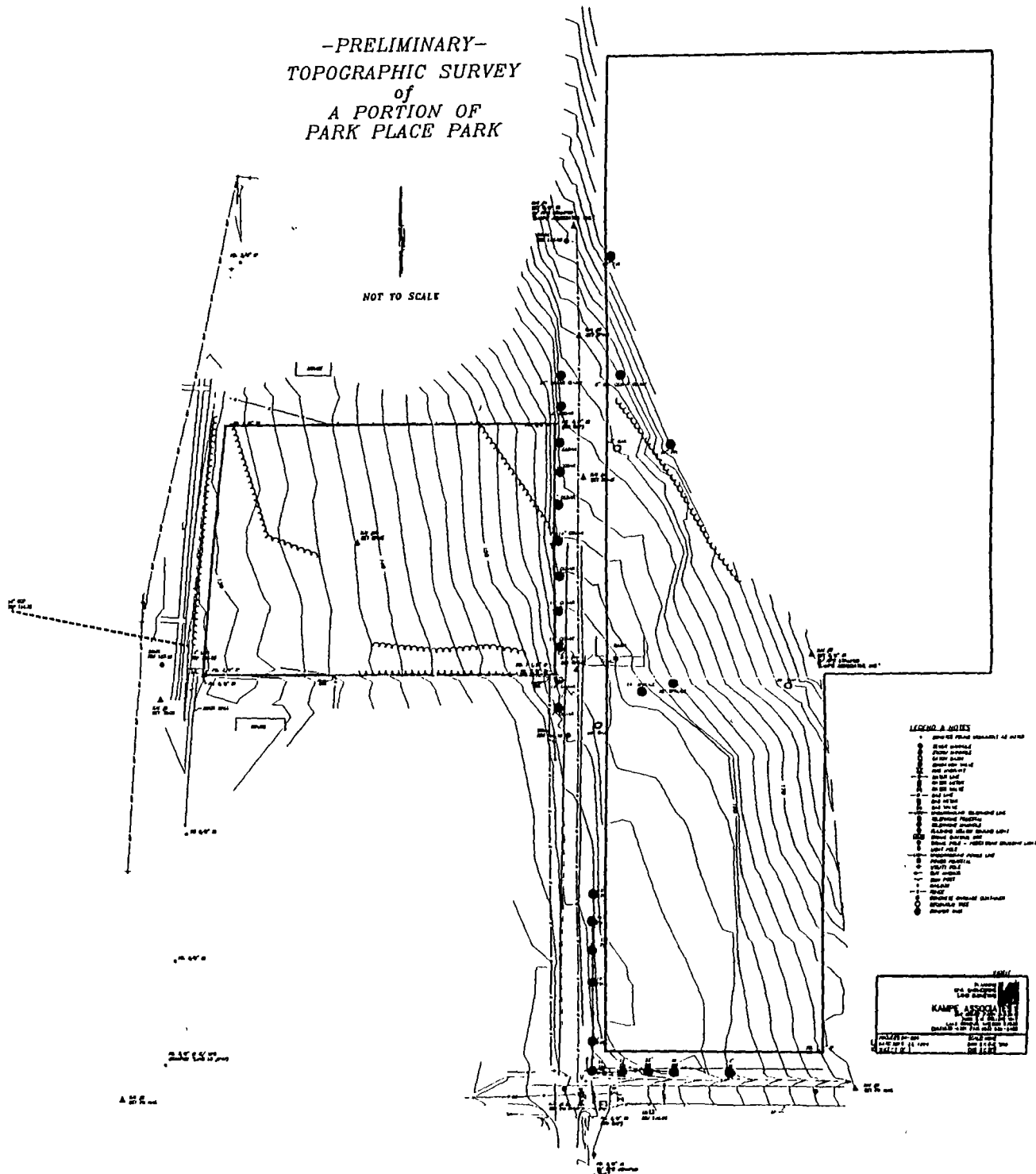


Front Ave.

Cleveland Ave.

-PRELIMINARY-
TOPOGRAPHIC SURVEY
of
A PORTION OF
PARK PLACE PARK

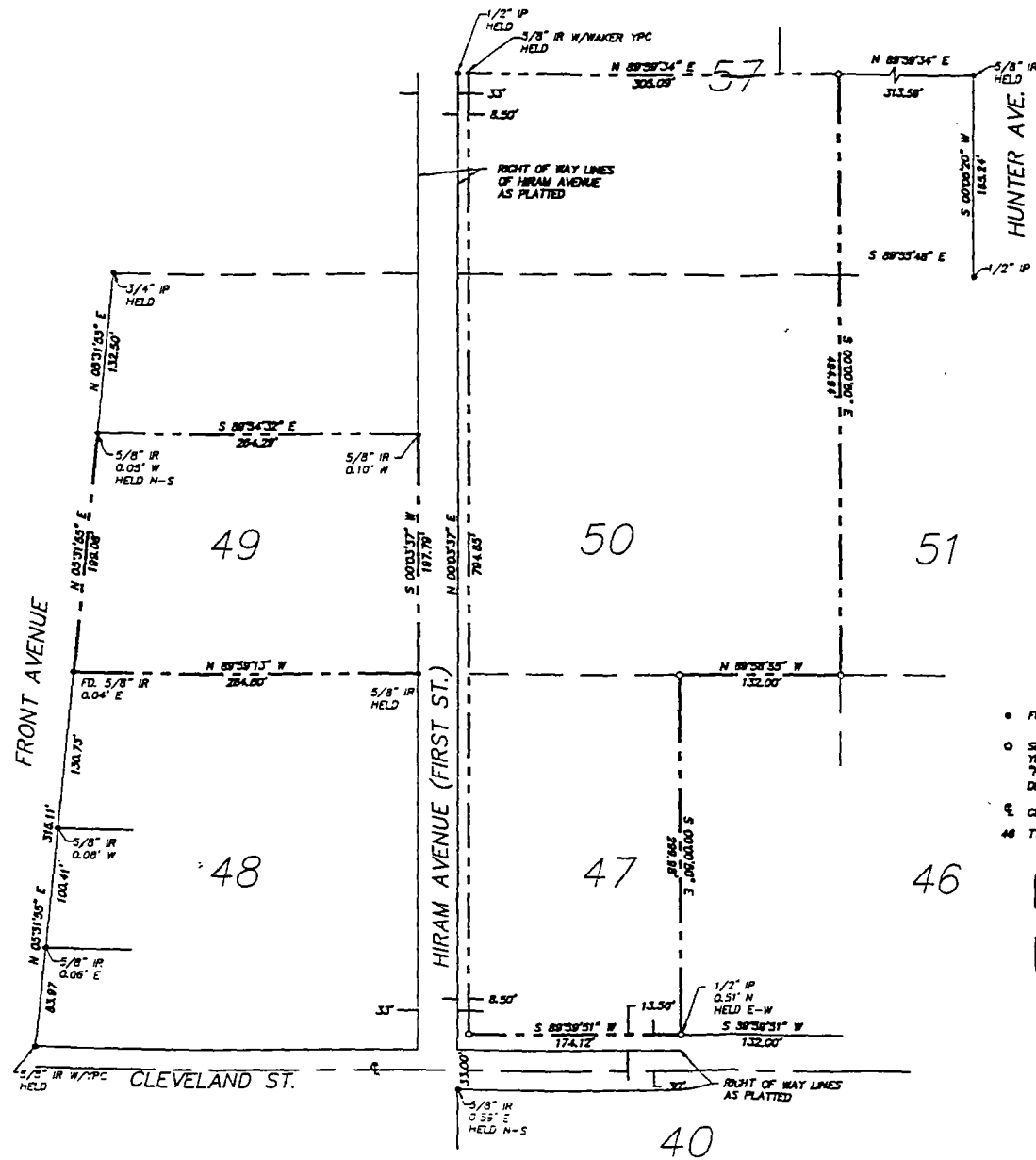
NOT TO SCALE



PRINTED

DEC 02 1994

KAMU L... ..



NOT TO SCALE

- LEGEND
- FOUND MONUMENT AS NOTED
 - SET 5/8" X 30" IR WITH YELLOW PLASTIC CAP INSCRIBED "KAMPE ASSOCIATES, INC." DECEMBER 1, 1994
 - ⊥ CENTERLINE
 - 46 TYPICAL BLOCK NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 21, 1990
RAYMOND F. BRUCHEL
2419
RENEWAL DATE: 12/31/93

RECORD OF SURVEY

STRAYED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, ALSO BEING PORTIONS OF BLOCKS 47, 48, 50, 51, & 57 PLAT OF CLACKAMAS HEIGHTS, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

NARRATIVE:

The purpose of this survey is to monument land owned by the City of Oregon City for use as a park.

The base of bearings is the south line of parcels 1 & 2, as shown on Partition Plat No. 1782-142, on being South 89° 34' 34" West.

The east right of way line of Hiram Avenue is shown 8.50 feet east of platting position to coincide with the right of way line as shown on Partition Plat No. 1782-142.

The property lines were determined as follows:

A found 5/8" iron rod with a yellow plastic cap inscribed "LOVE 747" was found for the north line of Cleveland Street as platred and the East line of Front Avenue, and a found 3/4" iron pin was found at the northeast corner of Block 48 to establish the east right of way line of Front Avenue.

A found 5/8" iron rod 0.04 feet east of the east line of Front Avenue was found for the north line of Block 48, and a found 5/8" iron rod was found at the southwest corner of Block 49 to establish the south line of Block 48.

A found 5/8" iron rod 0.08 feet east of the east right of way line of Front Avenue was found north-south, and a found 5/8" iron rod 0.10 feet east of the east line of Hiram Avenue was found north-south to establish the north property line to Block 48.

A found 5/8" iron rod at the southwest corner of Cleveland Street and Hiram Avenue was found for the south line of Cleveland Street as shown on Record of Survey PS-11722.

A found 1/2" iron pin at the southeast corner of Parcel 2 was found for the east line, as shown, of Hiram Avenue, as shown on Partition Plat No. 1782-142, and a found 5/8" iron rod was found at the southeast corner of Block 49 to establish the alignment of Hiram Avenue.

The distance from the found and found 1/2" iron pin at the southeast corner of Parcel 2 to a found and found 5/8" iron rod on the east line of Block 50 was found to establish the east line of Block 57.

A 1/2" iron pin 0.51 feet north of the north right of way line as shown on Survey PS-18975, was found on being 132.00 feet east of the east line of Block 47.

The east lines of blocks 47, 50, and 57 were established using the two last mentioned points.

SURVEYOR'S NOTES:

1. THERE IS NO APPROVED GEODETIC MONUMENT WITHIN ONE-HALF MILE OF THIS SITE.

PLANNED CIVIL ENGINEERING LAND SURVEYING

KAMPE ASSOCIATES, INC.

209 4TH ST. N. SUITE 100
5000 S.W. COLLINS WAY
LAKE OSWEGO, OREGON 97031

PROJECT: 94-084 SCALE: 1"=40'

DATE: 04-24 DRAWN BY: JLB

CHECKED BY: RFB

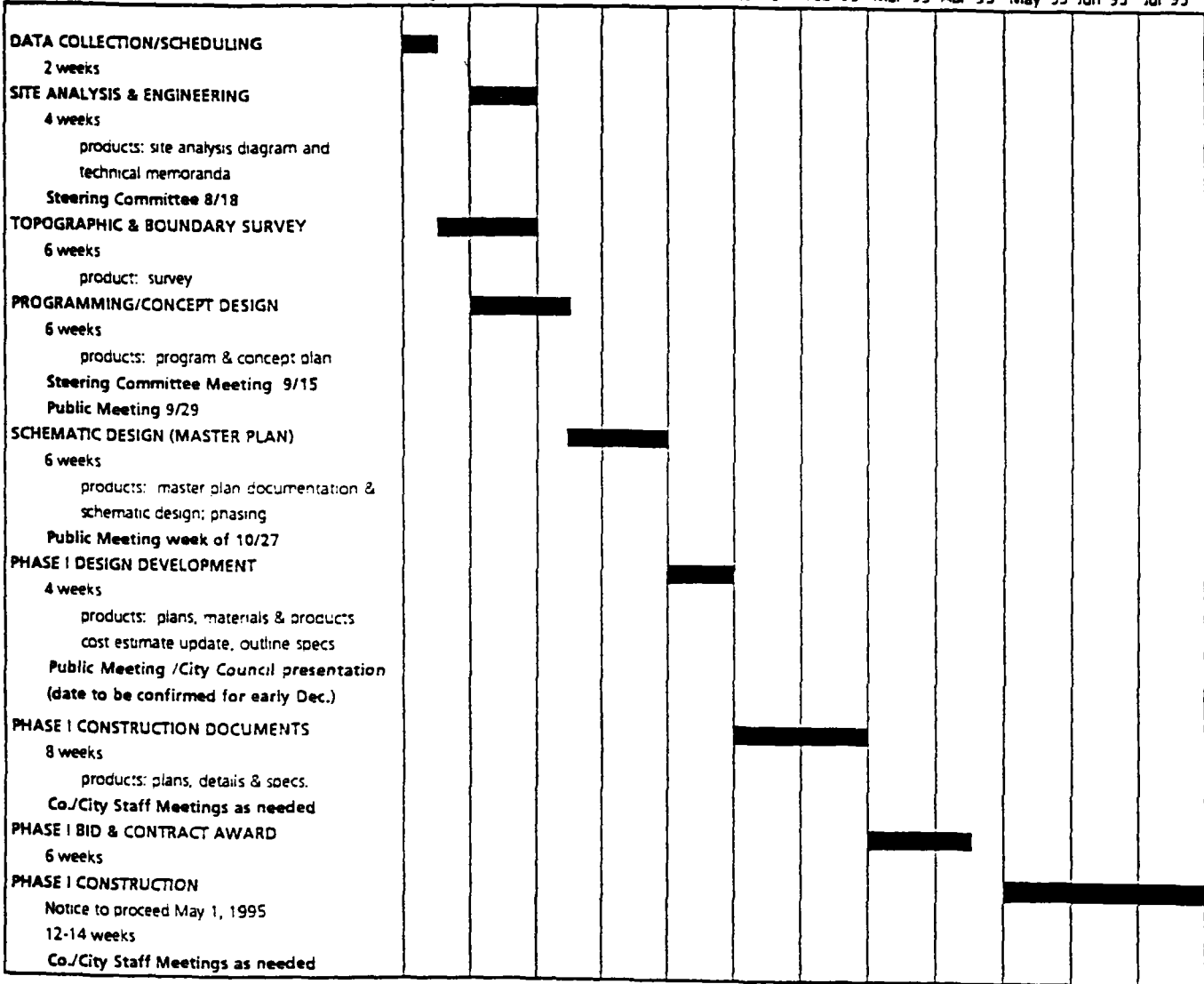
**PARK PLACE NEIGHBORHOOD PARK
PROJECT WORK PLAN AND TIME LINE
Mayer/Reed**

9.23.94 Revised

Month/Year

TASK

Aug '94 Sep '94 Oct '94 Nov '94 Dec '94 Jan '94 Feb '95 Mar '95 Apr '95 May '95 Jun '95 Jul '95



M E M O R A N D U M

TO:	Planning Committee		
PROJECT:	Park Place Neighborhood Park	PROJECT NO:	
DATE:	8.18.94	SENT VIA:	NO. OF PAGES: 1
SUBJECT:	Programming Issues		
BY:	Carol Mayer-Reed		

319 SW Washington Street, Suite 820 Portland, Oregon 97204 Facsimile 503 223 8076 Tele 503 223 5953

In order to develop the program park facilities, the following topics are proposed for discussion:

Park Character

- active or passive
- users
- landscape quality
- open space

Parking & Access

- where
- how much

Existing Barn

- potential for reuse

Improvements to Hiram Avenue

- what level of improvements
- alternatives for access to private properties

Restroom/Maintenance Facility

- need and location

Pathways

- access to and within the park
- view points
- furnishings

Play Structure(s)

- age groups and equipment
- relation to adjacent school

Picnic Shelter

- barbeque facilities
- furnishings

Perimeter Treatment

- access/security issues
- materials

M E M O R A N D U M

TO:	Dale Query		
PROJECT:	Park Place Park	PROJECT NO:	
DATE:	8.23.94	SENT VIA: Fax	NO. OF PAGES: 3
SUBJECT:	Meeting Notes from Steering Committee 8.18.94; John Mason, Chair; Clackamas Heights Community Center		
BY:	Carol Mayer-Reed		
COPIES TO:	Mary Palmer, Henry Mackenroth, Larry Lewis		

319 SW Washington Street, Suite 820 Portland, Oregon 97204 Facsimile 503 223 8076 Telephone 503 223-5953

1. The Steering Committee is currently in the process of soliciting input from the public regarding the program elements for the park.
2. Safety is perhaps the most important concern for the park. The property has a history of uses which are not compatible with use by the neighborhood.
3. The Phase I park budget will be approximately \$175,000. The group feels that it is important that Phase I improvements make the park immediately useful.
4. Low and/or easy maintenance is a priority for the park.
5. The site does have water and sewer services now. Henry Mackenroth will provide the maps. If neighbors are upset about the sewer assessments, it is important to note that park construction funds are in no way related to funds for the sewer project. There is no cross funding; park monies cannot be used for the sewer project.
6. There is a trend of rapid residential growth in the area, now that the sewers are in place. There are many parcels of vacant land and there is the potential for 1,000 or more single family dwellings if the area is fully developed. With new housing, many more new families moving in; however, there are many long-time and elderly residents, even several generations of residents. Presently, there is a good mix of active elderly people, young families and all ages in between. However, this growth trend is causing lots of "adjustments" in neighborhood.
7. Lots of people enjoy taking walks in the neighborhood, but the narrow streets without sidewalks are not safe due to the hilly terrain and the volume and speed of traffic. Also, the neighborhood is not entirely safe for the elderly.

8. The two highest priority goals for the park were again restated: 1) a place that gets used, and 2) a place that is safe.
9. How can paths through the park in the area with trees be safe? It would be good if children can ride their bikes in a safe place. There is a strong concern for safe bike/pedestrian trails through the wooded areas with visual access to and from the main part of the park. However, the park design needs to minimize the conflicts between bicycles and pedestrians. Is it necessary to have bike and pedestrian access to and from the top of the hill? In general, the park should be "opened up" for better visual pass-by security.
10. There are concerns about the lack of sidewalks to and from the park. Front Ave. will be improved as a 36 foot wide street with curbs. It will have two traffic lanes, with possibly 2 bike lanes and no on-street parking or 1 bike lane with parking only on one side. This street is shown as part of the Bicycle Master Plan.
11. Park Place School is to be open indefinitely, due to the growth trend of the neighborhood. How does the park relate to this existing facility?
12. The Park Place Park may not be big enough for active sports fields, however, an activity field of about 20 x 40 yards would allow a space for informal, "pick up" games.
13. There is a concern as to how to secure adjacent private property from intrusion by park users.
14. Perhaps the steep slope area at the top of the park will be left as it is, but other use areas could be contoured and terraced on the lower portions of the site.
15. The group feels that a Park Host is important for security. Alan Tollman said that other parks in the area have been successful in attracting a summertime host from April through October. This person would camp on the property and oversee the activities in the park.
16. The group feels that lighting is needed for pathways, but cost may be prohibitive in the first phase of construction. The lighting shouldn't disturb the adjacent neighbors.
17. At the park entry, obvious posting of rules are necessary for enforcement. Park hours for other parks in Oregon City are from 5 am. to 10 pm.
18. One parcel's access would be removed if Hiram Ave. were vacated. Could this parcel be acquired? What are possibilities for purchase? The city will investigate ownership. How the landlocked parcel is dealt with is a very high priority for planning of the park.
19. Where should the "front door" of the park be? The group was divided in their thoughts and opinions. Some people prefer Front Avenue; others prefer Cleveland. If Cleveland is the main access, the Hiram neighbors may not like the additional traffic. The speed of traffic are already excessive, since Hiram has no cross street intersections. Perhaps vehicular traffic could come off Front Street with pedestrians off Cleveland? Or visa-versa? Or both?
20. The Steering Committee expressed the desire for parking to be minimal for about 15-30 cars. The park should have a pedestrian orientation, with perhaps two small, dispersed, separate parking lots with head-in parking. The lots could be located possibly along both road frontages. There is the potential for a drop off or turn around in the center of park with handicapped parking.

Perhaps large rocks could be used to control parking, and the parking areas could be broken up with landscaping. The school could be satellite parking for larger events.

21. Alan Tollman said that the average picnic shelter use is for 50 people and under. The park may serve a large area than the immediate neighborhood and the parking should be planned accordingly. The picnic shelter maybe not be included in the first phase due to the cost. Benches, trash cans and plantings should be included in the first phase if possible.
22. There are negative activities related to the old barn. It appeared to be unanimous that the barn should be removed. However, some of the materials could be salvaged for reuse by Old Home Forum members. There is also a possibility that the barn could be relocated to the territorial farm at the End of the Oregon Trail Center. Paulette and C.C. Baxter will look into the possibilities for the old barn. Denise McGriff, a city planner, may know about the history of the barn. In the meantime, the well located behind the barn needs to be sealed so that it is not dangerous.
23. The construction of a restroom in the first phase is a high priority, with a drinking fountain and water on the outside. This is one of the features which make the park immediately usable. It should be a year-around "weatherized" facility. Alan would like to see a storage facility located at the restroom which could store supplies and a mower. He will provide a program for the building, along with dimensions. It should have prison quality fixtures with thick block walls and a sturdy, metal roof. The restrooms and shelter should be in close proximity to the park host facilities.
24. Pathways were discussed further. Paths should be wide enough (about 9-10 ft.) for a maintenance pickup truck, policing and/or emergency vehicles. Loop paths are preferred, with an easy loop on the lower end and a steeper loop on the upper end. Pathways should be paved for use by kids on in-line skates and skateboards.
25. The Steering Committee members feel that there is a good opportunity to include the children at the elementary school in the planning of the park. What are the kids' views of the park and school? The "two Lianas" were asked to participate in a school outreach program.
26. C.C. Baxter talked about the use of Enhancement Funds for the park. She is open to ideas and possible volunteer programs.
27. The next committee meeting will be September 15th at 7:00pm at the Community Center. The agenda will include how to structure the first public meeting. The first public meeting will be September 29th, with the exact time and place to be announced.

END

Please notify Mayer/Reed immediately of any corrections or additions to these minutes.

M E M O R A N D U M

TO: Dale Query

PROJECT: Park Place Park **PROJECT NO:**

DATE: 9.26.94 **SENT VIA:** Fax **NO. OF PAGES:** 2

SUBJECT: Meeting Notes from Steering Committee 9.15.94; John Mason, Chair; Clackamas Heights Community Center

BY: Carol Mayer-Reed

COPIES TO: Mary Palmer, Henry Mackenroth, Larry Lewis

319 SW Washington Street, Suite 820 Portland, Oregon 97204 Facsimile 503 223 8076 Telephone 503 223-5953

1. The Steering Committee met to review the elements proposed for the park and to discuss the agenda for the public meeting to be held on September 28, 1994. The preferred location for the public meeting will be the school.
2. Play equipment was briefly discussed. It will need good surveillance and should be located near the restrooms and should be geared to pre-school age children.
3. Dan Zinzer, director of Clackamas County Parks, said that his agency was moving away from providing fixed restrooms due to maintenance and vandalism. They have been using a portable restroom service. The restrooms are located behind a screen so they are not visually obtrusive. He suggested that this should be considered at least for the first phase, rather than sink such a large portion of the initial budget into a building. New restrooms could cost in a range of \$100-120,000. The disadvantage of the portables is not having hand washing facilities; however, a water tap could be installed along with a drinking fountain in the first phase. The group felt the restroom issue was important to discuss at the public meeting.
4. A shelter is an important park feature, but could be included in a second phase.
5. Benches are important to have in the first phase because people are encouraged to linger longer in the park. Benches are usually easy to obtain donations for.

6. Henry Mackenroth discussed his findings on the properties north of the park. Nearly all of the parcels are subdividable and will have to take access off Hiram. The favored way to give access is to designate a right-of-way from Front to Hiram along the park's north property line and vacate a portion of Hiram which would be through the center of the park. The master plan should recognize this need for a right-of-way. Henry thought a 50' right-of-way would suffice. The right-of-way would not be improved until triggered by a subdivision of properties. The Hiram right-of-way will be maintained from Cleveland for access to the properties south of the park.
7. The school visioning project will take place during the week of Sept. 29th. Carol Mayer-Reed will provide an 11x17 copy of the survey to Dan and Mary Zinzer for this exercise. (Most recent news is that the visioning project will take place later in October.)
8. Research of the old barn revealed that there is nothing particularly significant about it from an historic standpoint. The group agreed that it should be removed as quickly as possible by the city or the county because it is dangerous. If there are wells, perhaps they could be capped but preserved for reuse for irrigation water.
9. The schedule should be revised to start construction in May rather than earlier in the spring, due to the wetness of the site.
10. The meeting concluded with a draft for the agenda of the public meeting.

END

Please notify Mayer/Reed immediately of any corrections or additions to these minutes.



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

April 17, 1996

Item 9a.

1 of 1

Page

Subject: Request for a Text Amendment to the Comprehensive Plan - Addition of the Park Place Park to Element J - Public Hearing

Report No. 96-36

If approved, Proposed Ordinance No. 96-1003, An Ordinance amending the Parks and Recreation Element of the Comprehensive Plan to add the Park Place Park Master Plan.

On the April 17, 1996 City Commission agenda is a request for a text amendment to Element J - Parks and Recreation Element of the Comprehensive Plan.

Background: In 1990, the City was awarded a grant through the Community Development Block Grant program. The grant enabled the City to develop a Parks Master Plan for the Park Place area. The Master Plan process evolved over a period of ten months.

The Planning Commission held several work sessions over the past six months. On March 26, 1996, the Planning Commission held a public hearing to receive testimony and information on the request. The Planning Commission voted 6 to 0 to recommend approval of the amendment.

Attached, for Commission review, are the following documents:

1. Excerpt of the Planning Commission minutes of March 26, 1996.
2. Staff Report.
3. Public Notice.

Recommendation: It is the recommendation of the Planning Commission that the Park Place Park Master Plan be added to the Comprehensive Plan. Ordinance No. 96-1003 is attached for City Commission consideration.

CHARLES LEESON
City Manager

attach.

cc - Rich Carson, Director, Community Development Director
- Henry Mackenroth, City Engineer
- Denyse McGriff, Principal Planner

**File No. PZ96-01 - Amendment to the Comprehensive Plan - City of Oregon City.
Request to amend the Comprehensive Plan to add the Park Place Park Master Plan.**

Chairman Bean stated this matter was discussed extensively at a work session. The staff report was brief.

It was moved by Hall, seconded by Rutherford, to amend the Comprehensive Plan at Element J, to add the Park Place Park Master Plan.

Roll call: Mattsson, Aye; Merrill, Aye; Shirley, Aye; Hall, Aye; Rutherford, Aye; Bean, Aye.

**File No. ZC96-01 - Amendment to Zoning Ordinance Text - City of Oregon City.
Request to amend the zoning ordinance to add Chapter 47, Erosion Control Ordinance.**

Espe indicated he received a request from Sha Spady to present a memo to Planning Commission members. Spady believes the ordinance does not address on-site detention. Planning Commission members agreed these are two different items; storm water does not need to be included in the erosion control ordinance. This ordinance will keep control of water and erosion on new construction.

According to Chairman Bean, 17.44 should have a small amendment.

At this time Rick McClung, Public Works Director, commented on the Park Place Park Master Plan. He is for it and wants to add to the Park Master Plan, asking the Planning Commission to keep this in mind.

Commissioner Hall talked about trees that went down and were cut up by the mud remaining on a project. He would like to see enforcement because many people do not obey the rules. The public hearing was closed.

It was moved by Merrill, seconded by Shirley, to recommend approval to the City Commission.

Roll call: Mattsson, Aye; Merrill, Aye; Shirley, Aye; Hall, Aye; Rutherford, Aye; Bean, Aye.

File No. CU95-20 - Modification of a Previous Conditional Use Permit - 501 S. McLoughlin Boulevard - Ben Vahdat. Request for a modification of conditions of CU90-02; Condition No. 2 regarding hours of operation (continued from February 27, 1996 meeting).

It was moved by Merrill, seconded by Hall, to deny CU95-20 because the requested information was not submitted.

NOTICE OF PUBLIC HEARING

HEARING DATE: Oregon City Planning Commission; March 26, 1996; Oregon City City Commission; April 17, 1996 at 7:00 PM; City Hall, 320 Warner Milne Road, Oregon City.

Subject: Adoption of the Park Place Park Master Plan

File No: PZ96-01

Applicant: City of Oregon City.

Proposal: Amend current parks master plan, Section J of the Comprehensive Plan, and Plan Maintenance and Update, section O of the Comprehensive Plan.

Planning Division Staff Coordinator: Denyse McGriff

Criteria: Set forth in title 17.68.010

PUBLISH DATE: February 29, 1996

NOTICE

NOTICE IS HEREBY GIVEN that proposed ORDINANCE NO. 96-1003 of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 17th day of April, 1996, at the hour of 7:00 o'clock p.m. The title of said Ordinance is as follows:

AN ORDINANCE AMENDING THE PARKS AND RECREATION ELEMENT OF THE COMPREHENSIVE PLAN TO ADD THE PARK PLACE PARK MASTER PLAN

POSTED this 10th day of April, 1996, by direction of the City Recorder. Places of posting are as follows:

1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 5th Street, Oregon City, Oregon.

JEAN K. ELLIOTT, City Recorder

DO NOT REMOVE PRIOR TO APRIL 18, 1996

ORDINANCE NO. 18-1013

**AN ORDINANCE OF THE CITY OF OREGON CITY DESIGNATING THE PROPERTY
KNOWN AS PARK PLACE PARK AS A PARK UNDER OREGON CITY
CHARTER CHAPTER X**

WHEREAS, the parcels identified as Tax Lots 1202, 1300 and 1600 as well as the northerly portion of Tax Lot 2000 of Tax Map 2-2E-28BB were transferred from the Park Place Water District to the City of Oregon City for no monetary consideration on January 18, 1994, through the recordation of 1994-004788 at Clackamas County; and

WHEREAS, the Park Place Park Master Plan dated September 11, 1995, was adopted as a supporting document to the Comprehensive Plan through the adoption of Ordinance 96-1003 on May 17, 1996; and

WHEREAS, the 1999 Parks Master Plan identified Park Place Park as a partially developed 6.5 acre neighborhood park; and

WHEREAS, the intent of the master plan was to provide a framework for the City of Oregon City to use in pursuit of funding and to solicit partnerships to help implement future park plans; and

WHEREAS, through a deed recorded at Clackamas County as 2002-038584 on April 22, 2002, the southernmost (approximately) 75 feet of Tax Lot 2000 of 2-2E-28BB was acquired from Gary and Diane Cavener for \$63,000; and

WHEREAS, the boundaries of Tax Lot 2000 of 2-2E-28BB were modified to combine the northerly portion of Tax Lot 2000 (deed 1994-004788) and the southerly portion of Tax Lot 2000 (deed 2002-038584) into one tax lot which was recorded at Clackamas County as 2002-038585; and

WHEREAS, it may be necessary in the future to construct public infrastructure improvements along the Park Place Park frontages of Hiram Avenue, Cleveland Street and Front Avenue, including sidewalks, street lights, planter strips and stormwater management facilities; and

WHEREAS, designating Park Place Park as a park under Chapter X of the City Charter would ensure protection of the park by preventing the transfer, sale, vacation or major changes to Park Place Park without a legal vote of the people; and

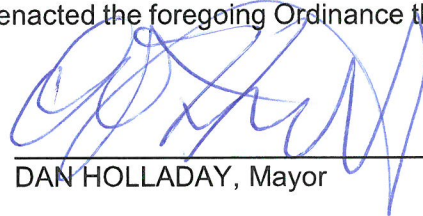
WHEREAS, the status of Oregon City's parks as charter parks has been discussed by the Parks & Recreation Advisory Committee (PRAC) and at a regular meeting held on May 24, 2018, PRAC recommended that staff prepare ordinances for adoption by the City Commission recognizing ten parks as charter parks including Park Place Park.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Park Place Park, identified as 2-2E-28BB-1202&1300&1600&2000, with the boundaries as shown on the map attached to this Ordinance as Exhibit A, except those areas identified in Section 2 below, is hereby designated as a park in accordance with the Charter of Oregon City, Chapter X, Section 43, creating a permanent park for the enjoyment of the citizens of Oregon City.

Section 2. New public infrastructure along the Park Place Park frontages of Hiram Avenue, Cleveland Street and Front Avenue, including sidewalks, street lights, planter strips and stormwater management facilities shall be permitted to be constructed if it is not detrimental to the usage of the park and if it is deemed to be necessary and in the best interest of the public by the City Manager, City Engineer and the Director of Parks and Recreation.

Read for the first time at a regular meeting of the City Commission held on the 5th day of September, 2018, and the City Commission finally enacted the foregoing Ordinance this 19th day of September, 2018.



DAN HOLLADAY, Mayor

Attested to this 19th day of September, 2018:

Approved as to legal sufficiency:



Kattie Riggs, City Recorder



City Attorney

Attachment:
Exhibit A – Map of Park



CITY OF OREGON CITY

Incorporated 1844

NOTICE OF LIMITED LAND USE DECISION

MP-95-10, LAND PARTITION

Date of Mailing: October 24, 1995

Item 9a.

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

DATE: October 24, 1995

LAST DATE TO APPEAL: November 3, 1995

FILE: MP95-10

STAFF CONTACT: Paul T. Espe

APPLICANT: Jimmy E. Stringham

PROPERTY OWNER: Same

LOCATION: The property is located approximately 800 feet north of the intersection of S. Cleveland and Front Avenue.

LEGAL DESCRIPTION: Tax Lot 2100, Map 2-2E-28BB.

SITE ADDRESS: 16150 S. Front Avenue

PRESENT ZONING: "R-10", Single Family Residential

PROPOSAL: Land partition to create two lots from a parcel of Approximately 34,650 square feet.

CRITERIA: The standards for a Land Partition are set forth in section 16.28 of the Oregon City Zoning Code and Section N-1(3) of the Comprehensive Plan.

DECISION: The Planning Division approved the proposed land partition application (MP95-10). The decision of the Planning Division is final unless appealed to the Planning Commission within ten (10) days following the mailing of this notice (October 24, 1995). Only persons who participated in writing before the Principal Planner may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the criteria for land partitions.

The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT 657-0891. THIS DECISION IS APPEALABLE TO THE PLANNING COMMISSION. THE FILING FEE FOR AN APPEAL OF A LAND USE DECISION IS \$100.00. AN APPEAL MUST BE RECEIVED IN THE PLANNING DIVISION OFFICE BY 5:00 P.M. ON (November 3, 1995).

Paulmp95-10.DEC

NOTICE OF DECISION
Land Partition
FILE NO: (MP95-10)

Please sign this form and return to:

Development Services Department
City Hall
320 Warner Milne Road
Oregon City, OR 97045

I, the undersigned, acknowledge that the attached conditions of approval are required to be fulfilled as a part of the approval of this application.

APPLICANT'S NAME (please print)

PROPERTY OWNER'S NAME
(please print)

APPLICANT'S SIGNATURE

PROPERTY OWNER'S SIGNATURE

DATE

DATE

PLEASE RETURN ON OR BEFORE: (November 3, 1995)



CITY OF OREGON CITY

Incorporated 1844

Item 9a.

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

CONDITIONS OF APPROVAL

City of Oregon City

File No.MP95-10

After Recording return to:

Paul T. Espe, Associate Planner
Community Development Department
City of Oregon City
P.O. Box 351
Oregon City, Oregon 97045-0021

On October 24, 1995 the City of Oregon City adopted a final decision approving MP95-10 which is a partition to create two lots from a parcel of approximately 34,650 square feet, for the following property at 16150 S. Front Avenue Tax Lot 2100, 2-2E-28BB.

As a part of the above-entitled decision, the City imposed the following conditions of approval:

1. No future division of the proposed parcels is possible.
2. Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat.
3. Prior to recording of the final plat, a site grading plan shall be required per the City's Residential Lot Grading Criteria. Plans are required when the slope from the front to the rear of the parcels and the slope along the parcels frontage is less than a three percent slope.
4. A public utility easement shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.
5. A 5 foot dedication bringing the right-of-way to a point 30 feet from centerline along the Front Avenue frontage shall be dedicated on the final plat. A non-remonstrance agreement for formation of and participation in a Local Improvement District shall be executed prior to final plat approval.
6. The non-remonstrance agreement shall include storm drain improvements.

7. A private sanitary sewer easement benefitting the rear parcel shall be shown on the final plat across the parcel fronting on Front Avenue. If the existing residence is still on a septic tank/drain field it shall connect to public sewer prior to City approval of the final plat. This site's assessment shall be paid prior issuance of a building permit on the new parcel. The assessment for the existing home shall be paid in accordance with the payment requirements of the LID.
8. A private easement benefitting the rear parcel shall be shown on the final plat across the parcel fronting on Front Avenue for the private water service line.
9. The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.28.090 through 16.28.120. In addition the following requirements shall be required:
10. Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit his checklist to the City with the final plat.
11. Show the City Planning File Number on the final plat, preferably just below the title block.
12. A blueline or Xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning.
13. Use recorded City control surveys for street centerline control, if applicable.
14. The following note shall be on the final plat: "CITY RESTRICTIONS: Subject to conditions of approval in the City of Oregon City Planning File No. MP95-10. These conditions are jurisdictional and are not a part of this plat."
15. Per the City Code 16.28.120(N), tie to City GPS Geodetic Control Network (PS 24286) shall be required. Tie to City GPS Geodetic Control Network shall include provisions noted for subdivisions in City Code 16.16.050(B).
16. Erosion/Sedimentation Control Plan. Indicate the time of year for construction on the plans. If the construction is between November 1 and April 30, a detailed erosion/sedimentation plan shall be required. Provision shall be made for re-establishing a vegetative cover on disturbed soils. The City has standard notes to be used for the Erosion/Sedimentation Control Plan. This shall be utilized as a technical guideline which has been adopted from Clackamas County's Technical Guidance Handbook for Erosion/Sedimentation Control Plans.

17. The future dwellings shall be oriented to optimize solar access and balance point standards.
18. The applicant shall submit proof that taxes on the subject property are paid through 1992-93.
19. Following final approval by the City, the applicant shall submit proof of recording the partition.
20. All trees on the within the minor partition are subject to review and approval prior to removal.
21. Hours of construction shall be limited to 7:00 AM to 6:00 PM, Monday through Saturday.
22. Proof of recording of the conditions (on forms provided by the City), shall be required prior to the issuance of any permits.
23. This land use decision is valid for a period on one year from the effective date of the decision. Any land use permit may be extended , prior to expiration by the planning staff with notice given, for a period of six months up to an aggregate period on one year. However no permit may be extended unless there has been substantial implementation thereof.

Dated this 24th day of October, 1995

CITY OF OREGON CITY,
a municipal corporation

By: _____

STATE OF OREGON)
) ss.
County of Clackamas)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by Paul T. Espe, Associate Planner on behalf of the City of Oregon City, a municipal corporation.

Notary Public for: _____
My commission expires: _____



CITY OF OREGON CITY

Incorporated 1844

Item 9a.

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

STAFF REPORT AND DECISION LAND PARTITION Date: October 24, 1995

FILE NO.: MP95-10

**APPLICANT/
PROPERTY OWNER:** Jimmy E. Stringham
16150 Front Ave.
Oregon City, Oregon 97045

REQUEST: Land partition to create two lots of 19,404 square feet and 15,246 square feet from a parcel of Approximately 34,650 (+/-) square feet.

LOCATION: The subject property is located at 16150 S. Front Avenue Tax Lot 2100, 2-2E-28BB.

REVIEWER: Neal Robinson, Senior Engineer; Paul Espe, Associate Planner

CRITERIA:

The criteria for reviewing a minor partition are set forth in Title 16, Subdivisions: Chapter 16.28, Minor Partitions. This ordinance sets forth the submittal requirements; minimum standards of design (related to blocks, building sites, grading and easements); frontage width; access way requirements; pavement requirements; width/depth requirements; and minimum improvements (related to surface drainage and storm sewer system, sanitary sewers, water system, and bench marks). Minor partitions must also comply with the Zoning Ordinance and Comprehensive Plan.

BASIC FACTS:

1. **Location:** The property is located at 16150 Front Avenue and is identified as Lot 58 in the Clackamas Heights Tract in the Park Place area of the City of Oregon City and is further described as Tax Lot 2100 Map 2-2E-28BB.
2. **Zoning:** The site is zoned "R-10" Single Family Residential and is designated as "L.-" low density residential in the Comprehensive Plan.

MP95-10; Land Partition
Stringam

3. **Existing Setting:** The site is a rectangular shaped parcel approximately 34,650 square feet in size and has a 15 percent slope at the front, which steepens to 20 percent as you proceed to the rear of the property. The proposed front lot is currently occupied by one house that is accessed by South Front Avenue. There are future plans for the City of Oregon City to dedicate legal access to the proposed rear parcel which would also serve as the access to the parking lot of Park Place Park.
4. to create two lots of 19,404 square feet and 15,246 square feet from a parcel of 34,650 square feet.
5. The setbacks for the R-10 Zone are listed as follows:
 - 25 foot front yard
 - 20 foot rear yard
 - 10/8 foot internal side yard
 - 20 foot corner side yard
6. Transmittals on the proposal were sent to various City Departments. Comments received were as follows:

Community Development Director: No Conflicts

Police Chief: No Comment

Fire Chief:

1. Provide adequate building numbers minimum of 4" and easily readable from the street (U.F.C. 10.301)

Building Official: Existing residence shall be connected to sanitary sewer and the existing on site septic system shall be abandoned in accordance with City standards prior to recordation of the final plat. A lot grading plan shall be provided and approved prior to recording the partition. This proposal does not have street frontage on Public right of way for the rear lot.

Public Works Director: No conflicts

Oregon City School District: No comment

MP95-10; Land Partition
Stringam

ANALYSIS AND FINDINGS:

1. The Oregon City Comprehensive Plan contains the following applicable policies and statements:
 - A. Statement in Growth and Urbanization Section: "It is the City's policy to encourage small lot single-family development in the low density residential areas..."
 - B. Community Facilities Policy No. 7: "Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land".
 - C. Natural Resources Policy No. 12: Requires the maintenance of existing, vegetation or a re-vegetation for excavation and road slopes for those areas designated as landslide-prone or having moderate to severe erosion potential.

The proposal to create two lots is consistent with the above statements; A and B, because it will allow appropriate residential infill on land that has not yet been developed to its maximum density and has existing urban services. Through appropriate conditions requiring an erosion control and sedimentation plans, as well as provisions for preservation of existing neighboring trees on this site; the natural resources policy will also be met.

2. The partition, as submitted, meets the dimensional requirements of the Zoning Ordinance. Lot 1 is shown with a total of 15,246 square feet and Lot 2 has a total of 19,404 square feet. The minimum dimensional requirements of the "R-10" zone are as follows:

Lot Area:	10,000 square feet
Average lot width:	75 feet
Average Lot Depth:	100 feet
Front Yard Setback:	25 feet
Rear Yard Setback	20 feet
Interior Side Yard Setback:	10/8 feet
Corner Side Yard Setback:	20 feet

3. The partition, as proposed, meets the minimum requirements of the Partitioning Ordinance, (Chapter 16), including minimum standards of design, frontage width, and

MP95-10; Land Partition
Stringam

- pavement requirements. South Front Avenue is a local street that needs to be brought up to an urban standard through local improvement districts or other sources of funding.
4. Chapter 17.50.310 of the zoning ordinance authorizes conditions on land use actions to fulfill the need of public service demands created by the proposed use. With regard to the requirement for a Non-Remonstrance Agreement, staff finds that these conditions will serve as public interest because the minor partition will constitute an increase in the use of the land.
 5. Staff conducted a site visit on the subject property and determined that the proposed lots would be configured to allow optimal exposure to solar access. The future dwellings shall be oriented to optimize solar access and balance point standards.
 6. Future Subdivision/Partition Lot Pattern. No future division of the proposed parcels is possible.

I. Minimum Standards of Design.

1. Blocks.

- 1) General/Length/Width. The criteria for block configuration has been met.
- 2) Pedestrian Walks. Pedestrian access will be adequately provided for through the standard sidewalks in the street right-of-ways. No through mid-block access is applicable.

2. Building Sites.

- 1) General. The size, width, shape, and orientation of the proposed building sites are appropriate.
- 2) Through lots. Not Applicable.
- 3) Parcel side lines (perpendicular/radial). The intent of this criteria is met. Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat.

MP95-10; Land Partition
Stringam

- 4) Grading. Prior to recording of the final plat, a site grading plan shall be required per the City's Residential Lot Grading Criteria. Plans are required when the slope from the front to the rear of the parcels and the slope along the parcels frontage is less than a three percent slope.

3. Easements.

- A) Utilities. A public utility easement shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.
- B) Unusual Facilities. Not Applicable.
- C) Watercourse. Not Applicable. Any necessary drainage easements are covered under utilities above.
- D) Access. Not Applicable.
- Access Control. Not Applicable.
- E) No offsite easements required.

4. **Frontage Width.** The City intends to dedicate a street right-of-way on the north side of Park Place Park adjacent to the proposed parcel giving the proposed parcel frontage on a public R/W. The minimum standard for partitions of twenty feet has been met.

5. **Accessway Requirements.** Applies to flag parcels, not applicable.

6. **Pavement Requirements.** Applies to flag parcels.

7. **Width/Depth Requirements.** The proposed parcels meet the minimum standard width-depth requirements of 60.00 feet for partitions.

8. **Comprehensive Plan/Zoning Ordinance Conformance.** The property is not within the FP Flood Plain Overlay District or the US Unstable Slopes Overlay District. The Property is in the R-10 Single Family Zone, and the Comprehensive Plan L. - Low Density Residential Designation. The proposed parcels meet the minimum dimensional requirements of the designated zoning

MP95-10; Land Partition
Stringam

II. Minimum Improvement Requirements.

1. **Streets.** Front Avenue is designated as a Collector Street in the City's Transportation Master Plan. It is presently constructed as a rural section with approximately 20 feet of pavement within a 50 foot right-of-way. The standard for collector streets is 32 feet of pavement with two travel lanes, bike lanes, curbs, and sidewalks within a 60 foot right-of-way. The street is presently being reconstructed to an urban standard as a Community Development Block Grant Project. Funding is not available for sidewalks at this time. A 5 foot dedication bringing the right-of-way to a point 30 feet from centerline along the Front Avenue frontage shall be dedicated on the final plat. A non-remonstrance agreement for formation of and participation in a Local Improvement District shall be executed prior to final plat approval.
2. **Drainage.** A storm drain line is being constructed in Front Avenue as a part of the Block Grant Project. No drainage is available in the street to be dedicated in the park. The non-remonstrance agreement shall include storm drain improvements.
3. **Sanitary Sewer.** An 8 inch sanitary sewer is available in Front Avenue. This parcel is part of the Park Place Sanitary Sewer LID. A private sanitary sewer easement benefiting the rear parcel shall be shown on the final plat across the parcel fronting on Front Avenue. If the existing residence is still on a septic tank/drain field it shall connect to public sewer prior to City approval of the final plat. This site's assessment shall be paid prior issuance of a building permit on the new parcel. The assessment for the existing home shall be paid in accordance with the payment requirements of the LID.
4. **Water.** Water is available for this site. A 12 inch line is located in Front Avenue and a fire hydrant is located on Front Avenue in within 250 feet from this site. A private easement benefitting the rear parcel shall be shown on the final plat across the parcel fronting on Front Avenue for the private water service line.

IV. Final Plat Survey Requirements.

1. The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.28.090 through 16.28.120. In addition the following requirements shall be required:

MP95-10; Land Partition
Stringam

- A. Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit his checklist to the City with the final plat.
- B. Show the City Planning File Number on the final plat, preferably just below the title block.
- C. A blueline or Xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning.
- D. Use recorded City control surveys for street centerline control, if applicable.
- E. The following note shall be on the final plat: "CITY RESTRICTIONS: Subject to conditions of approval in the City of Oregon City Planning File No. MP95-10. These conditions are jurisdictional and are not a part of this plat."
- F. Per the City Code 16.28.120(N), tie to City GPS Geodetic Control Network (PS 24286) shall be required. Tie to City GPS Geodetic Control Network shall include provisions noted for subdivisions in City Code 16.16.050(B).

MP95-10; Land Partition
Stringam

CONCLUSION AND DECISION:

In conclusion, the proposal will meet the minimum requirements for a minor partition; it is in compliance with the requirements of the "R-10" zone, and is consistent with applicable policies and statements in the Comprehensive Plan. The partition is approved with the following conditions:

1. No future division of the proposed parcels is possible.
2. Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat.
3. Prior to recording of the final plat, a site grading plan shall be required per the City's Residential Lot Grading Criteria. Plans are required when the slope from the front to the rear of the parcels and the slope along the parcels frontage is less than a three percent slope.
4. A public utility easement shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.
5. A 5 foot dedication bringing the right-of-way to a point 30 feet from centerline along the Front Avenue frontage shall be dedicated on the final plat. A non-remonstrance agreement for formation of and participation in a Local Improvement District shall be executed prior to final plat approval.
6. The non-remonstrance agreement shall include storm drain improvements.
7. A private sanitary sewer easement benefitting the rear parcel shall be shown on the final plat across the parcel fronting on Front Avenue. If the existing residence is still on a septic tank/drain field it shall connect to public sewer prior to City approval of the final plat. This site's assessment shall be paid prior issuance of a building permit on the new parcel. The assessment for the existing home shall be paid in accordance with the payment requirements of the LID.
8. A private easement benefitting the rear parcel shall be shown on the final plat across the parcel fronting on Front Avenue for the private water service line.

MP95-10; Land Partition
Stringam

9. The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.28.090 through 16.28.120. In addition the following requirements shall be required:
10. Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit his checklist to the City with the final plat.
11. Show the City Planning File Number on the final plat, preferably just below the title block.
12. A blueline or Xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning.
13. Use recorded City control surveys for street centerline control, if applicable.
14. The following note shall be on the final plat: "CITY RESTRICTIONS: Subject to conditions of approval in the City of Oregon City Planning File No. MP95-10. These conditions are jurisdictional and are not a part of this plat."
15. Per the City Code 16.28.120(N), tie to City GPS Geodetic Control Network (PS 24286) shall be required. Tie to City GPS Geodetic Control Network shall include provisions noted for subdivisions in City Code 16.16.050(B).
16. Erosion/Sedimentation Control Plan. Indicate the time of year for construction on the plans. If the construction is between November 1 and April 30, a detailed erosion/sedimentation plan shall be required. Provision shall be made for re-establishing a vegetative cover on disturbed soils. The City has standard notes to be used for the Erosion/Sedimentation Control Plan. This shall be utilized as a technical guideline which has been adopted from Clackamas County's Technical Guidance Handbook for Erosion/Sedimentation Control Plans.
17. The future dwellings shall be oriented to optimize solar access and balance point standards.
18. The applicant shall submit proof that taxes on the subject property are paid through 1992-93.

MP95-10; Land Partition
Stringam

19. Following final approval by the City, the applicant shall submit proof of recording the partition.
20. All trees on the within the minor partition are subject to review and approval prior to removal.
21. Hours of construction shall be limited to 7:00 AM to 6:00 PM, Monday through Saturday.
22. Proof of recording of the conditions (on forms provided by the City), shall be required prior to the issuance of any permits.
23. This land use decision is valid for a period on one year from the effective date of the decision. Any land use permit may be extended , prior to expiration by the planning staff with notice given, for a period of six months up to an aggregate period on one year. However no permit may be extended unless there has been substantial implementation thereof. MP95-10.rpt

CITY OF OREGON CITY - PLANNING DIVISION
320 Warner Milne Road - Oregon City, OR 97045
Phone: (503) 657-0891

Item 9a.

TO: BUILDING OFFICIAL, CITY CIVIL ENGINEER, COMMUNITY DEVELOPMENT DIRECTOR, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, TECHNICAL SERVICES, CLACKAMAS COUNTY PLANNING, OREGON CITY SCHOOL DISTRICT,

IN REFERENCE TO: ***MP95-10 Land Partition to create two lots 16,764 square feet and 15,180 square feet from a parcel of approximately 34,848 square feet**

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, **please return the attached copy of this form to Paul Espe of the Community Development Department no later than:**

***September 18, 1995**

A public hearing on this matter is scheduled on the following date:

***Administrative, No Public Hearing**

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

☒ The proposal does not conflict with our interests.

☐ The proposal conflicts with our interests for the reasons stated below.

☐ The proposal would not conflict our interests if the changes noted below below are included.

☐ Additional time is necessary for our with board or commission to act upon a recommendation.

☐ A formal recommendation is under consideration and will be submitted to you by _____

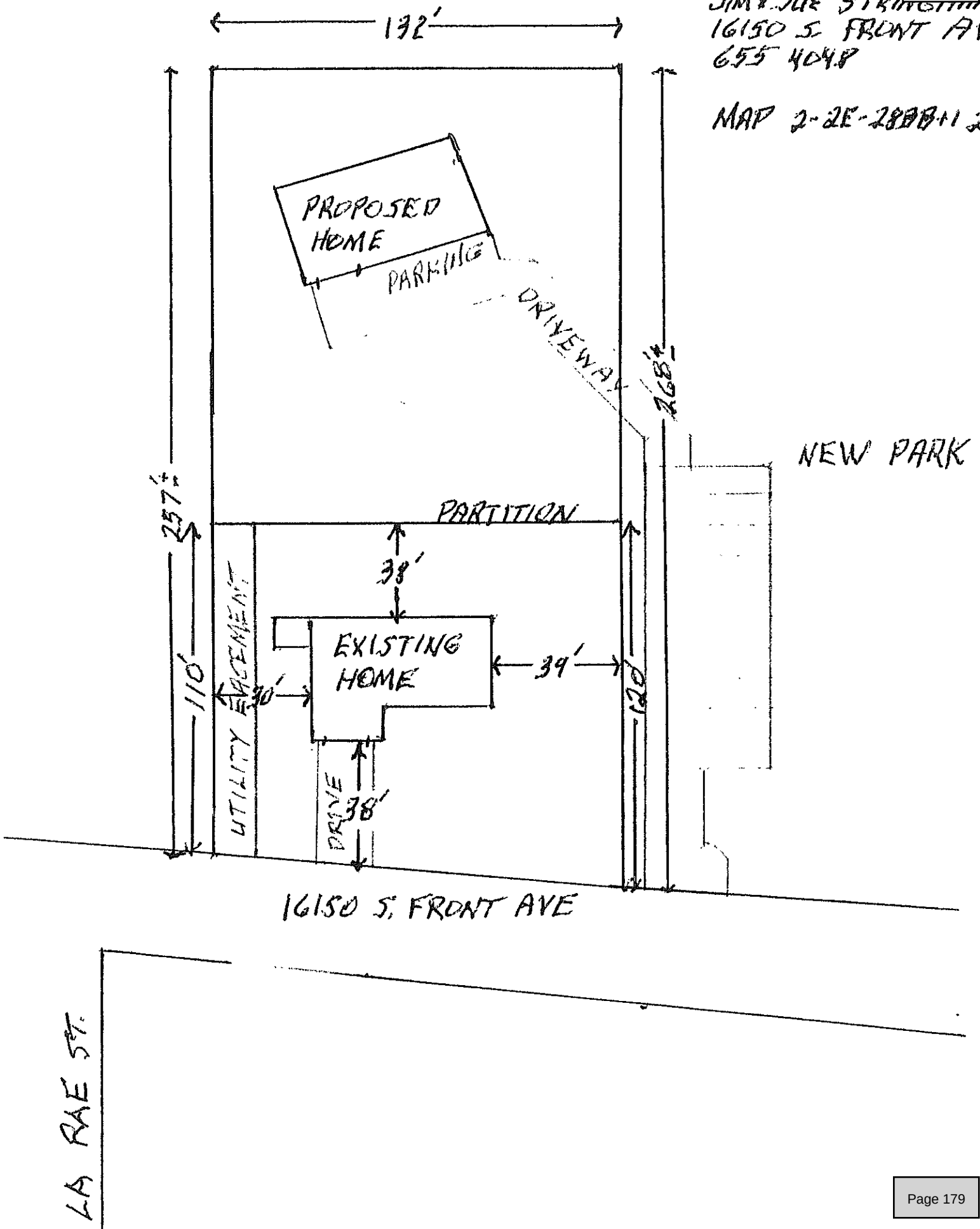
COMMENTS: _____

Signed *Paul Espe*
Title *Public Works Director*

☐ IF CHECKED, PLEASE RETURN YOUR COPY OF THE PROPOSAL WITH THIS FORM.

JIM & SUE STRINGTON
16150 S. FRONT AVE
655 4048

MAP 2-2E-2800-1 210



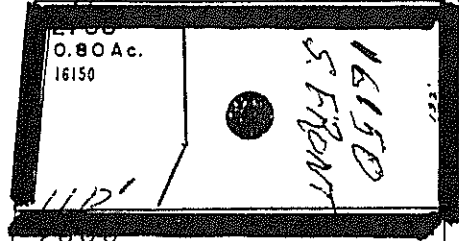
62-02

2401
0.24 Ac.2300
1.10 Ac.
160302200
1.09 Ac.
16038

62-65

1700
0.80 Ac.
16150

1.19 Ac.

1900
0.30 Ac.
162081800
162131701
0.24 Ac.
162381700
0.71 Ac.1702
0.59 Ac.1000
1.32 Ac.1201
2.37 Ac.
160751202
1.19 Ac.
16101
161051300
2.37 Ac.
140851200
1.18 Ac.1401
0.71 Ac.
161351400
1.66 Ac.1600
1.17 Ac.1601
0.91 Ac.
141214
1502
ROSE
141411503
VIEW
16201

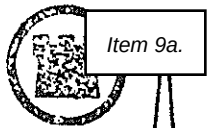
1504

TERRACE

1505
16231

1656

CHICAGO



Item 9a.

"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon"

CHICAGO TITLE INSURANCE COMPANY
10001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015

22E28BB

CLACKAM

N

SEE MAP 2 2E 2000

AVENUE

ST.

FRONT

W. LINE GEORGE ABERNETHY D.L.C. NO. 58

HIRAM

CHARMAN ST.

(FIRST

CLEVELAND



CITY OF OREGON CITY

Incorporated 1844

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

May 26, 1995

Jim Stringham
16150 Front Avenue
Oregon City, OR 97045

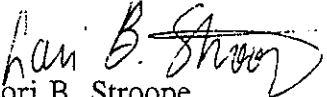
Dear Mr. Stringham:

I have spoken with our engineer, Henry Mackenroth to find what the plans are for the park off of Cleveland Avenue. Through my conversations with Mr. Mackenroth I have found the city is not planning to build Hiram Avenue, but is instead building an access road to the park on city property. Further, the city is planning to vacate a portion of Hiram Avenue between tax lots 1300 and 2000 to be used as part of the park. So as not to preclude the use of any property with the vacation, the city is going to dedicate a portion of tax lot 2000 for a future road. This right-of-way dedication runs adjacent to your property, tax lot 2100 (please see attached). The question of when this roadway is completed is not clear, because it is contingent upon further development in your area.

Your property consists of .80 acres which is more than enough land for a 2 lot partition. The question which will be discussed at your pre-application conference on June 20, 1995 is whether you should develop a flag lot or whether you should create a lot which will someday be accessed by the new roadway. Please draw up a simple plan showing the various ways your lot could be split and bring this to the meeting on June 20, 1995.

If you have any further question, please call me.

Thank You,

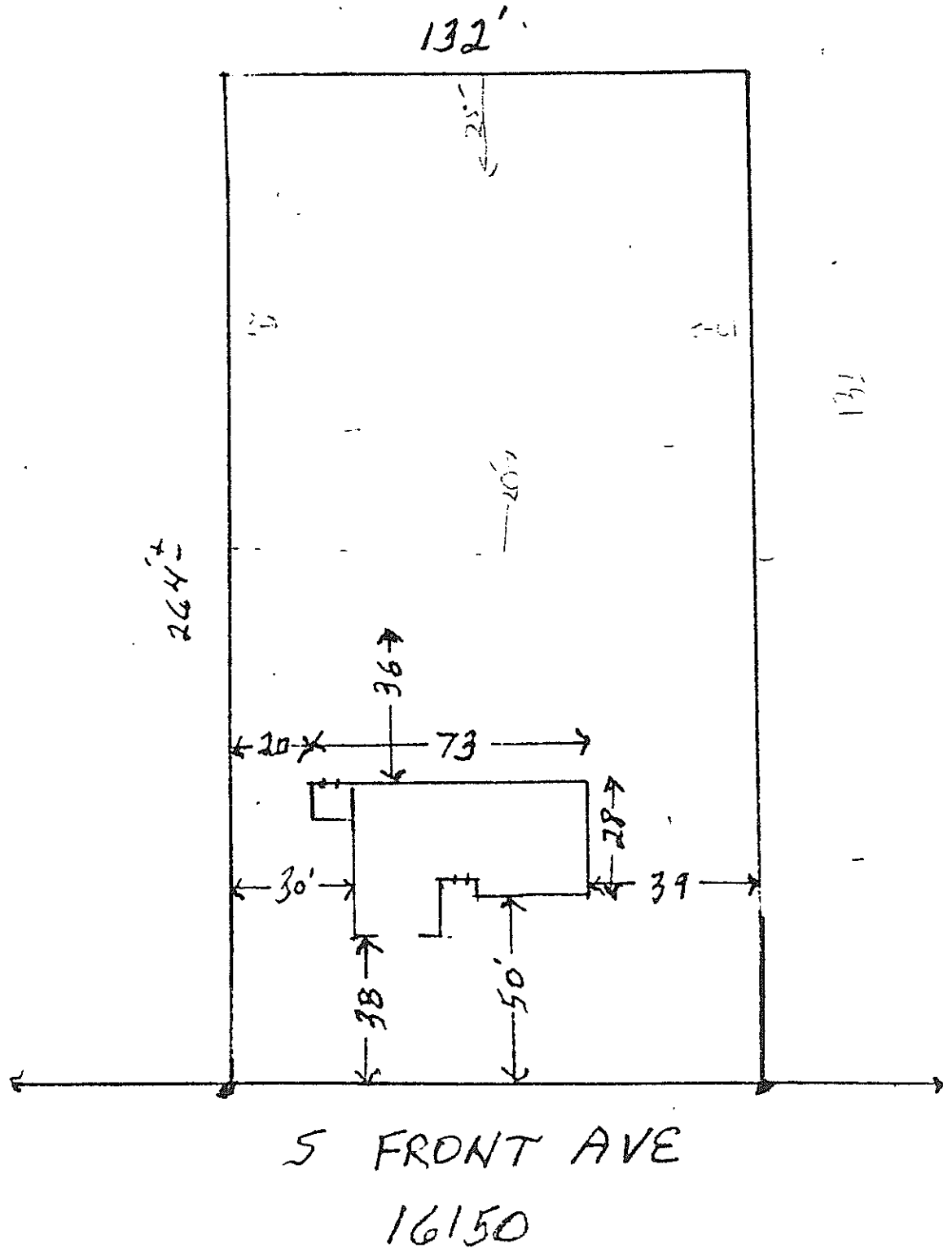

Lori B. Stroope

cc: Denyse C. McGriff
Neal Robinson

OR 27 PM 1:43
RECEIVED
REGON CITY

J. D. STRINGHAM
655-40

Item 9a.



62-02

CHICAGO



Item 9a.

"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon"

CHICAGO TITLE INSURANCE COMPANY
10001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015

22E 28BB



SEE MAP 2 2E 2000

AVENUE

AVE.

2401
0.24 Ac.
16038

2300
1.10 Ac.
16050

2200
1.09 Ac.
16038

62-65

2100
0.80 Ac.
16150

2000
1.19 Ac.
16150

1900
0.30 Ac.
16208

1800
16213

1701
0.24 Ac.
16238

1700
0.71 Ac.
16208

1702
0.59 Ac.
16238

1000
1.32 Ac.
16075

60

1201
2.37 Ac.
16075

1202
1.19 Ac.
16101
16105

1200
1.18 Ac.
16135

1401
0.71 Ac.
16135

1400
1.66 Ac.
16135

1300
2.37 Ac.
16085

1600
1.37 Ac.
16121

1601
0.91 Ac.
16121

4 1502
ROSE
16141

1503
VIEW
16201

1504
TERRACE
16231

1505
16231

1656

(FIRST

Park
Access
Road

= PARK

CLEVELAND



CITY OF OREGON CITY

Incorporated 1844

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

TRANSMITTAL

DATE: February 9, 1996

TO: Clackamas County
Office of the County Surveyor
104 11th St.
Oregon City, Oregon 97045

ATTENTION: Carl Clinton, PLS

RE: MP95-10, STRINGHAM PARTITION

☒ Attached

☐ Under Separate Cover

☒ Hand Delivered

WE ARE TRANSMITTING:

☐ Shop Drawings

☐ Plans

☐ Copy of Letter

☐ Agreement/Contract

☐ Specifications

☒ plat _____

NO. OF COPIES

2 sets of 2 sheets

DATE

2/9/96 (City Signature)

DESCRIPTION

plat mylars

THESE ARE TRANSMITTED as checked below:

☒ For Approval/Signature

☐ As Requested

☐ For Review & Comment

☐ For Your Use/Information

☐ For Resubmittal

☐ Approved as Noted

☐ _____

REMARKS: This transmittal is being copied to the applicant for submittal of other materials and fees. Please contact me at 657-0891 if you have any questions.

By Neal Robinson
Neal Robinson, P.E., Senior Engineer

cc: Denyse McGriff, Principal Planner
Ron Storzbach, Building Official
Traci Sowell, Technical Services
James Stringham, Owner
Don Devlaeminck, Centerline Concepts

(H:\WPFILES\NEAL\SURVEYOR.XMT)

Kattie Riggs

From: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>
Sent: Tuesday, April 13, 2021 8:26 AM
To: Rachel Lyles Smith; Rocky Smith JR; guttmcg@msn.com; Frank O'Donnell; Kattie Riggs; recorderteam; Tony Konkol; Laura Terway
Cc: Dorothy Dahlsrud; saveparkplacepark@gmail.com
Subject: Preservation of Park Place Park tax ID #2-2E-28BB-10201

Please note this is for the record,

Dear Mayor Lyles Smith and Oregon City Commissioners,

While watching the Commissions 2040 Goal work sessions this year, several goals rang out clearly to me. They were to Preserve OC History and small-town feel, address climate change, bring equity to our city and parks and transparency in our system. We are failing in the Park Place Neighborhood in all these areas.

Park Place and Oregon City's Holcomb area host the earliest Pioneer Settlements in this part of the Oregon Territory. The Oregon Trail – Barlow Rd run directly through Holcomb – Park Place and many species of alpine and other specimen plants can be seen along the Barlow trail alignment as it comes over Holcomb Hill on its journey to the End of the Oregon Trail.

Hiram Straight was one of the earliest pioneer Families and wagon leaders to settle this region at the End of the Oregon Trail in Oregon City. His descendants planted unusual trees that they would come to know of from the journals and work of David Douglas, the great pioneering botanist who was active here in 1829.

Park Place Park hosts significant species of that Pioneer Era including Oregon White Oak, well over 300 years of age and significant true cedars from across the Atlantic and Mediterranean called Cedar Atlantic, aka Blue Atlas Cedars. These specimens, in some cases over 10 feet in diameter, are now threatened with extinction as the City of Oregon City debated the merits of providing one access road to one house ultimately jeopardizing the park and these great trees of the Pioneer Legacy.

Ironically the road that is threatening the division of the park is called Hiram Road. More importantly, the city and its citizens must act when trees each sequestering over 50 tons of carbon and 1000's of gallons of runoff water will be lost in their performance of an environmental function. Ultimately, nearly half a million tons of carbon storage in the wood and in the roots functions of these beautiful specimens will be lost and not easily replaced.

Since the 2008 Oregon City Parks Master Plan, Park Place has been identified as an underserved neighborhood. There is only one designated park, and the neighborhood is cut off from the remainder of the City by Highway 213. Without getting in a car and driving, the community has no access to the amenities. Now the park is in jeopardy.

I respectfully request that our Mayor and our Commission direct our city staff to find an alternative to the road through the park.

Respectfully,
 Dorothy Dahlsrud
 503-502-0610

Kattie Riggs

From: Lisa Novak <novaklisa137@gmail.com>
Sent: Wednesday, April 14, 2021 2:36 PM
To: Rachel Lyles Smith; Frank O'Donnell; Denyse McGriff; Rocky Smith, Jr.
Cc: Kattie Riggs; recorderteam; Laura Terway; Tony Konkol; Linda Smith; Greg Stone; Bob and Jean LaSalle; Steve VanHaverbeke; Vanhaverbeke, Linda; Barbara Renken; Ray R; Ryan and Janene Richards; Jackie Hammond-Williams
Subject: Park Place Park
Attachments: Petition Page 1-2.docx; Save Park Place Park Petition FINAL.xlsx

Dear Mayor Lyles Smith and Oregon City Commissioners,

As you probably are aware, the Park Place Neighborhood has concerns regarding our neighborhood park. Specifically, the undeveloped landlocked property located north of the park. To show how important this park is to us, we created a petition asking for signatures from the neighbors. Word quickly spread, and many folks outside of the neighborhood and even outside of Oregon City became disturbed about potentially losing park land for development. Even worse, it would be to serve only one home.

Other folks had concerns regarding the ecosystem of the park. We have many very large and mature trees, which are home to raptors and shelter for other wildlife that are otherwise being pushed aside for development. Any thought of a road and heavy construction vehicles potentially damaging these mature trees causes heartache for anyone who cares about the environment, our tree canopy, and wildlife.

Anecdotally, I was at the park a couple of Saturdays ago, and I met someone who searched Google for off leash dog parks. She drove all the way from S.E. Portland just to visit our park with her pups – she stated that "it had good ratings on Google and wanted to visit". That brings up the tourism aspect for our City – she asked me about pet friendly restaurants she could visit after the park (I recommended a couple in the area). Our neighborhood park has such a good reputation that folks outside of Oregon City want to visit it. Speaking as a citizen, isn't this what we want?

Further, we have several neighbors in the immediate vicinity who visit with their out of town relatives at the park. They also signed the petition. Again, speaking as a citizen, isn't this what we want as a City?

Attached is our "Save Park Place Park" petition language, along with the online signatures (Excel). The handwritten signatures consist of 13 sheets, which I am not able to scan. If you wish, I would be happy to drop the copies off at City Hall. Between online and handwritten signatures, the total of signatures we received is as follows:

Park Place Neighborhood:	251
Oregon City:	339
Other:	225
Grand Total:	<u>815</u>

The Park Place Neighborhood Association will request to speak during the next City Commission meeting, scheduled for April 21. Please note that along with the folks who signed the petition, we would like this matter settled and respectfully ask that the City make some other accommodations for the landlocked property that does not negatively impact the park in any way.

Thank you and best regards,

Lisa Novak



Save Park Place Park Petition

As stated in the 2008 Oregon City Parks Master Plan, Park Place is an underserved neighborhood. There is only one designated park, and the neighborhood is cut off from the remainder of the City by Highway 213. Without getting in a car and driving, we have no access to the amenities that other neighborhoods do, such as the pool or spray park.

And now, the park is in jeopardy. As you may be aware, there is an undeveloped landlocked property located just north of the park, and the potential now exists for a road to be cut directly through the park and adjacent to the children's play area and off leash dog area to serve this one property for future development. This is a safety and community issue. It is unacceptable to allow vehicles to serve one lot, plus the construction vehicles to build out that lot, in an area where children play. The park is also home for only one of three off leash dog areas. The neighbors have come to appreciate being able to bring the entire family (including the four-legged ones) for activities.

From an ecosystem perspective, this park also features Oregon White Oaks, which are in danger of extinction and are protected. These trees are shelter for wildlife that are being pushed aside for development. This area is biologically significant and is in danger of being destroyed.

This park is the gem of the Park Place Neighborhood, and now our one and only park for the entire Park Place neighborhood is at risk for development.

Oregon City should capitalize on its great assets and focus on taking care of what they have, as a priority. A strong parks and recreation component is central to the quality-of-life goals of Oregon City.

Therefore, we insist that the City of Oregon City find an alternative solution to serve this one landlocked property.

First Name	Last Name	Street Address	City	Email (optional)

Item 9a.

City	Number of Signatures
Albany	1
Alpharetta	1
Aurora	1
Bath ME 04530	1
Battle Ground	2
Beavercreek	10
Beaverton	5
Bend	1
Boring	1
Canby	7
Chappaqua	1
Clackamas	4
Coeur d alene	1
Creswell	1
DAMASCUS	3
EagleCreek	1
Elmira	1
Estacada	3
Eugene	12
Farmington	1
Forest grove	1
Gladstone	10
Happy Valley	2
Hillsboro	2
Houston	1
Johnson City	1
La Center	2
Lake Oswego	3
Lakewood	1
Longmont	1
Medford	2
Medford	1
Milwaukie	10
Molalla	6
New york	1
Newberg	1
Newport	2
Oregon City	524
Port Saint lucie	1
Portland	15
Portland	9
Post Falls	1
Prineville	1
Prineville	1
Redmond	1
Ridgefield	1
Ridgefield	4
Salem	1
Sandy	2
Santa Fe	1
Sheridan	2
Springfield	7
Sweet Home	1

Tigard	1
Toledo	2
Vancouver	11
Vashon	1
Veneta	1
Vida	1
Waldport	1
Walla Walla	1
West Linn	7
Westerly	1
Whittier	1
Wilsonville	1
Winlock	1
Woodburn	1
Woodland	1
Yachats	1
Sub Total	710

Handwritten Signatures

Park Place	25
Oregon City	41
Other	39
Sub Total	105

Grand Total	815
--------------------	------------



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 04/21/2021
From: Community Development Director Laura Terway

SUBJECT:

Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

STAFF RECOMMENDATION:

Approval of Resolution No. 20-37.

EXECUTIVE SUMMARY:

The Guidelines for Transportation Analyses is used by consultants to assemble the components of a proper traffic study to address transportation impacts created by new development. The results of the analysis demonstrate how much impact a development will have on the existing transportation system. The impact is reviewed against the criteria in the Oregon City Municipal Code in order to determine if the City infrastructure can accommodate the development and if any capacity or safety improvements such as a turn lane or traffic signal are needed.

The Guidelines for Transportation Impact Analyses were last updated in 2005 and the proposed minor changes bring the Guidelines in line with current codes, standards, and practices. No significant changes are proposed.

The City Commission reviewed the proposed changes on December 2, 2020 and January 6, 2021 and has since had numerous discussions about transportation and infrastructure planning.

BACKGROUND:

The Guidelines for Transportation Analyses is used by developers' consultants to complete proper Traffic Impact Study (TIS) documents and Transportation Analysis Letters (TAL) to address impacts created by new development. The Guidelines identify the items which transportation engineers need to analyze to demonstrate that development will minimize traffic impacts. The Guidelines themselves simply identify the data that needs to be collected, not what is done with that data.

Transportation Impact Analyses (TIAs) are one element of a multi-pronged approach to assessing the transportation needs of the community and implementing projects and policies to satisfy those needs in conformance with the city's Comprehensive Plan. Regional or citywide plans identify the overall transportation needs. Subarea plans and corridor studies help to refine the needs identified in the larger plans and help move the earlier planning efforts toward implementation. Analyses required of developers identify specific requirements needed to support that development and assure the city that the development complies with the criteria in the Municipal Code, including requiring construction of portions of the transportation system. The TIA required of a developer is also used to assess transportation SDC fees and to help the city identify timing of TSP project implementation.

The results of the analysis demonstrate how much impact a development will have on the transportation system. The impact is reviewed against the criteria in the Oregon City Municipal Code in order to determine if the City infrastructure can accommodate the development and if any capacity or safety improvements such as a turn lane or traffic signal are needed. The TIAs are undertaken by developers' traffic engineers and are submitted to the city as part of the land use application. City staff and the city's transportation engineering consultant review the TIAs and use the results to help develop conditions of approval for the land use action to comply with the criteria in the Municipal Code.

In Oregon City, there are two levels of TIAs: Transportation Analysis Letters (TALs) and full TIAs. The former are for smaller projects where the impact is fairly limited; full TIAs require more extensive data collection and traffic operations analyses.

Site Traffic Impact Study procedures were first approved on December 15, 1990 and replaced by the Guidelines for Transportation Analyses (Resolution 05-30) on November 2, 2005. No significant changes are proposed, and the proposed update would bring the Guidelines in line with current codes, standards, and policies. Staff has proposed to update the Guidelines for Transportation Analyses. The proposed updates include:

1. Amending the Transportation System Plan (TSP) Goals to be consistent with the currently adopted TSP.
2. Clarifications and details to direct consultants how to properly address Traffic Impacts created by a development.
3. Revisions based on current standards in the area of Traffic Engineering.
4. Revisions based on the most recent adopted Mobility Standards.
5. Clarifications on who is qualified to submit a TIS or TAL.

OPTIONS:

1. Approval of Resolution No. 20-37.

2. Approval of Resolution No. 20-37 with amendments.
3. Deny Resolution No. 20-37 and provide staff further direction.

RESOLUTION NO. 20-37

A RESOLUTION ADOPTING UPDATED GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES

WHEREAS, the impact of traffic generated from new development is a serious concern of the City of Oregon City; and

WHEREAS, the City recognizes the balance between property owner's rights to develop their property and the need for a safe, reliable, and adequate transportation system; and

WHEREAS, previously a Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990 was published; and

WHEREAS, the Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990 was replaced by the Guidelines for Transportation Analyses by Resolution 05-30 on November 2, 2005; and

WHEREAS, the City desires to update the document once again to bring the document into compliance with current City Code and practices for Traffic Impact Letters and Traffic Impact Studies.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Commission, by this Resolution, adopts the Guidelines for Transportation Analyses, attached to this Resolution as Exhibit "A".

Section 2. The effective date for the Guidelines for Transportation Analyses shall be 30 days from the date this Resolution is adopted, signed, and approved.

Section 3. The Guidelines for Transportation Analyses adopted by this Resolution shall supersede the Guidelines for Transportation Analyses, as adopted November 2, 2005.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of April 2021.

RACHEL LYLES SMITH,
Mayor

Attested to this 21st day of April 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit:
Exhibit A. Guidelines for Transportation Analyses

CITY OF OREGON CITY

GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES



Adopted : NOVEMBER 2, 2005
Revised : January 6, 2021

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi-modal transportation system to accommodate expected growth through year 2035. *The Guidelines for Transportation Impact Analyses* are consistent with the TSP Goals (summarized below):

1. Health and Safety: *Enhance the health and safety of residents*

Ensure that the transportation system maintains and improves individual health and safety by maximizing the comfort and convenience of multi-modal transportation options in the City.

2. Effective and Efficient: *Emphasize effective and efficient management of the transportation system*

Optimize travel capacity and improve travel conditions by better managing residents' travel demands, meeting more daily needs within our own community, making transportation facilities as smart and efficient as possible, and being strategic about transportation investments.

3. Sustainability: *Foster a sustainable transportation system*

Build a transportation system that is environmentally and fiscally sustainable and that focuses on decreasing vehicle emissions and transportation related greenhouse gas emissions.

4. Equitable, Balanced, and Connected: *Provide an equitable, balanced, and connected multi-modal transportation system.*

Provide a complete transportation system throughout Oregon City that provides multi-modal travel options and connects people to jobs, schools, services, recreation, social and cultural institutions within the City.

5. Fundable: *Identify solutions and funding to meet system needs.*

The City will identify transportation investments that can be made with available funding to accommodate community growth.

6. Convenient and Available: *Increase the convenience and availability of pedestrian, bicycle, and transit modes.*

Strengthen the pedestrian and bicycle systems in all areas of the City, and work with local transit providers such as TriMet, Canby Area Transit (CAT), South Clackamas Transportation District (SCTD), etc. to cost-effectively improve coverage and frequency to achieve greater ridership productivity.

7. Prosperity: *Ensure the transportation system supports a prosperous and competitive economy.*

Support a prosperous and competitive economy by preserving and enhancing business opportunities and ensuring the efficient movement of people and goods.

8. Compliant: *Comply with state and regional transportation plan.*

The City will meet the requirements of state and regional transportation plans, such as the Oregon Transportation Planning Rule, the Oregon Highway Plan, the Metro 2035 Regional Transportation Plan (RTP) and the Metro Regional Functional Transportation Plan (RFTP).

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a

responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.015, is "to promote public health, safety, and general welfare through standards and regulations...and to facilitate adequate provision for transportation...." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENT PROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter (TAL)** and for a **Transportation Impact Study (TIS)**. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TISs depending on the type, location, and size of the development being proposed.

Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence area?
- How will the proposed development meet current city standards for roadway design?
- How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific policies in the TSP will be needed to accommodate the proposed development?

- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term “City Engineer” is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term “City Engineer” should be taken to mean the “City Engineer or his/her designee including but not limited to designated staff or City consultant.” The City’s review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City’s transportation analysis requirements, in lieu of a TIS, when a development meets all of the following criteria:

- A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.

Examples of common developments generating fewer trips than these threshold levels are: a subdivision

containing 24 or fewer single-family residences, a general office building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

- B. The development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1)
- C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to replace or supercede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 Potential for Expansion of the Scope of Work

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the TIS checklist, described in more detail in Section 9.0. The lack of a submission of a TIS or TAL will result in a determination of "Incomplete".

A determination of Completeness is not a determination that the applicant's data, methods, accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed "complete," the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant's responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all applicable criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City's decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.

The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge

of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.

3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size Standards.
4. Site plan showing that all public roads meet Oregon City's Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.
6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.
7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.
9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional information specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

1. Table of Contents – Listings of all sections, figures, and tables included in the report.
2. Executive Summary – A summary of key points, findings, conclusions, and recommendations including a mitigation plan.
3. Introduction:
 - Proposed land use action including site location, zoning, building size, and project scope.
 - Map showing the proposed site, building footprint (s), access driveways, and/or parking facilities.
 - Map of the study area that shows site location and surrounding roadway facilities
4. Existing Conditions:
 - Existing site conditions and adjacent land uses.
 - Roadway characteristics of transportation facilities located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
 - Existing lane configurations and traffic control devices at the study area intersections.
 - Existing traffic volumes and operational analysis of the study area roadways and intersections.
 - Roadway and intersection crash history analysis.
 - Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.
5. Background Conditions (without the proposed land use action)
 - Approved in-process developments and funded transportation improvements in the study area.
 - Traffic growth assumptions.
 - Addition of traffic from other planned developments.
 - Background traffic volumes and operational analysis.
6. Full Buildout Traffic Conditions (with the proposed land use action)
 - Description of the proposed development plans.
 - Trip generation characteristics of proposed project (including trip reduction documentation).
 - Trip distribution assumptions.
 - Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
 - Site circulation and parking.
 - Intersection and site-access driveway queuing analysis. Recommended roadway and intersection

mitigation measures (if necessary).

7. Conclusions and recommendations

8. Appendix- With dividers or tabs

- Traffic count summary sheets.
- Crash analysis summary sheets.
- Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
- Signal, left-turn, and right-turn lane warrant evaluation calculations.
- Intersection analysis – Roundabout vs. Traffic Signal
- Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access(es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines
- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the

vicinity of the site. The following considerations shall form the basis of establishing the study area. The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed development.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.
- All intersections needed for signal progression analysis

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.
Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.
- **Full Buildout** – The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents.

A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00AM to 9:00AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than 60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis shows that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from METRO's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgement must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non-pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study

area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location

All LOS definitions should be consistent with the most recent version of the *HCM*. The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's *Analysis Procedures Manual*.

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable performance upon full buildout of the proposed land use action as defined below.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

- A. For intersections within the regional center, the following mobility standards apply:
 - 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 - 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 - 3. Intersections located on the regional center boundary shall be considered within the regional center.
- B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
 - 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
 - 1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements. For unsignalized intersections outside of the boundaries of the regional center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 and Beaver Creek Road, the following mobility standards apply:
 1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
 - I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

 1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
 2. Development which does not comply with the mobility standards for the intersections identified in OCMC [16.12.033](#) shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

7.9.2 Intersection Design Features and Queuing Calculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in OCMC 16.12 and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the AASHTO *Policy on Geometric Design of Highways and Streets*. At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. The intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. The approach is forecast to serve fewer than forty (40) vehicles per day, and
3. The intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic*

Control Devices (MUTCD).

Special Attention Items

Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed – not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the AASHTO *Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY

Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent four-year period. The intent of the evaluation is to identify any apparent trends in the data that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year by type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL

For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)

The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants

An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items

The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.

The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.

Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants

The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the major street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.
- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.
- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.
- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways** – The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.
- **Local Streets** – Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the *AASHTO Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools)
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name: _____

City Reference Code: _____

Provided? Page No.
 Yes No _____ Study Required Comment: _____ Date: _____

BACKGROUND INFORMATION

Yes No _____ Oregon PE Stamp and Signature

INTRODUCTION AND SUMMARY

EXISTING CONDITIONS

Yes No _____ Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area

Yes No _____ Analysis Periods Correct (☐ AM, ☐ Mid-day, ☐ PM ☐ Afternoon, _____ Saturday _____,

Yes No _____ Existing Traffic Operations (Existing LOS, traffic volumes (new counts _____), speeds _____, crash data _____)

IMPACTS

Yes No _____ Trip Generation - Daily, peak hour trips generated by site development

Yes No _____ Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth

Yes No _____ Future year 20-year analysis required for zone change or conditional use

Yes No _____ Signal Warrant Analysis

Yes No _____ Turn Lane Warrant Analysis

Yes No _____ Access Spacing Standards

Yes No _____ Analysis of intersection and stopping sight distance at frontage road access point(s)

Yes No _____ Identify safe route to school or school bus stop (Contact with school district)

Yes No _____ Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)

Yes No _____ Identify accessibility to public transit

Yes No _____ Account for planned roadway improvements at future build year ☐ and 20-year horizon

MITIGATION

Yes No _____ Identify need for right/left turn lanes, storage capacity and length

Yes No _____ Identify possible corrections of any LOS deficiencies

Yes No _____ Identify any access deficiencies (including transit/pedestrian/bicycle connections)

Yes No _____ Identify any TDM measures

FIGURES

Yes No _____ Vicinity Map

Yes No _____ Site Plan

Yes No _____ Existing peak hour turn movement volumes (counts conducted within previous 12 months)

Yes No _____ Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)

Yes No _____ Approved Projects Peak Hour Traffic Volumes (see sample)

Yes No _____ Programmed transportation improvements and transportation mitigation outlined in study

TABLES

Yes No _____ Intersection Performance Existing Conditions

Yes No _____ Project Trip Generation

Yes No _____ Intersection Level of Service

OTHER

Yes No _____ Technical appendix - sufficient material to convey complete understanding of traffic issues (e.g. HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

Completed By: _____

[SEAL]

Date: _____

CITY OF OREGON CITY

GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES



Adopted : NOVEMBER 2, 2005
Revised : January 6, 2021

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi-modal transportation system to accommodate expected growth through year 2035²⁰. ~~The Guidelines for Transportation Impact Analyses~~ are consistent with the TSP Goals (summarized below):

1. Health and Safety: Enhance the health and safety of residents

Ensure that the transportation system maintains and improves individual health and safety by maximizing the comfort and convenience of multi-modal transportation options in the City.

2. Effective and Efficient: Emphasize effective and efficient management of the transportation system

Optimize travel capacity and improve travel conditions by better managing residents' travel demands, meeting more daily needs within our own community, making transportation facilities as smart and efficient as possible, and being strategic about transportation investments.

3. Sustainability: Foster a sustainable transportation system

Build a transportation system that is environmentally and fiscally sustainable and that focuses on decreasing vehicle emissions and transportation related greenhouse gas emissions.

4. Equitable, Balanced, and Connected: Provide an equitable, balanced, and connected multi-modal transportation system.

Provide a complete transportation system throughout Oregon City that provides multi-modal travel options and connects people to jobs, schools, services, recreation, social and cultural institutions within the City.

5. Fundable: Identify solutions and funding to meet system needs.

The City will identify transportation investments that can be made with available funding to accommodate community growth.

6. Convenient and Available: Increase the convenience and availability of pedestrian, bicycle, and transit modes.

Strengthen the pedestrian and bicycle systems in all areas of the City, and work with local transit providers such as TriMet, Canby Area Transit (CAT), South Clackamas Transportation District (SCTD), etc. to cost-effectively improve coverage and frequency to achieve greater ridership productivity.

7. Prosperity: Ensure the transportation system supports a prosperous and competitive economy.

Support a prosperous and competitive economy by preserving and enhancing business opportunities and ensuring the efficient movement of people and goods.

8. Compliant: Comply with state and regional transportation plan.

The City will meet the requirements of state and regional transportation plans, such as the Oregon Transportation Planning Rule, the Oregon Highway Plan, the Metro 2035 Regional Transportation Plan (RTP) and the Metro Regional Functional Transportation Plan (RFTP)

1. ~~Health and Safety—Enhance the health and safety of residents.Mobility—Develop a transportation system that serves the mobility needs of all Oregon City residents.~~
2. ~~Effective and Efficient—Emphasize effective and efficient management of the transportation system.Safety—Develop a transportation system that provides adequate safety for the transportation system users.~~
3. ~~Sustainable—Foster a sustainable transportation system.Capacity—Develop a transportation system that provides adequate capacity to serve the system user's needs.~~
4. ~~Equitable, Balanced, and Connected—Provide an equitable, balanced, and connected multi-modal transportation system.Travel Options—Develop a transportation system that incorporates, provides for, and encourages a variety of multi-modal travel options.~~
5. ~~Fundable—Identify solutions and funding to meet system needs.Environment—Develop a transportation system that preserves, protects, and supports the environmental integrity of the Oregon City community.~~
6. ~~Convenient and Available—Increase the convenience and availability of pedestrian, bicycle, and transit modes.Economic Development—Develop a transportation system that facilitates the desired economic development and viability of the community.~~
7. ~~Prosperity—Ensure the transportation system supports a prosperous and competitive economy.Transportation Funding—Develop reasonable and effective funding and financing strategies for the recommendations and improvements contained within the Transportation System Plan.~~
8. ~~Compliant—Comply with state and regional transportation plan.Accessibility—Develop a transportation network that ensures adequate and efficient accessibility for all desired land uses, modes of travel, and system users.~~
9. ~~Coordination—Develop a transportation system plan that is consistent with the goals, objectives, and vision of Oregon City residents, participating agencies, and the community in general.~~
10. ~~Consistency—Provide Oregon City with a transportation system and transportation policies that allow the community to manage its transportation facilities in a manner consistent with the City's goals and philosophies.~~

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.

~~OCMC 17.68.020 sets forth the criteria for a zone change and includes the provisions:~~

~~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.~~

~~C.~~

~~Service shall be sufficient to support the range of uses and development allowed by the zone.~~

~~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.~~

~~OCMC 16.04.060 specifies that:~~

~~The decision maker may impose reasonable conditions of approval on any approval granted under this title to ensure that the application meets, or will meet, any application approval standard.~~

~~OCMC 16.12.010 specifies that:~~

~~All land divisions shall be in conformance with the policies and design standards established by this chapter [Chapter 16] and with applicable standards in the city's public facility master plan and city design standards and specifications.~~

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.01~~5~~²⁰, is "to promote public health, safety, and general welfare through standards and regulations...and to facilitate adequate provision for transportation..." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENT PROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter (TAL)** and for a **Transportation Impact Study (TIS)**. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TISs.

depending on the type, location, and size of the development being proposed.

Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence area?
- How will the proposed development meet current city standards for roadway design?
- How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific polices in the TSP will be needed to accommodate the proposed development?
- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term “City Engineer” is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term “City Engineer” should be taken to mean the “City Engineer or his/her designee including but not limited to designated staff or City consultant.” The City’s review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.

~~The term “City decision maker” is used to identify the individual or body with responsibility for certain actions. The “City decision maker” and city decision-making process are defined in OCMC Section 17.50.030.~~

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, ~~or for~~ construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, ~~the City of Oregon City has developed~~ these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City’s transportation analysis requirements, in lieu of a TIS, when a development meets all of the following criteria:

- A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.

~~Two~~ examples of common developments generating fewer trips than these threshold levels are: a subdivision containing 24 or fewer single-family residences, or a general office building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

- B. The development is not expected to further impact intersections that currently fail to meet the City’s level of service mobility standards or intersections that are operating near the limits of the acceptable level of service thresholds during a peak operating hour. ~~(LOS Mobility~~

standards are defined in 7.9.1)

1

B.C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to replace or supercede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 *Potential for Expansion of the Scope of Work*

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the ~~completed and signed~~ TIS checklist, described in more detail in Section 9.0, ~~and which is to be incorporated as one of the first inside pages of the submittal to determine whether or not it is "complete."~~ The lack of a submission of a TIS or TAL will result in a determination of "Incomplete".

A determination of Completeness is not a determination that the applicant's data, methods, ~~of~~ accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed "complete," the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA~~S~~ to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant's responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all ~~applicable~~ criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City's decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a ~~Registered~~ Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.

The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, ~~or~~ private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.
3. ~~Documentation~~ Site plan showing width of all that all site access driveways ~~and shall~~ meet Oregon City ~~Private Access~~ Driveway Approach Size Width Standards.
4. ~~Documentation~~ Site plan showing that all ~~site access driveways~~ public roads meet Oregon City's ~~Minimum City Street Design~~ Intersection Spacing Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.
- ~~5.6.~~ Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.
- ~~6.7.~~ Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
- ~~7.8.~~ Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.
9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional ~~information~~ specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

- ~~1. Completed TIS checklist signed by the Professional Engineer responsible for the preparation of the TIS.~~
- ~~2.~~ 1. Table of Contents – Listings of all sections, figures, and tables included in the report.
- ~~3.~~ 2. Executive Summary – A summary of key points, findings, conclusions, and recommendations

including a mitigation plan.

~~4.3.~~ Introduction:

- Proposed land use action including site location, zoning, building size, and project scope.
- Map showing the proposed site, building footprint (s), access driveways, and or parking facilities.
- Map of the study area that shows site location and surrounding roadway facilities.

~~5.4.~~ Existing Conditions:

- Existing site conditions and adjacent land uses.
- Roadway characteristics of ~~important~~ transportation facilities ~~and modal opportunities~~ located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
- Existing lane configurations and traffic control devices at the study area intersections.
- Existing traffic volumes and operational analysis of the study area roadways and intersections.
- Roadway and intersection crash history analysis.
- Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.

~~6.5.~~ Background Conditions -(without the proposed land use action)

- Approved in-process developments and funded transportation improvements in the study area.

- Traffic growth assumptions.
- Addition of traffic from other planned developments.
- Background traffic volumes and operational analysis.

~~7.6.~~ Full Buildout Traffic Conditions (with the proposed land use action)

- Description of the proposed development plans.
- Trip generation characteristics of proposed project (including trip reduction documentation).
- Trip distribution assumptions.
- Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
- Site circulation and parking.
- ~~Intersection and site-access driveway queuing analysis.~~
- Recommended roadway and intersection mitigation measures (if necessary).

~~8.7.~~ Conclusions and recommendations

~~9.8.~~ Appendix- With dividers or tabs

- Traffic count summary sheets.
- Crash analysis summary sheets.

- Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
- Signal, left-turn, and right-turn lane warrant evaluation calculations.
- ~~• Signal timing sheets depicting the timing and phasing used in analysis.~~
- Intersection analysis – Roundabout vs. Traffic Signal
- Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access (es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines
- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the vicinity of the site. The following considerations shall form the basis of establishing the study area.

The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed developmentsite.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.

- All intersections needed for signal progression analysis.

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.

Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.

- **Full Buildout** – The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents.

A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00AM to 9:00AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is

expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than 60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis shows that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning

movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from METRO's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid).

- connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgement must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non-pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location.

~~LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay and volume-to-capacity (v/c) ratio for the worst or critical movement.~~ All LOS definitions should be consistent with the most recent version of the *HCM*. The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's Analysis Procedures Manual.

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable ~~level of service (LOS)~~ performance upon full buildout of the proposed land use action as defined below.

~~Oregon City's minimum acceptable Level of Service (LOS) is defined as follows for signalized intersections in the city that are located outside the Regional Center (Downtown Community Plan) boundaries:~~

~~LOS "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.~~

~~For signalized intersections within the Regional Center boundaries, the following minimum LOS standards will be allowed:~~

~~LOS "D" can be exceeded during the AM and PM peak hour; however, during the second hour of each two-hour peak period, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.~~

~~Oregon City's minimum acceptable LOS is defined as follows for unsignalized intersections throughout the city:~~

~~LOS "E" or better for the poorest operating and with no serving more than 20 peak hour vehicles operating at worse than LOS "E." In other words, LOS "F" will be tolerated for minor movements during a peak hour.~~

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following -mobility -standards -during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of -mobility -improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a

whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the regional center and not designated on the arterial and thruway network, as defined in the regional transportation plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

—During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the regional center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:

1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in OCMC -16.12.033 -shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's

impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

7.9.2 Intersection Design Features and Queuing Calculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in [OCMC 16.12 Section 2.2—Access Management Standards of Oregon City's Design Standards Manual](#) and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway

surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the AASHTO *Policy on Geometric Design of Highways and Streets*. At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. ~~1.)~~ The intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. ~~2.)~~ The approach is forecast to serve fewer than forty (40) vehicles per day, and
3. ~~3.)~~ The intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic Control Devices* (MUTCD).

Special Attention Items

Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed – not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the AASHTO *Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY

Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent

four~~three~~-year period. The intent of the evaluation is to identify any apparent trends in the ~~data~~ that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year ~~by~~ type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL

For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)

The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants

An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items

The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.

The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.

Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants

The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a

second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the major street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.
- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.
- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.
- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways** – The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.
- **Local Streets** – Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the *AASHTO Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions-. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools)
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

9.0 TIS CHECKLIST

All TISs submitted to the City of Oregon City must include the City's *Transportation Impact Study Checklist*. This checklist, presented on the following page, is designed to help the applicant address the City's requirements and to help the City staff determine whether it is complete as specified in Section 4.3.

The completed and signed checklist shall be incorporated into the bound TIS following the inside cover page and preceding the Table of Contents.

TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name: _____

City Reference Code: _____

Provided? Yes No Page No. Study Required Comment: _____ Date: _____

BACKGROUND INFORMATION

Yes No _____ Oregon PE Stamp and Signature

INTRODUCTION AND SUMMARY

EXISTING CONDITIONS

Yes No _____ Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area

Yes No _____ Analysis Periods Correct (☐ AM, ☐ Mid-day, ☐ PM ☐ Afternoon, _____, Saturday _____,

Yes No _____ Existing Traffic Operations (Existing LOS, traffic volumes (new counts _____), speeds _____, crash data _____)

IMPACTS

Yes No _____ Trip Generation - Daily, peak hour trips generated by site development

Yes No _____ Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth

Yes No _____ Future year 20-year analysis required for zone change or conditional use

Yes No _____ Signal Warrant Analysis

Yes No _____ Turn Lane Warrant Analysis

Yes No _____ Access Spacing Standards

Yes No _____ Analysis of intersection and stopping sight distance at frontage road access point(s)

Yes No _____ Identify safe route to school or school bus stop (Contact with school district)

Yes No _____ Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)

Yes No _____ Identify accessibility to public transit

Yes No _____ Account for planned roadway improvements at future build year ☐ and 20-year horizon

MITIGATION

Yes No _____ Identify need for right/left turn lanes, storage capacity and length

Yes No _____ Identify possible corrections of any LOS deficiencies

Yes No _____ Identify any access deficiencies (including transit/pedestrian/bicycle connections)

Yes No _____ Identify any TDM measures

FIGURES

Yes No _____ Vicinity Map

Yes No _____ Site Plan

Yes No _____ Existing peak hour turn movement volumes (counts conducted within previous 12 months)

Yes No _____ Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)

Yes No _____ Approved Projects Peak Hour Traffic Volumes (see sample)

Yes No _____ Programmed transportation improvements and transportation mitigation outlined in study

TABLES

Yes No _____ Intersection Performance Existing Conditions

Yes No _____ Project Trip Generation

Yes No _____ Intersection Level of Service

OTHER

Yes No _____ Technical appendix - sufficient material to convey complete understanding of traffic issues (e.g. HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

Completed By: _____

[SEAL]

Date: _____

Summary of Proposed Draft Amendments to the Guidelines for Traffic Impact Analyses

For City Commission

This is a summary. Please notify staff of any errors or omissions.

Page Number / Section	Summary	Explanation
Cover Sheet		
Page 1	Added original adoption date and new revision date.	This is a date change to show the most recent version of the guideline
1.1 Transportation Planning and Transportation Impact Analyses		
Page 2	Update TSP Goals to plain language and add specificity.	Allow the goals of the Transportation System Plan which were included as a cross-reference to be more readable.
Page 2	Added the acronym TIA	TIA is the acronym for Traffic Impact Analyses and is a commonly used expression
Page 2	Added a statement about what transportation facilities are defined as.	This summarizes for applicants the entire list of modes of transportation that should be considered.
Page 2	Changed the Transportation System Plan (TSP) Goals. Expected growth from the TSP is through 2035.	Goals changed from 2001 to 2013. Updated the expected growth year.
Page 3	Added a statement on what to do when conflicts occur with other documents. Deleted general potential conflicts with OCMC	Allows OCMC to govern if/when a conflict exists rather than trying to list potential conflicts.
1.3 The Level of Analysis and Documentation		
Page 4	Adjusted reference of code.	Code reference has changed.
2.2 Content of Transportation Impact Analyses Generally		
Page 4-5	Added that the impacts are “multi” modal. Added that mobility standards shall be addressed. Added the TSP projects should be addressed. Added that phasing should be addressed.	These additions were items that have been regularly required by the City’s traffic consultant but were not listed within this document.
2.4 Responsibilities and Authority for the City		
Page 5	Added designated City staff and City consultant as authority persons for review using the document	This reflects current practices.
Page 5	Added that the City’s review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a	Requires city review of studies to include certification or qualification in transportation engineering.

	Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.	
3.0 Transportation Impact Analysis Documents		
Page 5	Added ADUs, lot line adjustments and right of way permits as exempt from completing a Traffic Impact Analysis. Some clarification wording was also added.	The items of exemption have historically been exempted, but were not stated in the document. Cleaned up some wording for clarification.
3.1 Determining the Required Level of Transportation Analysis and Documentation		
Page 6	Changed multi-family review requirement to 42 or fewer units.	This has been changed to be in compliance with industry standards.
Page 6	Changed LOS to Mobility	This change was made to reflect what we now called Level of Service (LOS) standards which is Mobility Standards.
4.3 Completeness Review		
Page 8	Defined that incompleteness will result if no TIS or TAL is received as part of the application. Defined what completeness is.	This is the current process. This was provided for clarification.
5.0 Transportation Analysis Letter Contents		
Page 9	Added that all engineers preparing TALs should be registered in the State of Oregon	Provides clarification
Page 9	Added requirement to show driveway spacing.	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement for driveway width	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement to consider sight obstructions	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement to address safety issues	Enhances study to capture all possible traffic conflicts and align with City Code
6.0 Transportation Impact Study Contents		
Page 9	Removed requirement to use a checklist	Current practice only recommends, does not require
Page 10	Added clarification language to existing conditions criteria	Based on current practice
Page 10	Added a reference of mobility standards to item 6	Mobility standards were added to the code since the creation of this guideline.

Page 11	Add an intersection analysis of roundabout vs. traffic signal	The TSP suggests intersection improvements but analysis has not been completed to determine the best solution for an intersection improvement
7.1 Preparer Qualifications		
Page 12	Required the preparer by a Professional Engineer registered in the State of Oregon	Creates consistency within document
7.2 TIS Study Area		
Page 12	Better defined the study area	Clarified the study area
7.9 Intersection Operational Standards		
Page 17	Clarifies situational standards as well as references the ODOT standard	Provides clarification
7.9.1. Intersection Level of Service Standards		
Pages 17-22	Replaced existing guideline with the most recently adopted Mobility Standards, line for line	Updates the guideline to current standards
7.10 Access Spacing Standards		
Page 23	Changed reference to City Code 16.12	Updates guideline to current reference and standard
7.12 Crash History		
Page 25	Changed crash history data to a four year period from a three year period	Updates to current industry standard
9.0 TIS Checklist		
End of document	Removed requirement to use a checklist	Updates to current practices

This is a summary. Please notify staff of any errors or omissions. Please refer to complete document for all changes.



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 04/21/2021

SUBJECT:

Resolution No. 21-22, Adopting the Undergrounding Private Utilities Standard Operating Policy

STAFF RECOMMENDATION:

Approve Resolution No. 21-22 adopting the Undergrounding Private Utilities Standard Operating Policy

EXECUTIVE SUMMARY:

To create equity and provide criteria for proportionality of improvements by development, Public Works has proposed a policy that provides guidelines to determine when private utility lines shall be placed underground.

The policy follows Municipal Code changes that were adopted by ordinance on April 7 and April 21, 2021.

The adoption of this policy will provide a written guide to staff when placing requirements on private development.

BACKGROUND:

Prior to 2021, City Code provided vague guidance on how to address the location of private utility lines within the public right of way. In general, the Municipal Code stated that all utility lines shall be placed underground. Code was not clear whether that meant existing lines or only new lines.

Chapters 13.24 and 13.34 of the Municipal Code provide background on how to address private utilities, commonly called franchise utilities. This includes utilities such as electric, gas, telephone, cable, and other telecommunications. These chapters address the relationship between the City and the utilities.

Chapter 16.12 originally stated that all utilities shall be placed underground. This was interpreted to mean that any new utilities shall be placed underground including service lines. It was also interpreted to mean that any existing overhead lines shall be relocated underground.

New code, just adopted by ordinance, provides a clearer guideline on how to administer the location of franchise utilities. The overall goal of the City is to place these utilities underground as this makes them less susceptible to damage and blockage of our roads after storm events, and it improves property values due to the clean appearance of the right-of-way. However, in some cases, it does not make financial sense or is not technically feasible to relocate the existing lines.

The following are the new guidelines adopted by ordinance which are addressed within this policy:

1. All new utilities including service lines shall be placed underground.
2. Existing overhead utilities shall be relocated underground unless:
 - a. The voltage of the lines is not allowed to be underground based on National Electric Code Standards (called high transmission lines)
 - b. The development is less than 1.0 acre in size
 - c. The development has less than 200 feet of frontage
 - d. The development is 5 lots or less

Any of the criteria in Item 2 may provide the exemption. All criteria do not have to be met, just one of the criteria to meet the exemption. The exemptions allow the City to address the land use requirement of proportionality. The exemption is not valid if it can be clearly found that another property within the same block has already relocated lines underground within recent years. This allows for equity within the developments.

OPTIONS:

1. Approve Resolution No. 21-22 as requested.
2. Approve Resolution No. 21-22 with modifications.
3. Deny Resolution No. 21-22. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$0.00

FY(s): Not Applicable

Funding Source(s): Not Applicable

RESOLUTION NO. 21-22

A RESOLUTION ADOPTING THE UNDERGROUNDING PRIVATE UTILITIES STANDARD OPERATING POLICY

WHEREAS, Oregon City Municipal Code 16.12.095.G. requires all new utilities to be placed underground; and

WHEREAS, Oregon City Municipal Code 16.12.095.G. requires all existing utilities to be relocated underground; and

WHEREAS, Ordinance No. 21-1007 proposed Oregon City Municipal Code amendments provides exemptions for the relocation of existing utilities to be relocated underground; and

WHEREAS, the Public Works Department has proposed a policy to implement Oregon City Municipal Code 16.12.095.G.; and

WHEREAS, the Public Works Department implements Oregon City Municipal Code by requiring the undergrounding of utilities.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the City Commission, by this Resolution, adopts the standard operating policy for Undergrounding Private Utilities attached as Exhibit A.

Section 2. That the City Commission may revoke this Resolution at any time it deems in the best interest of the public to do so.

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 21st day of April 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 21st day of April 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



OREGON CITY PUBLIC WORKS POLICIES & PROCEDURES

City Code and Public Works Standards References: OCMC 13.24, OCMC 13.34, OCMC 17.04, OCMC 17.44, OCMC 16.12, Beavercreek Cooperative Agreement Ordinance 99-1024, Comcast (TCI) Agreement Ordinance 97-1013, Electric Lightwave Agreement Ordinance 11-1007, Level 3 Communications Agreement Ordinance 11-1005, Lightspeed Networks Resolution 13-08, NW Natural Agreement Ordinance 98-1021, PGE Agreements Ordinance 05-1001, 11-1001, 93-1001 and Resolution 13--04

Subject: *Undergrounding Private Utilities - Standard Operating Policy*

Effective Date: 04/21/2021

Prepared By: Josh Wheeler, P.E.

Approved: CC/DW

I. PURPOSE

Explains the adopted applicable criteria and standards in place for the City of Oregon City Public Works Department staff regarding the requirement to place new or existing private utilities underground for private development.

The goal of this document is to outline the process and provide uniform standards for underground line location, private utility easements, and undergrounding requirements for new and existing utilities.

II. GENERAL INFORMATION

It is the intent of the City to place utilities underground whenever possible, but where reasonable. This provides the City with potentially fewer outages due to storms and natural disasters, improved safety due to the lack of overhead lines that could fall to the ground, improved sight lines and barriers for the traveling public which increases safety, and general aesthetic improvements to these areas which could improve property values.

With a City at the age of 175 years old, several factors need to be considered whether or not the policies for siting utilities should be flexible or set forth with clear and predictable standards. Some neighborhoods were created decades ago when certain technology did not exist and the City maintained few, if any, standards of utility separations or depth. Other neighborhoods are newer and improved using current modern-day standards. Other development is new but is infill within those older neighborhoods. The City must consider the policy and equity implications of changing the City's approach. Lastly, all obligations to dedicate land or make certain improvements must be proportional to the impacts resulting from the development that is proposed.

Public utilities including storm sewer, sanitary sewer, and water mains have always been placed underground within the City's right-of-way or within a public utility easement when placed on private property.

Gas lines have always been placed underground as well.

Private utilities such as franchise utility electric, telephone, cable, and fiberoptic are the utilities covered under this policy, as well as City and County provided fiberoptic services.

Electric, telephone, cable, and fiberoptic have been placed both above ground as well as underground over the years.

In recent years, the extension of most new private utility lines has been located within a private utility easement (PUE).

Historically, PUE's were required within the first 10 feet of all property lines. In recent years, however, the requirement has been to require PUEs within the first 10 feet of all property lines that border right-of-way that fronts a public or private roadway. The PUE is always placed on private property. In certain situations, the City Engineer can waive or adjust the PUE requirement as provided in OCMC 16.12.085.

Conversion or relocation of existing overhead utilities to be moved underground has been a general requirement of land development in recent years but imposing this requirement has varied depending on the extent of development proposed.

III. CURRENT LIST OF PRIVATE UTILITY PROVIDERS*

**This list is a summary of the most common providers, but it is not an extensive list of every single provider within the City.*

ATT Local Services (TCG Oregon) – Telecommunications provider

Beaver Creek Telephone – Telecommunications and Cable provider

Canby Telephone – Telephone provider

Century Link (Level 3 Communications, CTLQL) – Telecommunications provider

Clackamas County – Fiberoptic provider

Clackamas River Water – Drinking water supplier

Comcast – Telecommunications and Cable provider

Electric Lightwave (Integra) – Telecommunications provider

Lightspeed Networks – Telecommunications provider

Northwest Natural (NW Natural) – Natural Gas provider

Portland General Electric – Electricity provider

Qwest Communications (US West) – Telecommunications provider

TW Telecom – Telecommunications provider

Verizon (MCI Metro) – Mobile Phone provider

Wavedivision VII, LLC – Cable provider

IV. POLICY AND PROCEDURES

A. Pre-Application Meetings

The Engineering Division shall explain to applicants in the pre-application meeting and within the pre-application notes whether existing overhead utilities shall be placed underground, where they should be placed (PUE and/or ROW), and what limits are appropriate for the relocation including which power poles should remain or be removed.

Staff should rely on maps of the Electric system to determine if any high transmission lines exist adjacent to the development.

B. Land Use Decisions and Conditions of Approval

The Engineering Division shall condition appropriate developments with the relocation(undergrounding) requirement in the Conditions of Approval providing specific direction within OCMC Section 16.12.85 and 16.12.95.

C. Civil Engineering Permit Plans

The conduits and/or vaults as well as above ground amenities (transformers, pedestals, etc.) for undergrounding of overhead existing utilities shall be shown on the civil engineering plans. This will confirm to the contractor where these utilities can be installed. It is the applicant's responsibility to provide designs. It is also the applicant's responsibility to request these improvements from the various utilities.

D. Construction

Undergrounding of overhead existing utilities is required prior to the Engineering Division recommending the recording of a plat or recommending occupancy of a building.

E. Policy

1. New utilities

All new utilities (mains and services) shall be placed underground within a Public Utility Easement (PUE) or the right-of-way (when approved by the City Engineer). The utilities shall always be placed in the PUE unless requested to and approved by the City Engineer as defined in OCMC 16.12.85 and 16.12.095

2. Existing underground utilities

All existing underground utilities shall remain underground. Existing underground utilities may never be relocated above ground unless approved by the City Engineer.

3. Existing overhead utilities

Whenever a land use or land division permit is required for development, the developer shall relocate all existing overhead utilities which are located adjacent to the development to a location underground as approved by the City Engineer and as stated in City Code 16.12.85 and 16.12.095.

No new poles should be added to the right of way; however, a relocation of an existing pole to the edge of the property is acceptable.

Exceptions:

- a. This requirement is not applicable when the requirements conflict with Chapter 17.44 or 17.49 of the City Code; OR
- b. This requirement is not applicable for development occupying less than 1.0 acre lot or parcel except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- c. This requirement is not applicable for developments with less than 200 feet of a property line accommodating or abutting an existing overhead utility except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- d. For Land divisions: This requirement is not applicable for developments with five single family lots or less which are not further divisible except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- e. This requirement is not applicable for high transmission lines abutting the property (see Exhibit A); however, in that situation, the other utilities including low voltage electric lines shall be placed underground unless one of the other exemptions apply. High transmission lines are defined in OCMC 13.34.090 as greater than 35,000 volts.

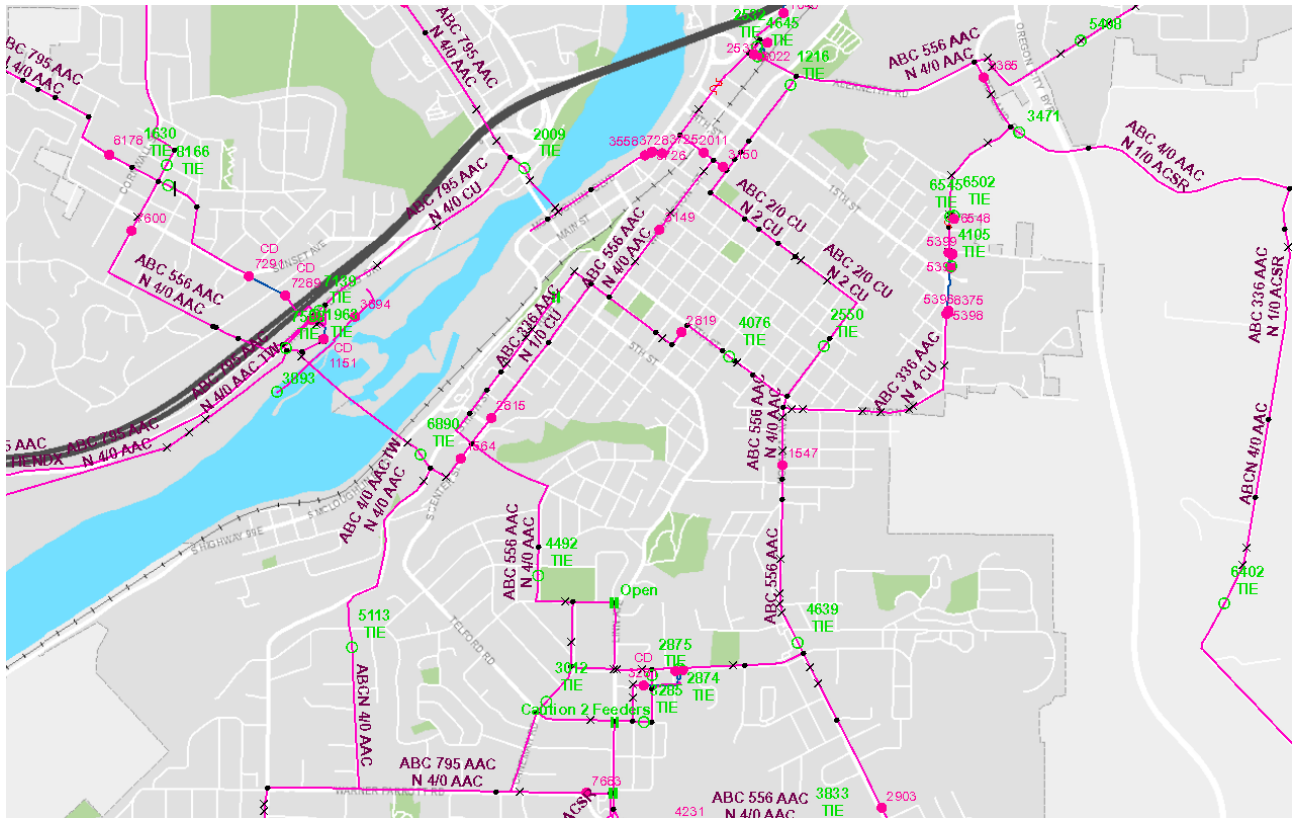
- f. In no case shall construction of one single family structure be required to relocate overhead existing utilities underground; however, if an existing house is to remain as part of a larger development exceeding five single family lots, the service line to the house shall be relocated underground.
- g. This requirement does not apply to publicly funded capital improvement projects.

VI.EXHIBITS

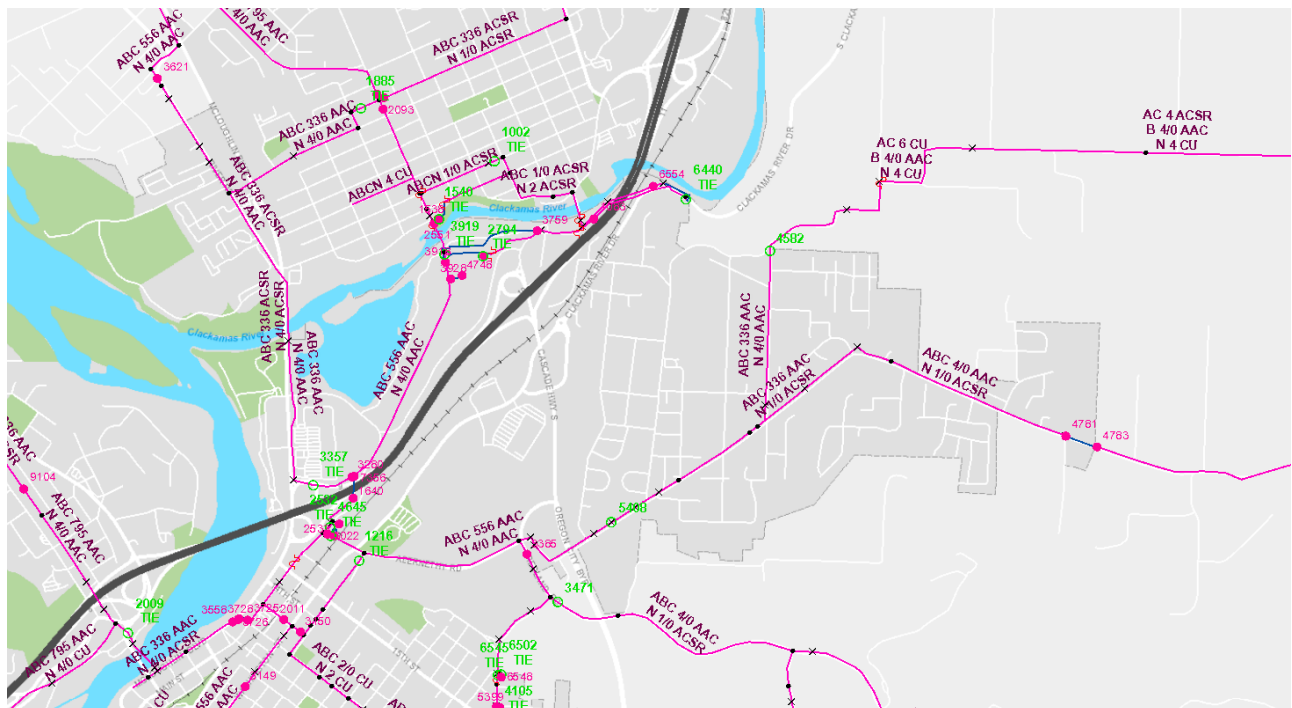
Exhibit A Portland General Electric (PGE) Feeder Line Map

EXHIBIT A

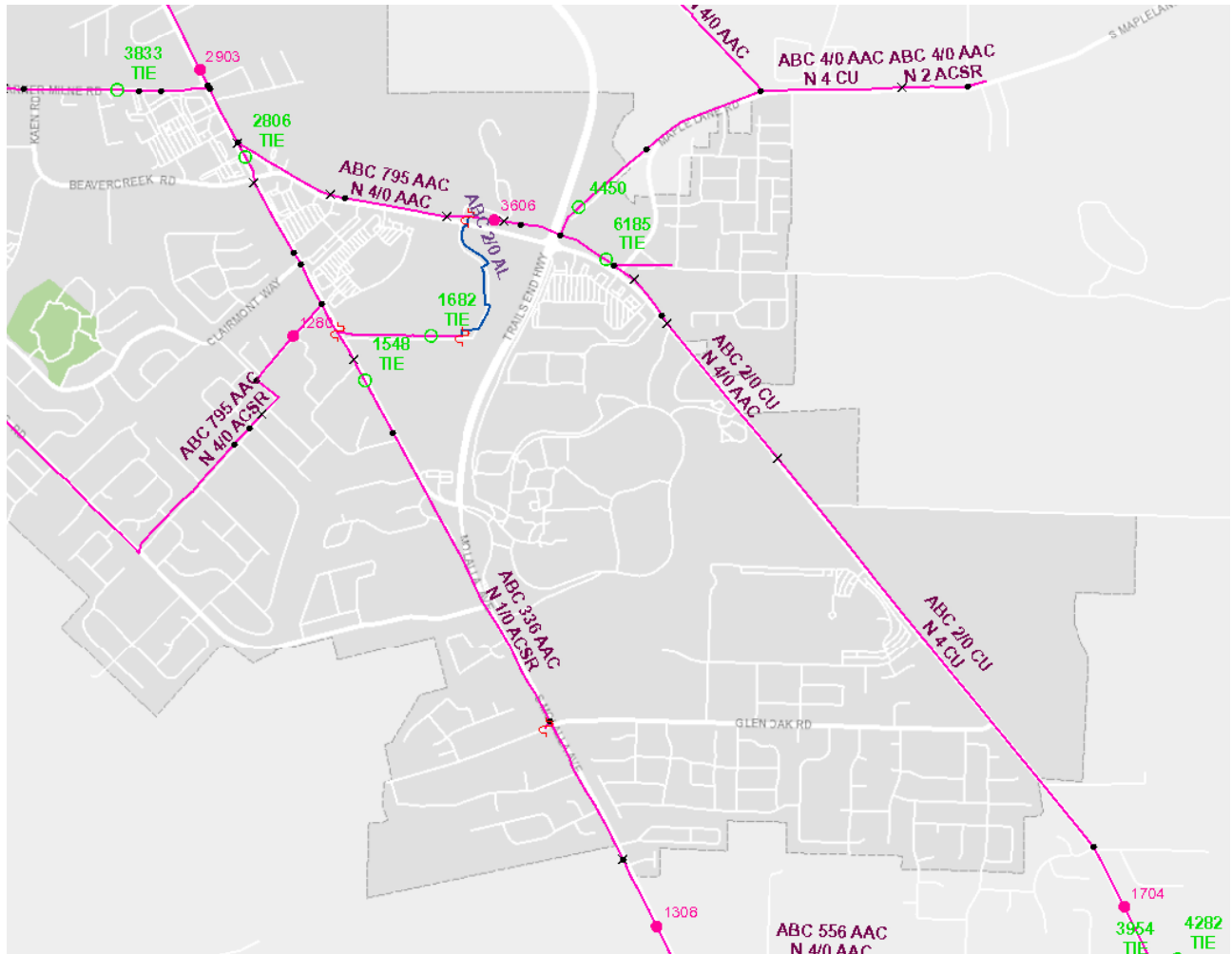
Oregon City: Central PGE Map



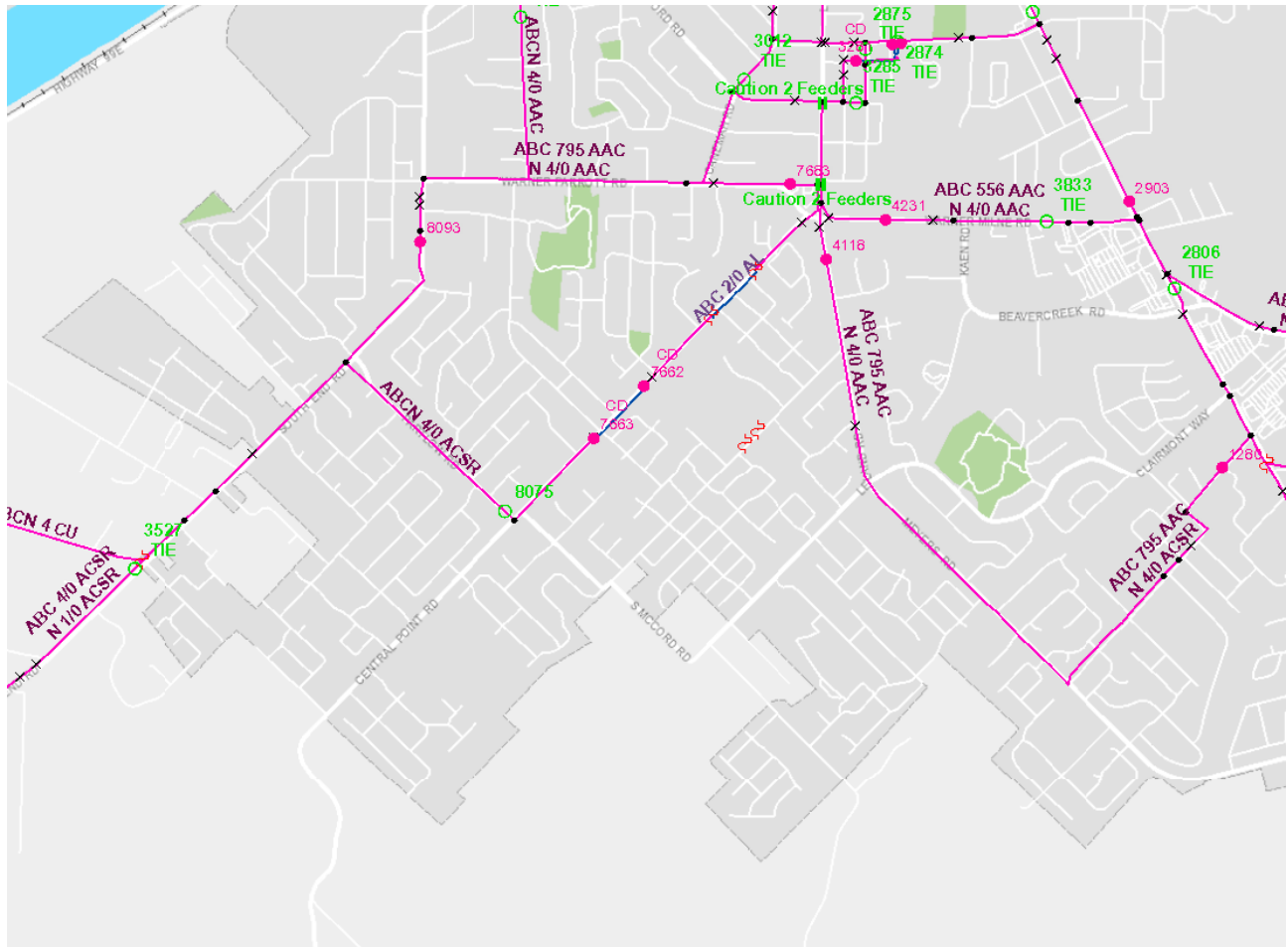
Oregon City: North PGE Map



Oregon City: Southeast PGE Map



Oregon City: Southwest PGE Map





CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 04/21/2021
From: Community Development Director Laura Terway

SUBJECT:

Second Reading of Ordinance No. 21-1007, Amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2)

STAFF RECOMMENDATION:

Approve the second reading of Ordinance No. 21-1007 and continue the Public Hearing to May 19, 2021.

EXECUTIVE SUMMARY:

Staff has proposed code revisions to the Geologic Hazards Overlay District and other ancillary Public Works related development code & standards such as refinements to Public Utility Easements (PUE), requirements for undergrounding utilities, sanitary sewer standards, and the adoption of policies relating to sidewalk obstructions and undergrounding of utilities.

The first reading of the Ordinance was approved on April 7, 2021.

As there are multiple chapters proposed for revision, the larger package of amendments was divided into a series of smaller amendments, which will each be considered independently for adoption through separate ordinances at multiple City Commission meetings. This approach will allow the City Commission and the public the ability to review each package closely while moving efficiently through the review process. Hearing dates and future ordinance topics for the project will be provided in the City Commission-Commission Reports for Legislative File: GLUA 20:00033, LEG 20-00001 to allow the public to fully participate in the hearings process.

Ordinance No. 21-1007 Package #2

Proposed 1st Reading for the adoption of the following chapters:

- OCMC 13.24 & OCMC 13.34 Telecommunication Facilities
- OCMC 16.12 Driveways, Overhead Utilities
- OCMC 17.04 Definitions

- OCMC 17.62 Site Plan and Design Review
- Title 17 Miscellaneous Chapters (Cross-Reference Edits)

BACKGROUND

The City of Oregon City Public Works Department is implementing a number of projects which require various changes to the City Code. The Oregon City Municipal Code contains development standards for private and public development and construction. Additionally, the City's Comprehensive Plan anticipates the need for amendments from time to time in order to maintain a balance of predictability for developers and neighborhood livability for residents.

The proposed code revisions generally address the need for clarifications in technical development review and to address new policy direction on obstructions in the Right-of-Way. Larger policy questions may be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework, which could result in additional code revisions in the future.

Staff has proposed code revisions to the Geologic Hazards Overlay District and other ancillary Public Works related development code & standards such as refinements to Public Utility Easements (PUE), requirements for undergrounding utilities, sanitary sewer standards, and the adoption of policies relating to sidewalk obstructions and undergrounding of utilities. The Planning Commission voted 7-0 to recommend approval of Planning file GLUA 20-00033: LEG-20-00001 to the City Commission on November 9, 2020.

At the November 18, 2020 City Commission Hearing, the City Commission requested additional information on the infiltration and inflow (I&I) program and code amendments, land use review of capital projects, sidewalk obstructions, and definitions, and regulating additional land within the Geohazard Overlay District.

Staff is proposing to work through the items with the City Commission at a series of work sessions. As there are multiple chapters involved with this proposal, the larger package of amendments will be divided into a series of smaller amendments, which will each be considered independently through separate Ordinances.

This approach will allow the City Commission and the public the ability to review each package closely while moving efficiently through the review process. The items which the City Commission has identified comfort with will be proposed for approval sooner than the other items of concern, which will be modified in work sessions until they are ready to move forward to a hearing. The tentative timeline is as follows:

ORD No. 21-1003 - Adopted February 3, 2021

- OCMC 13.04 & OCMC 13.08 Water and Sewer Services
- OCMC 12.04 Obstructions

- OCMC 17.80 Communication Facilities
- Resolution 21-01 – Sidewalk Sales
- Resolution 21-02 – Sanitary Sewer Design Standards
- Resolution 21-03 – Sidewalk Obstruction Standard Operating Policy

The tentative schedule for Package #2 and Package #3 may be found below and will be updated as revised:

April 7, 2021 City Commission Hearing (Package #2)

Proposed 1st Reading for the adoption of the following chapters:

- OCMC 13.24 & OCMC 13.34 Telecommunication Facilities
- OCMC 16.12 Driveways, Overhead Utilities
- OCMC 17.04 Definitions
- OCMC 17.62 Site Plan and Design Review
- Title 17 miscellaneous chapters (cross-reference edits)

April 21, 2021 City Commission Hearing (Package #2)

Proposed 2nd Reading for the adoption of the following chapters:

- OCMC 13.24 & OCMC 13.34 Telecommunication Facilities
- OCMC 16.12 Driveways, Overhead Utilities
- OCMC 17.04 Definitions
- OCMC 17.62 Site Plan and Design Review
- Title 17 miscellaneous chapters (cross-reference edits)

April 13, 2021 City Commission Work Session

Regulating additional land within the Geologic Hazard Overlay District

May 19, 2021 City Commission Hearing (Package #3)

Proposed 1st Reading for the adoption of the following chapters:

- OCMC 17.44 Geologic Hazards Overlay District

June 2, 2021 City Commission Hearing (Package #3)

Proposed 2nd Reading for the adoption of the following chapters:

- OCMC 17.44 Geologic Hazards Overlay District

OPTIONS:

1. Approve the second reading of Ordinance No. 21-1007 and continue the Public Hearing to May 19, 2021
2. Continuation of second reading of Ordinance No. 21-1007 to May 19, 2021.
3. Continuation to a different date certain.

ORDINANCE NO. 21-1007

AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING AMENDMENTS TO OREGON CITY MUNICIPAL CODE; TITLE 13: PUBLIC SERVICES, TITLE 16: LAND DIVISIONS, AND TITLE 17: ZONING OF THE OREGON CITY MUNICIPAL CODE

WHEREAS, the City of Oregon City Public Works Department is implementing a number of projects which all require various changes to the City Code; and

WHEREAS, the City's Comprehensive Plan anticipates the need for amendments from time to time, in order to maintain a balance of predictability for developers and neighborhood livability for residents; and

WHEREAS, the Oregon City Municipal Code contains development standards for private and public development and construction; and

WHEREAS, the proposed code revisions generally address the need for clarifications in technical development review and will provide greater certainty for developers and property owners; and

WHEREAS, as there are multiple chapters involved with this proposal, the larger package of amendments will be divided into a series of smaller amendments, which will each be considered independently through separate Ordinances at multiple City Commission Hearings. This approach will allow the City Commission and public the ability to review each package closely while moving efficiently through the review process; and

WHEREAS, the amendments will result in greater transparency within the Oregon City Municipal Code; and

WHEREAS, hearing dates and future ordinance topics for the project will be provided in the City Commission- Commission Reports for Legislative File: GLUA 20:00033, LEG 20-00001 to allow the public to fully participate in the hearings process.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code, Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning Of The Oregon City Municipal Code; which are attached hereto as Exhibit 'A'.

Section 2. The Commission adopts the "Staff Report and Recommendation for Legislative File: LEG 20-0001.

Section 3. 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 4. 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 7th day of April, and the City Commission finally enacted the foregoing Ordinance this 21st day of April 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 21st day of April 2021,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit A – Amended Sections of the Oregon City Municipal Code

Exhibit B – Staff Report

Oregon City Municipal Code

GLUA 20-33 (LEG 20-01)

Public Works

Code Amendments Package #2

Ordinance No. 21-1007 Package #2

OCMC 13.24/13.34 – Telecommunications Facilities
OCMC16.12 – Minimum Public Improvements
OCMC17.04 – Definitions
OCMC17.08 – Low Residential Districts*
OCMC17.10 – Medium Density Residential Districts*
OCMC17.12 – High-Density Residential Districts*
OCMC17.24 – NC Neighborhood Commercial District*
OCMC17.26 – HC Historic Commercial District*
OCMC17.29 – MUC Mixed-Use Corridor District*
OCMC17.31 – MUE – Mixed-Use Employment District*
OCMC17.32 – C General Commercial District*
OCMC17.34 – MUD Mixed-Use Downtown District*
OCMC17.35 – Willamette Falls Downtown Design District*
OCMC17.36 – GI General Industrial District*
OCMC17.37 – CI Campus Industrial District*
OCMC17.39 – I Institutional District*
OCMC17.62 – Site Plan and Design Review

*The only change to these zoning districts is to note that “Public utility easements may supersede the minimum setback”



Version: Clean Copy

Chapter 13.24 - TELECOMMUNICATIONS FACILITIES

13.24.010 - Scope of chapter.

Chapter 13.24 shall apply to telecommunications carriers, as defined below, with valid telecommunications franchises granted pursuant to this chapter prior to December 6, 2013. After December 6, 2013, all telecommunications carriers that do not have a valid franchise, or whose franchise expires, shall be subject to the provisions of Chapter 13.34 and the provisions of this chapter shall not apply to such telecommunications carriers.

(Ord. 99-1003 §1 (part), 1999)

(Ord. No. 13-1014, § 4, 11-6-2013)

Editor's note— Ord. No. 13-1014, § 4, adopted Nov. 6, 2013, deleted § 13.24.010 in its entirety and replaced it to read as herein set out. Former § 13.24.010 pertained to jurisdiction and management of the public rights-of-way.

13.24.020 - Regulatory fees and compensation not a tax.

A. The fees and costs provided for in this chapter, and any compensation charged or paid for use of the public rights-of-way provided for in this chapter, are separate from, and in addition to, any and all federal, state, local, and city charges as may be levied, imposed, or due from a telecommunications carrier, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of telecommunications services.

B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners, and these fees are not new or additional fees.

C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

(Ord. 99-1003 §1 (part), 1999)

13.24.030 - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

"Aboveground facilities" means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

"Affiliated interest" means (1) every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of such telecommunications utility; (2) every corporation and person in any chain of successive ownership of five percent or more of voting securities of such telecommunications utility; (3) every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such telecommunications utility or by any person or corporation in any chain of successive ownership of five

percent or more of voting securities of such telecommunications utility; (4) every person who is an officer or director of such telecommunications utility or of any corporation in any chain of successive ownership of five percent or more of voting securities of such telecommunications utility; (5) every corporation which has two or more officers or two or more directors in common with such telecommunications utility; (6) every corporation and person, five percent or more of which is directly or indirectly owned by a telecommunications utility; (7) every corporation or person which the Public Utility Commission determines as a matter of fact, after investigation and hearing, actually is exercising any substantial influence over the policies and actions of such telecommunications utility, even though such influence is not based upon stockholdings, stockholders, directors or officers to the extent specified herein; and, (8) every person or corporation who or which the Public Utility Commission determines as a matter of fact, after investigation and hearing, actually is exercising such substantial influence over the policies and actions of such telecommunications utility in conjunction with one or more other corporations or persons with whom they are related by ownership or blood or by action in concert that together they are affiliated with such telecommunications utility within the meaning herein even though no one of them alone is so affiliated.

"Cable Act" means the Cable Communications Policy Act of 1984, 47 U.S.C. 521 et seq., as now and hereafter amended.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Oregon City, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City commission" means the elected governing body of the city of Oregon City, Oregon. "Control or controlling interest" means actual working control in whatever manner exercised.

"City property" means and includes all property owned by the city, other than public rights-of-way and public utility easements as those are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way franchising as provided in this chapter.

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholes, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cable right-of-way, owned or controlled, in whole or in part, by one or more public utilities.

"Construction" means any activity in the public rights-of-way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

"Days" means calendar days unless otherwise specified.

"Duct" means a single enclosed raceway for conductors or cable.

"Easement" means the space in, upon, above, along, across, over or under a private property for constructing, reconstructing, operating, maintaining, inspecting, and repairing a facility owned by someone other than the private property owner whereby the easement is located.

"Emergency" shall have the meaning provided for in ORS 401.025.

"Federal Communications Commission or FCC" means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

"Franchise" means an agreement between the city and a grantee which grants a privilege to use public right-of-way and public utility easements within the city for a dedicated purpose and for specific compensation.

"Grantee" means the person to which a franchise is granted by the city.

"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectible, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

"Oregon Public Utilities Commission or OPUC" means the statutorily created state agency in the state of Oregon responsible for licensing, regulation and administration of certain telecommunications carriers as set forth in Oregon law, or its lawful successor.

"Overhead or aboveground facilities" means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

"Private telecommunications network" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private telecommunications network" includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140.

"Public rights-of-way" means and includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including the subsurface under and air space over these areas. This definition applies only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public rights-of-way" shall also include public utility easements as defined below.

"Public utility easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

"State" means the state of Oregon.

"Telecommunications Act" means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. 151 et seq.) and as hereafter amended.

"Telecommunications carrier" means any provider of telecommunications services and includes every person that directly or indirectly owns, controls, operates or manages telecommunications facilities within the city.

"Telecommunications facilities" means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

"Telecommunications service" means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed and whether or not the transmission medium is owned by the provider itself.

Telecommunications service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights of way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act; and (6) commercial mobile radio services as defined in 47 C.F.R. 20.

"Telecommunications system" means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

"Telecommunications utility" shall have the same meaning as ORS 759.005(1).

"Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for "overhead facilities."

"Usable space" means all the space on a pole, except the portion below ground level, the twenty feet of safety clearance space above ground level, and the safety clearance space between communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground level.

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services. (Ord. 99-1003 §1 (part), 1999)

(Ord. No. 11-1009, §§ 1, 2, 9-7-2011)

13.24.040 - Registration of telecommunications carriers.

A. Purpose. The purpose of registration is:

1. To assure that all telecommunications carriers who have facilities and/or provide services within the city comply with the ordinances, rules and regulations of the city.
2. To provide the city with accurate and current information concerning the telecommunications carriers who offer to provide telecommunications services within the city, or that own or operate telecommunications facilities within the city.
3. To assist the city in the enforcement of this chapter and the collection of any city franchise fees or charges that may be due the city.

B. Registration Required. Except as provided in subsection D of this section, all telecommunications carriers having telecommunications facilities within the corporate limits of the city, and all telecommunications carriers that offer or provide telecommunications service to customer premises within the city, shall register. The appropriate application and license from: (a) the Oregon Public Utility Commission (PUC); or (b) the Federal Communications Commission (FCC) qualify as necessary registration information. Applicants also have the option of providing the following information:

1. The identity and legal status of the registrant, including the name, address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information.
 2. The name, address, and telephone number for the duly authorized officer, agent, or employee to be contacted in case of an emergency.
 3. A description of the registrant's existing or proposed telecommunications facilities within the city, a description of the telecommunications facilities that the registrant intends to construct, and a description of the telecommunications service that the registrant intends to offer or provide to persons, firms, businesses, or institutions within the city.
 4. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided, or to be provided, by the registrant constitutes an occupation or privilege subject to any business license requirements. A copy of the business license or the license number must be provided.
- C. Registration Fee. Each application for registration as a telecommunications carrier shall be accompanied by a nonrefundable registration fee in the amount of thirty-five dollars, or as otherwise established by resolution of the city commission.
- D. Exceptions to Registration. The following telecommunications carriers are excepted from registration:
1. Telecommunications carriers that are owned and operated by the state or a political subdivision of this state exclusively for its own use.
 2. A private telecommunications network, provided that such network does not occupy any public rights-of-way of the city. (Ord. 99-1003 §1 (part), 1999)

13.24.050 - Construction standards.

- A. General. No person shall commence or continue with the construction, installation or operation of telecommunications facilities within a public right-of-way except as provided in this chapter and in compliance with all applicable codes, rules, and regulations.
- B. Construction Codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.
- C. Construction Permits. No person shall construct or install any telecommunications facilities within a public right-of-way without first obtaining a construction permit, and paying the construction permit fee established pursuant to subsection G of this section. No permit shall be issued for the construction or installation of telecommunications facilities within a public right-of-way:
1. Unless the telecommunications carrier has first filed a registration statement with the city pursuant to Section 13.24.040(B) of this code; and if applicable,

2. Unless the telecommunications carrier has first applied for and been granted a franchise pursuant to Section 13.24.070 of this code.

D. Permit Applications. Applications for permits to construct telecommunications facilities shall be submitted on forms to be provided by the city and shall be accompanied by drawings, plans and specifications. The drawings, plans and specifications must:

1. Provide sufficient detail to demonstrate that the facilities will be constructed in accordance with all applicable codes, rules and regulations;
2. Demonstrate that the facilities will be constructed in accordance with the franchise agreement;
3. Provide the location and route of all facilities to be installed aboveground or on existing utility poles;
4. Provide the location and route of all new facilities to be installed underground on or in a public right-of-way, including the line and grade proposed for the burial at all points along the route that are within the public right-of-way. Existing facilities shall be distinguished from new construction;
5. Provide the location of all of the applicant's existing underground utilities, conduits, ducts, pipes, mains and installations that are within the public rights-of-way along the underground route proposed by the applicant. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right-of-way; and
6. Provide a summary of the construction methods to be employed in performing the work and protecting existing structures, fixtures and facilities within or adjacent to the public right-of-way; including a description of any improvements that the applicant proposes to temporarily or permanently remove or relocate.

E. Applicant's Verification. All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, and the drawings, plans and specifications submitted with the application must comply with applicable technical codes, rules and regulations.

F. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the city.

G. Construction Permit Fee. Unless otherwise provided in a franchise agreement, prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount consistent with this chapter or as otherwise determined by resolution of the city commission. Such fee shall be designed to defray the costs of city administration of the requirements of this chapter.

H. Issuance of Permit. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter, the franchise agreement, and all applicable provisions of the city code or other law, the city shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the city may deem necessary or appropriate.

- I. Notice of Construction. Except in the case of an emergency, the permittee shall notify the city not less than two working days in advance of any excavation or construction in the public rights-of-way.
- J. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city shall be provided access to the work site and such further information as it may require to ensure compliance with such requirements.
- K. Noncomplying Work. Subject to the notice requirements in Section 13.24.060(C), all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee.
- L. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the city rights-of-way and other public and private property. All construction work within city rights-of-way, including restoration, must be completed within one hundred twenty days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved pursuant to the schedule submitted and approved by the appropriate city official as contemplated by subsection F of this section.
- M. As-Built Drawings. If requested by the city, the permittee shall furnish the city with two complete sets of plans drawn to scale and certified to the city as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit. These plans shall be submitted to the city engineer or designee within sixty days after completion of construction, in a format mutually acceptable to the permittee and the city.
- N. Restoration of Public Rights-of-Way and City Property:
1. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to good order and condition unless otherwise directed by the city and as determined by the city engineer or designee.
 2. If weather or other conditions do not permit the complete restoration required by this section, the permittee shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the city.
 3. If the permittee fails to restore rights-of-way or property to good order and condition, the city shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding thirty days to restore the rights-of-way or property. If, after said notice, the permittee fails to restore the rights-of-way or property to as good a condition as existed before the work was undertaken, the city shall cause such restoration to be made at the expense of the permittee.
 4. A permittee or other person acting in its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures that are required for the safety of all members of the

general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights-of-way or property.

O. Performance and Completion Bond. Unless otherwise provided in a franchise agreement, a performance bond or other form of surety acceptable to the city equal to at least one hundred percent of the estimated cost of constructing permittee's telecommunications facilities within the public rights-of-way of the city, shall be provided before construction is commenced.

1. The surety shall remain in force until sixty days after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.
2. The surety shall guarantee, to the satisfaction of the city:
 - a. Timely completion of construction;
 - b. Construction in compliance with applicable plans, permits, technical codes and standards;
 - c. Proper location of the facilities as specified by the city;
 - d. Restoration of the public rights-of-way and other property affected by the construction; and
 - e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

(Ord. 99-1003 §1 (part), 1999)

13.24.060 - Location of telecommunications facilities.

A. Location of Facilities. All facilities located within the public rights-of-way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement:

1. Whenever all existing electric utilities, cable facilities or telecommunications facilities are located underground within a public right-of-way of the city, a grantee with permission to occupy the same public right-of-way must also locate its telecommunications facilities underground.
2. Whenever all new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public right-of-way of the city, a grantee that currently occupies the same public right-of-way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public right-of-way, absent extraordinary circumstances or undue hardship as determined by the city and consistent with applicable state and federal law.

B. Interference with the Public Rights-of-Way. No grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public rights-of-way by

the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances and regulations.

C. Relocation or Removal of Facilities. Except in the case of an emergency, within ninety days following written notice from the city, a grantee shall, at no expense to grantor, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public rights-of-way whenever the city shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

1. The construction, repairs, maintenance or installation of any city or other public improvement in or upon the public rights-of-way.
2. The operations of the city or other governmental entity in or upon the public rights-of-way.
3. The public interest.

D. Removal of Unauthorized Facilities. Within thirty days following written notice from the city, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility, or related appurtenances within the public rights-of-way of the city shall, at its own expense, remove such facilities or appurtenances from the public rights-of-way of the city. A telecommunications system or facility is unauthorized and subject to removal in the following instances:

1. One year after the expiration or termination of the grantee's telecommunications franchise.
2. Upon abandonment of a facility within the public rights-of-way of the city. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety days or longer. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.
3. If the system or facility was constructed or installed without the appropriate prior authority at the time of installation.
4. If the system or facility was constructed or installed at a location not permitted by the grantee's telecommunications franchise or other legally sufficient permit.

E. Coordination of Construction Activities. All grantees are required to make a good faith effort to cooperate with the city.

1. By January 1st of each year, grantees shall provide the city with a schedule of their proposed construction activities that may affect the public rights-of-way, including specifically any proposed construction activities in or around a public right-of-way.
2. If requested by the city, each grantee shall meet with the city annually or as determined by the city, to schedule and coordinate construction in the public rights-of-way. At that time, city will provide available information on plans for local, state, and/or federal construction projects.

3. All construction locations, activities and schedules shall be coordinated, as ordered by the city engineer or designee, to minimize public inconvenience, disruption or damages.

(Ord. 99-1003 §1 (part), 1999)

13.24.070 - Telecommunications franchise.

A. Telecommunications Franchise. A telecommunications franchise shall be required of any telecommunications carrier who desires to occupy public rights-of-way of the city.

B. Application. Any person that desires a telecommunications franchise must register as a telecommunications carrier and shall file with the city an application which includes the following information:

1. The identity of the applicant.
2. A description of the telecommunications services that are to be offered or provided by the applicant over its telecommunications facilities.
3. Engineering plans, specifications, and a network map in a form customarily used by the applicant of the facilities located or to be located within the public rights-of-way in the city, including the location and route requested for applicant's proposed telecommunications facilities.
4. The area or areas of the city the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area.
5. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services proposed.
6. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease.

C. Application and review fee:

1. Subject to applicable state law, applicant shall reimburse the city for such reasonable costs as the city incurs in entering into the franchise agreement.
2. An application and review fee of two thousand dollars shall be deposited with the city as part of the application filed pursuant to subsection B of this section. Expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise.

D. Determination by the City. The city shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial.

E. Rights Granted. No franchise granted pursuant to this chapter shall convey any right, title or interest in the public rights-of-way, but shall be deemed a grant to use and occupy the public rights-of-way for the limited purposes and term stated in the franchise agreement.

F. Term of Grant. Unless otherwise specified in the franchise agreement, a telecommunications franchise granted hereunder shall be in effect for a term of five years.

G. Franchise Territory. Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be limited to a specific geographic area of the city to be served by the franchise grantee, and the public rights-of-way necessary to serve such areas, and may include the entire city.

H. Franchise Fee. Each franchise granted by the city is subject to the city's right, which is expressly reserved, to fix a fair and reasonable compensation to be paid for the privileges granted; provided, nothing in this code shall prohibit the city and a grantee from agreeing to the compensation to be paid. The compensation shall be subject to the specific payment terms and conditions contained in the franchise agreement and applicable state and federal laws.

I. Amendment of Grant. Conditions for amending a franchise:

1. A new application and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public rights-of-way of the city which are not included in a franchise previously granted under this chapter.

2. If ordered by the city to locate or relocate its telecommunications facilities in public rights-of-way not included in a previously granted franchise, the city shall grant an amendment without further application.

3. A new application and grant shall be required of any telecommunications carrier that desires to provide a service which was not included in a franchise previously granted under this chapter.

J. Renewal Applications. A grantee that desires to renew its franchise under this chapter shall, not less than one hundred eighty days before expiration of the current agreement, file an application with the city for renewal of its franchise which shall include the following information:

1. The information required pursuant to subsection B of this section.

2. Any information required pursuant to the franchise agreement between the city and the grantee.

K. Renewal Determinations. Within ninety days after receiving a complete application, the city shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for non-renewal.

1. The financial and technical ability of the applicant.
2. The legal ability of the applicant.
3. The continuing capacity of the public rights-of-way to accommodate the applicant's existing and proposed facilities.
4. The applicant's compliance with the requirements of this chapter and the franchise agreement.
5. Applicable federal, state and local telecommunications laws, rules and policies.
6. Such other factors as may demonstrate that the continued grant to use the public rights-of-way will serve the community interest.

L. **Obligation to Cure as a Condition of Renewal.** No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city.

M. **Assignments or Transfers of System or Franchise.** Ownership or control of a majority interest in a telecommunications system or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city, which consent shall not be unreasonably withheld or delayed, and then only on such reasonable conditions as may be prescribed in such consent.

1. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.
2. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this chapter.
3. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the city for all direct and indirect fees, costs, and expenses reasonably incurred by the city in considering a request to transfer or assign a telecommunications franchise.
4. Any transfer or assignment of a telecommunications franchise, system or integral part of a system without prior approval of the city under this code or pursuant to a franchise agreement shall be void and is cause for revocation of the franchise.

N. **Revocation or Termination of Franchise.** A franchise to use or occupy public rights-of-way of the city may be revoked for the following reasons:

1. Construction or operation in the city or in the public rights-of-way of the city without a construction permit.
2. Construction or operation at an unauthorized location.
3. Failure to comply with subsection M of this section with respect to sale, transfer or assignment of a telecommunications system or franchise.

4. Misrepresentation by or on behalf of a grantee in any application to the city.
5. Abandonment of telecommunications facilities in the public rights-of-way.
6. Failure to relocate or remove facilities as required in this chapter.
7. Failure to pay taxes, compensation, fees or costs when and as due the city under this chapter.
8. Insolvency or bankruptcy of the grantee.
9. Violation of material provisions of this chapter.
10. Violation of the material terms of a franchise agreement.

O. Notice and Duty to Cure. In the event that the city believes that grounds exist for revocation of a franchise, the city shall give the grantee written notice of the apparent violation or noncompliance,

providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty days, to furnish evidence that:

1. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
2. Rebutts the alleged violation or noncompliance; and/or
3. It would be in the public interest to impose some penalty or sanction less than revocation.

P. Public Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the city of its compliance with the franchise or with this chapter, city staff shall refer the apparent violation or noncompliance to the city commission. The Commission shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.

Q. Standards for Revocation or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this chapter, or of a franchise agreement, the city commission shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors:

1. Whether the violation or failure to comply was egregious;
2. Whether substantial harm resulted from the violation or failure to comply;
3. Whether the violation or failure to comply was intentional;
4. Whether the grantee has violated or failed to comply with the provision(s) before;
5. Whether the violation or failure to comply was voluntarily disclosed, admitted or cured; and
6. The grantee's overall history of compliance.

R. Other City Costs. All grantees shall, within thirty days after written demand therefore, reimburse the city for all reasonable direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement consistent with applicable state and federal laws.

(Ord. 99-1003 §1 (part), 1999)

13.24.080 - General franchise terms.

A. Facilities. Upon request, each grantee shall provide the city with an accurate map or maps certifying the location of all of its telecommunications facilities within the public rights-of-way. Each grantee shall provide updated maps annually.

B. Damage to Grantee's Facilities. Unless directly and proximately caused by wilful, intentional or malicious acts by the city, the city shall not be liable for any damage to or loss of any telecommunications facility within the public rights-of-way of the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights-of-way by or on behalf of the city, or for any consequential losses resulting directly or indirectly therefrom.

C. Duty to Provide Information. Within ten business days of a written request from the city, each grantee shall furnish the city with information sufficient to demonstrate that the grantee has complied with all requirements of this chapter. All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public rights-of-way shall be made available for inspection by the city at reasonable times and intervals.

D. Service to the City. If the city contracts for the use of telecommunications facilities, telecommunications services, installation, or maintenance from the grantee, the grantee shall charge

the city the grantee's most favorable rate offered at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any of grantee's tariffs or price lists on file with the OPUC. With the city's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the city and grantee.

E. Compensation for City Property. If any right is granted, by lease, franchise or other manner, to use/or occupy city property for the installation of telecommunications facilities, the compensation to be paid for such right and use shall be fixed by the city.

F. Cable Franchise. Telecommunication carriers providing cable service shall be subject to the separate cable franchise requirements of the city and other applicable authority.

G. Leased Capacity. A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided that the grantee shall notify the city that such lease or agreement has been granted to a customer or lessee.

H. Grantee Insurance. Unless otherwise provided in franchise agreement, each grantee shall, as condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsured:

1. Comprehensive general liability insurance with limits not less than:
 - a. Three million dollars for bodily injury or death to each person;
 - b. Three million dollars for property damage resulting from any one accident; and,
 - c. Three million dollars for all other types of liability.
2. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.
3. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars.
4. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.
5. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the telecommunications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

It is hereby understood that, at least ninety (90) days before this policy is canceled or an intention not to renew this policy is stated, the grantee and the insurer must provide written notice addressed to the city of such intent to cancel or not to renew.
6. Within sixty days after receipt by the city of said notice, and in no event later than thirty days prior to said cancellation, the grantee shall obtain and furnish to the city evidence that the grantee otherwise meets the requirements of this section.
7. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.

I. General Indemnification. Each franchise agreement shall include, to the extent permitted by law, grantee's expressed undertaking to defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its

telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise agreement made or entered into pursuant to this chapter.

J. Performance Surety. Before a franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of a franchise granted under this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance surety required for construction of facilities.

(Ord. 99-1003 §1 (part), 1999)

13.24.090 - General provisions.

- A. Governing Law. Any franchise granted under this chapter is subject to the provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and Charter of the city.
- B. Written Agreement. No franchise shall be granted hereunder unless the agreement is in writing.
- C. Nonexclusive Grant. No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way of the city for delivery of telecommunications services or any other purposes.
- D. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of the chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of the chapter, then the provision shall be read to be preempted to the extent and or the time required by law. In the event such federal or state law, rules or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city, and any amendments hereto.
- E. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars nor

more than one thousand dollars for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs. The enforcement of this provision shall be consistent with the provisions of this code regulating code enforcement.

F. Other Remedies. Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.

G. Captions. The captions to sections throughout this chapter are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this chapter.

H. Compliance With Laws. Any grantee under this chapter shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the city heretofore or hereafter adopted or established during the entire term of any franchise granted under this chapter, which are relevant and relate to the construction, maintenance and operation of a telecommunications system.

I. Consent. Wherever the consent of either the city or of the grantee is specifically required by this chapter or in a franchise granted, such consent will not be unreasonably withheld.

J. Application to existing ordinance and agreements. To the extent that this chapter is not in conflict with and can be implemented with existing code and franchise agreements, this chapter shall apply to all existing ordinances and franchise agreements for use of the public rights-of-way for telecommunications.

K. Confidentiality. The city agrees to use its best efforts to preserve the confidentiality of information as requested by a grantee, to the extent permitted by the Oregon public records law.

L. Interest on late payments. If any fee or charge provided for under this chapter or in a franchise agreement shall not be timely paid, interest shall accrue on such fees at the rate of nine percent per annum, commencing the fifteenth day after payment was due. If such fee or charge is not paid within sixty days of the due date, an additional penalty in the amount of ten percent of such fee shall be assessed and due as of the date the underlying fee was due. Such penalty amount shall also bear interest at the rate provided for herein until paid.

(Ord. 02-1012, 2002: Ord. 99-1003 §1 (part), 1999)

Chapter 13.34 - UTILITY FACILITIES IN PUBLIC RIGHTS-OF-WAY

Sections :

13.34.010 - Title.

The ordinance codified in this chapter shall be known and may be referenced as the utility facilities in public rights-of-way ordinance.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.20 - Purpose and intent.

The purpose and intent of this chapter is to:

- A. Permit and manage reasonable access to the rights-of-way of the city for utility purposes and conserve the limited physical capacity of those rights-of-way held in trust by the city consistent with applicable state and federal law;
- B. Assure that the city's current and ongoing costs of granting and regulating access to and the use of the rights-of-way are fully compensated by the persons seeking such access and causing such costs;
- C. Secure fair and reasonable compensation to the city and its residents for permitting use of the rights-of-way;
- D. Assure that all utility companies, persons and other entities owning or operating facilities and/or providing services within the city register and comply with the ordinances, rules and regulations of the city;
- E. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;
- F. Encourage the provision of advanced and competitive utility services on the widest possible basis to businesses and residents of the city; and
- G. Comply with applicable provisions of state and federal law.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.030 - Jurisdiction and management of the public rights-of-way.

- A. The city has jurisdiction and exercises regulatory management over all rights-of-way within the city under authority of the city charter and state law.

B. The city has jurisdiction and exercises regulatory management over each right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way, and whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

C. The exercise of jurisdiction and regulatory management of a right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

D. The provisions of this chapter are subject to and will be applied consistent with applicable state and federal laws, rules and regulations, and, to the extent possible, shall be interpreted to be consistent with such laws, rules and regulations.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.040 - Regulatory fees and compensation not a tax.

A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the rights-of-way provided for in this chapter, are separate from, and in addition to, any and all other federal, state, local, and city charges as may be levied, imposed, or due from a utility operator, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.

B. The city has determined that any fee or tax provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees or taxes are not imposed on property or property owners.

C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.50 - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of: (i) video programming, or (ii) other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Oregon City, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City commission" means the elected governing body of the city of Oregon City, Oregon.

"City facilities" means city- or publicly-owned structures or equipment located within the right-of-way or public easement used for governmental purposes.

"Communications services" means any service provided for the purpose of transmission of information, including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. Communications service includes all forms of telephone services and voice, video, data or information transport, but does not include:

1. Cable service;
2. Open video system service, as defined in 47 C.F.R. 76;
3. Private communications system services provided without using the public rights-of-way;
4. Public communications systems;
5. Over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and
6. Direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

"Easement" means the space in, upon, above, along, across, over or under a private property for constructing, reconstructing, operating, maintaining, inspecting, and repairing a facility owned by someone other than the private property owner whereby the easement is located.

"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectible, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

"License" means the authorization granted by the city to a utility operator pursuant to this chapter.

"Person" means and includes any individual, firm, sole proprietorship, corporation, company, partnership, co-partnership, joint-stock company, trust, limited liability company, governmental entity, association or other organization, including any natural person or any other legal entity.

"Private communications system" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for sale or resale, including trade, barter or other exchange of value, directly or indirectly.

"Public communications system" means any system owned or operated by a government entity or entities for their exclusive use for internal communications or communications with other government

entities, and includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140. "Public communications system" does not include any system used for sale or resale, including trade, barter or other exchange of value, of communications services or capacity on the system, directly or indirectly, to any person.

"Public utility easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

"Public works director" means the public works director for the city of Oregon City or any designee.

"Right-of-way" means and includes, but is not limited to, the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, public utility easements and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or other city

property not generally open to the public for travel. This definition applies only to the extent of the city's right, title, interest and authority to grant a license to occupy and use such areas for utility facilities.

"State" means the state of Oregon.

"Utility facility" or "facility" means any physical component of a system, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, transmitters, plant, equipment and other facilities, located within, under or above the rights-of-way, any portion of which is used or designed to be used to deliver, transmit or otherwise provide utility service.

"Utility operator" or "operator" means any person who owns, places, operates or maintains a utility facility within the city.

"Utility service" means the provision, by means of utility facilities permanently located within, under or above the rights-of-way, whether or not such facilities are owned by the service provider, of electricity, natural gas, communications services, cable services, water, sewer, and/or storm sewer to or from customers within the corporate boundaries of the city, and/or the transmission of any of these services through the city whether or not customers within the city are served by those transmissions.

"Work" means the construction, demolition, installation, replacement, repair, maintenance or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance or relocation.

13.34.060 - Registration.

A. Registration Required. Every person that desires to provide utility services to customers within the city shall register with the city prior to providing any utility services to any customer in the city. Every person providing utility services to customers within the city as of the effective date of this chapter shall register within sixty days of the effective date of this chapter.

B. Annual Registration. After registering with the city pursuant to subsection A of this section, the registrant shall, by December 31 of each year, file with the city a new registration form if it intends to provide utility service at any time in the following calendar year. Registrants that file an initial registration pursuant to subsection A of this section on or after September 30 shall not be required to file an annual registration until December 31 of the following year.

C. Registration Application. The registration shall be on a form provided by the city, and shall be accompanied by any additional documents required by the city to identify the registrant and its legal status, describe the type of utility services provided or to be provided by the registrant and list the facilities over which the utility services will be provided.

D. Registration Fee. Each application for registration shall be accompanied by a nonrefundable registration fee in an amount to be determined by resolution of the city commission in an amount sufficient to fully recover all of the city's costs of administering the registration program.

E. Exception. A person with a valid franchise agreement or license from the city shall not be required to register to provide the utility services expressly permitted by the franchise agreement or license.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.070 - Right-of-way usage licenses.

A. License Required.

1. Except those utility operators with a valid franchise agreement from the city, every person shall obtain a license from the city prior to conducting any work in the rights-of-way.

2. Every person that owns or controls utility facilities in the rights-of-way as of the effective date of this chapter shall apply for a license from the city within sixty days of the later of: (1) the effective

date of this chapter, or (2) the expiration of a valid franchise from the city, unless a new franchise is granted by the city pursuant to subsection E of this section.

B. License Application. The license application shall be on a form provided by the city, and shall be accompanied by any additional documents required by the application to identify the applicant, its legal status, including its authorization to do business in Oregon, a description of the type of utility service provided or to be provided by the applicant, and the facilities over which the utility service will be provided, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.

C. License Application Fee. The application shall be accompanied by a nonrefundable application fee or deposit set by resolution of the city commission in an amount sufficient to fully recover all of the city's costs related to processing the application for the license.

D. Determination by City. The city shall issue, within a reasonable period of time, a written determination granting or denying the license in whole or in part. If the license is denied, the written determination shall include the reasons for denial. The license shall be evaluated based upon the provisions of this chapter, the continuing capacity of the rights-of-way to accommodate the applicant's proposed utility facilities and the applicable federal, state and local laws, rules, regulations and policies.

E. Franchise Agreements. If the public interest warrants, as determined by the city, the city and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of [the] city commission. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with any such franchise.

F. Rights Granted.

1. The license granted hereunder shall authorize and permit the licensee, subject to the provisions of the city code and other applicable provisions of state or federal law, to construct, place, maintain and operate utility facilities in the rights-of-way for the term of the license.

2. Any license granted pursuant to this chapter shall not convey equitable or legal title in the rights- of-way, and may not be assigned or transferred except as permitted in subsection K of this section.

3. Neither the issuance of the license nor any provisions contained therein shall constitute a waiver or bar to the exercise of any governmental right or power, police power or regulatory power of the city as may exist at the time the license is issued or thereafter obtained.

G. Term. Subject to the termination provisions in subsection M of this section, the license granted pursuant to this chapter will remain in effect for a term of five years.

H. License Nonexclusive. No license granted pursuant to this section shall confer any exclusive right, privilege, license or franchise to occupy or use the rights-of-way for delivery of utility services or any other purpose. The city expressly reserves the right to grant licenses, franchises or other rights to other persons, as well as the city's right to use the rights-of-way, for similar or different purposes. The license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record that may affect the rights-of-way. Nothing in the license shall be deemed to grant, convey, create, or vest in licensee a real property interest in land, including any fee, leasehold interest or easement.

I. Reservation of City Rights. Nothing in the license shall be construed to prevent the city from grading, paving, repairing and/or altering any rights-of-way, constructing, laying down, repairing, relocating or removing city facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any city facilities. If any of licensee's utility facilities interfere with the construction, repair, replacement, alteration or removal of any rights-of-way, public

work, city utility, city improvement or city facility, except those providing utility services in competition with a licensee, licensee's facilities shall be removed or relocated as provided in subsections C, D

and E of Section 13.34.090, in a manner acceptable to the city and consistent with industry standard engineering and safety codes.

J. Multiple Services.

1. A utility operator that provides or transmits or allows the provision or transmission of utility services and other services over its facilities is subject to the license and right-of-way usage fee requirements of this chapter for the portion of the facilities and extent of utility services delivered over those facilities.

2. A utility operator that provides or transmits more than one utility service over its facilities is not required to obtain a separate license or franchise for each utility service, provided that it gives notice to the city of each utility service provided or transmitted and pays the applicable right-of-way usage fee for each utility service.

K. Transfer or Assignment. To the extent permitted by applicable state and federal laws, the licensee shall obtain the written consent of the city prior to the transfer or assignment of the license. The license shall not be transferred or assigned unless the proposed transferee or assignee is authorized under all applicable laws to own or operate the utility system and the transfer or assignment is approved by all agencies or organizations required or authorized under federal and state laws to approve such transfer or assignment. If a license is transferred or assigned, the transferee or assignee shall become responsible for all facilities of the licensee at the time of transfer or assignment. A transfer or assignment of a license does not extend the term of the license.

L. Renewal. At least ninety, but no more than one hundred eighty, days prior to the expiration of a license granted pursuant to this section, a licensee seeking renewal of its license shall submit a license application to the city, including all information required in subsection B of this section and the application fee required in subsection C of this section. The city shall review the application as required by subsection D of this section and grant or deny the license within ninety days of submission of the application. If the city determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the city may require that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the city, before the city will consider the application and/or grant the license. If the city requires the licensee to cure or submit a plan to cure a violation, the city will grant or deny the license application within ninety days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.

M. Termination.

1. Revocation or Termination of a License. The city commission may terminate or revoke the license granted pursuant to this chapter for any of the following reasons:

- a. Material violation of any of the provisions of this chapter;
- b. Material violation of any provision of the license;

- c. Material misrepresentation in a license application;
 - d. Failure to pay related taxes, compensation, fees or costs due the city after final determination of the taxes, compensation, fees or costs;
 - e. Failure to restore the rights-of-way after construction as required by this chapter or other applicable state and local laws, ordinances, rules and regulations;
 - f. Failure to comply with technical, safety and engineering standards related to work in the rights-of-way; or
 - g. Failure to obtain or maintain any and all licenses, permits, certifications and other authorizations required by state or federal law for the placement, maintenance and/or operation of the utility facilities.
2. Standards for Revocation or Termination. In determining whether termination, revocation or some other sanction is appropriate, the following factors shall be considered:
- a. The egregiousness of the misconduct;
 - b. The harm that resulted;
 - c. Whether the violation was intentional;
 - d. The utility operator's history of compliance; and/or
 - e. The utility operator's cooperation in discovering, admitting and/or curing the violation.
3. Notice and Cure. The city shall give the utility operator written notice of any apparent violations before terminating a license. The notice shall include a short and concise statement of the nature and general facts of the violation or noncompliance and provide a reasonable time (no less than twenty and no more than forty days) for the utility operator to demonstrate that the utility operator has remained in compliance, that the utility operator has cured or is in the process of curing any violation or noncompliance, or that it would be in the public interest to impose a penalty or sanction less than termination or revocation. If the utility operator is in the process of curing a violation or noncompliance, the utility operator must demonstrate that it acted promptly and continues to actively work on compliance. If the utility operator does not respond or if the city manager or designee determines that the utility operator's response is inadequate, the city manager or designee shall refer the matter to the city commission, which shall provide a duly noticed public hearing to determine whether the license shall be terminated or revoked.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.080 - Construction and restoration.

A. Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including but not limited to the National Electrical Code and the National Electrical Safety Code and the city's pavement cut standards. When a utility operator, or any person acting on its behalf, does any work in or affecting the rights-of-way, the utility operator shall, at its own expense, promptly restore the rights-of-way as directed by the city consistent with applicable city codes, rules and regulations. A utility operator or other person acting on its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting the rights-of-way or property.

B. Construction Permits.

1. No person shall perform any work on utility facilities within the rights-of-way without first obtaining all required permits. The city shall not issue a permit for the construction, installation, maintenance or repair of utility facilities unless the utility operator of the facilities has applied for and received the license required by this chapter, or has a current franchise with the city, and all applicable fees have been paid. No permit is required for service drops to customer premises or routine maintenance or repairs where such drops, repairs or maintenance do not require cutting, digging, or breaking of, or damage to, the right-of-way and do not result in closing or blocking any portion of the travel lane for vehicular traffic, bicycle lanes or sidewalks.

2. In the event of an emergency, a utility operator with a license pursuant to this chapter or its contractor may perform work on its utility facilities without first obtaining a permit from the city, provided that, to the extent reasonably feasible, it attempts to notify the city prior to commencing the emergency work and in any event applies for a permit from the city as soon as reasonably practicable, but not more than forty-eight hours after commencing the emergency work. As used in this subsection, "emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

3. Applications for permits to construct utility facilities shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

a. That the facilities will be constructed in accordance with all applicable codes, rules and regulations.

b. The location and route of all utility facilities to be installed aboveground or on existing utility poles.

c. The location and route of all utility facilities on or in the rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route that are within the rights-of-way. Applicant's existing utility facilities shall be differentiated on the plans from new construction. The public works director may require additional information necessary to demonstrate that the proposed location can accommodate the utility facilities.

d. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.

4. All permit applications shall be accompanied by the verification of a professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

5. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by public works director.

6. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount to be determined by resolution of the city commission.

7. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter, the public works director shall issue a permit authorizing construction of the utility facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate.

8. Except in the case of an emergency, the permittee shall notify the public works director not less than two working days in advance of any excavation or construction in the rights-of-way.

9. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the utility facilities. The public works director and designated representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.

10. All work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The city is authorized to stop work in order to assure compliance with the provision of this chapter. If the permittee fails to remove work as required in this subsection, the city may remove the work at the expense of the permittee, after notice and opportunity to cure.

11. The permittee shall promptly complete all construction activities so as to minimize disruption of the city rights-of-way and other public and private property. All construction work within the rights-of-way, including restoration, must be completed within sixty days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the appropriate city official.

C. Performance Surety.

1. The city may require a performance bond or other form of surety acceptable to the city equal to at least one hundred percent of the estimated cost of the work within the rights-of-way of the city be provided before construction is commenced.

2. In the event the performance bond or other form of surety acceptable to the city is required, it shall:

a. Remain in force until sixty days after substantial completion of the work, as determined in writing by the city, including restoration of rights-of-way and other property affected by the construction; and

b. The performance bond or other form of surety acceptable to the city shall guarantee, to the satisfaction of the city:

i. Timely completion of the work;

ii. That the work is performed in compliance with applicable plans, permits, technical codes and standards;

iii. Proper location of the facilities as specified by the city;

iv. Restoration of the rights-of-way and other property affected by the work; and

v. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

D. Injury to Persons or Property. A utility operator shall preserve and protect from injury or damage other utility operators' facilities in the rights-of-way, the public using the rights-of-way and any adjoining property, and take other necessary measures to protect life and property, including but not limited to buildings, walls, fences, trees or facilities that may be subject to damage from the permitted work. A utility operator shall be responsible for all injury to persons or damage to public or private property resulting from its failure to properly protect people and property and to carry out the work.

E. Restoration.

1. When a utility operator, or any person acting on its behalf, does any work in or affecting any rights-of-way, it shall, at its own expense, promptly restore such ways or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules and regulations, unless otherwise directed by the city and as determined by the public works director.

2. If weather or other conditions beyond the utility operator's control do not permit the complete restoration required by the city, the utility operator shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at the utility operator's sole expense and the utility operator shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the city.

3. If the utility operator fails to restore rights-of-way or property as required in this chapter, the city shall give the utility operator written notice and provide the utility operator a reasonable period of time not less than ten days, unless an emergency or threat to public safety is deemed to exist, and not exceeding thirty days, or such additional time agreed to in writing by the city, to restore the rights-of-way or property. If, after said notice, the utility operator fails to restore the rights-of-way or property as

required in this chapter, the city shall cause such restoration to be made at the expense of the utility operator.

F. Inspection. Every utility operator's facilities shall be subject to the right of periodic inspection by the city to determine compliance with the provisions of this chapter and all other applicable state and city codes, ordinances, rules and regulations. Every utility operator shall cooperate with the city in permitting the inspection of utility facilities upon request of the city. The utility operator shall perform all testing, or permit the city to perform any testing at the utility operator's expense, required by the city to determine that the installation of the utility operator's facilities and the restoration of the right-

of-way comply with the terms of this chapter and applicable state and city codes, ordinances, rules and regulations.

G. Coordination of Construction. All utility operators are required to make a good faith effort to both cooperate with and coordinate their construction schedules with those of the city and other users of the rights-of-way.

1. Prior to January 1 of each year, utility operators shall provide the city with a schedule of known proposed construction activities for that year in, around or that may affect the rights-of-way.

2. Utility operators shall meet with the city annually, or as determined by the city, to schedule and coordinate construction in the rights-of-way.

3. All construction locations, activities and schedules within the rights-of-way shall be coordinated as ordered by the public works director, to minimize public inconvenience, disruption, or damages.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.090 - Location of facilities.

A. Location of Facilities. Unless otherwise agreed to in writing by the city:

1. Utility facilities shall be installed underground in all areas of the city where there are no existing poles in the right-of-way or no space on existing poles in the right-of-way. This requirement shall not apply to pedestals, cabinets or other above-ground equipment of any utility operator. The city reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.

2. Whenever any existing electric utilities, cable facilities or communications facilities are located underground within a right-of-way of the city, the utility operator with permission to occupy the same right-of-way shall locate its facilities underground at its own expense. This requirement shall not apply to facilities used for transmission of electric energy at nominal voltages in excess of thirty-five thousand volts in areas where there are existing poles in the right-of-way, or to pedestals, cabinets or other

above-ground equipment of any utility operator. The city reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.

B. Interference with the Rights-of-Way. No utility operator or other person may locate or maintain its facilities so as to unreasonably interfere with the use of the rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the rights-of-way. All use of the rights-of-way shall be consistent with city codes, ordinances, rules and regulations.

C. Relocation of Utility Facilities.

1. A utility operator shall, at no cost to the city, temporarily or permanently remove, relocate, change or alter the position of any utility facility within a right-of-way, including relocation of aerial facilities underground, when requested to do so in writing by the city.

2. Nothing herein shall be deemed to preclude the utility operator from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs or agreements, provided that the utility operator shall timely comply with the requirements of this section regardless of whether or not it has requested or received such reimbursement or compensation.

3. The city shall provide written notice of the time by which the utility operator must remove, relocate, change, alter or underground its facilities. If a utility operator fails to remove, relocate, alter or underground any utility facility as requested by the city and by the date reasonably established by the city, the utility operator shall pay all costs incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the

utility facility to be removed, relocated, altered or undergrounded at the utility operator's sole expense. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

D. Removal of Unauthorized Facilities.

1. Unless otherwise agreed to in writing by the public works director, within thirty days following written notice from the city or such other time agreed to in writing by the city, a utility operator and any other person that owns, controls, or maintains any abandoned or unauthorized utility facility within a right-of-way shall, at its own expense, remove the facility and restore the right-of-way.

2. A utility system or facility is unauthorized under any of the following circumstances:

a. The utility facility is outside the scope of authority granted by the city under the license, franchise or other written agreement. This includes facilities that were never licensed or franchised and facilities that were once licensed or franchised but for which the license or franchise has expired or been terminated. This does not include any facility for which the city has provided written authorization for abandonment in place.

b. The facility has been abandoned and the city has not provided written authorization for abandonment in place. A facility is abandoned if it is not in use and is not planned for further use. A facility will be presumed abandoned if it is not used for a period of twelve consecutive months. A utility operator may overcome this presumption by presenting plans for future use of the facility.

c. The utility facility is improperly constructed or installed or is in a location not permitted by the construction permit, license, franchise or this chapter.

d. The utility operator is in violation of a material provision of this chapter and fails to cure such violation within thirty days of the city sending written notice of such violation, unless the city extends such time period in writing.

E. Removal by City.

1. The city retains the right and privilege to cut or move the facilities of any utility operator or similar entity located within the rights-of-way of the city, without notice, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency. The city will use qualified personnel or contractors consistent with applicable state and federal safety laws and regulations to the extent reasonably practicable without impeding the city's response to the emergency. The city will use best efforts to provide the utility operator with notice prior to cutting or moving facilities. If prior notice is not possible, the city will provide such notice as soon as reasonably practicable after taking such action.

2. If the utility operator fails to remove any facility when required to do so under this chapter, the city may, upon at least ten days' prior written notice, remove the facility using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations and industry standards, and the utility operator shall be responsible for paying the full cost of the removal and any administrative costs incurred by the city in removing the facility and obtaining reimbursement. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days. The obligation to remove shall survive the termination of the license or franchise.

3. The city shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the city or its contractor in removing, relocating or altering the facilities pursuant to subsections B, C or D of this section or undergrounding its facilities as required by subsection A of this section, or resulting from the utility operator's failure to remove, relocate, alter or underground its facilities as required by those subsections, unless such damage arises directly from the city's negligence or willful misconduct.

F. Engineering Record Drawings. The utility operator shall provide the city with two complete sets of record drawings in a form acceptable to the city upon completion of construction.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.100 - Leased capacity.

A utility operator may lease capacity on or in its systems to others, provided that, upon request, the utility operator provides the city with the name and business address of any lessee. A utility operator is not required to provide such information if applicable law or a valid agreement between the utility operator and the lessee expressly prohibits such disclosure.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.110 - Maintenance.

A. Every utility operator shall install and maintain all facilities in a manner that complies with applicable federal, state and local laws, rules, regulations and policies. The utility operator shall, at its own expense, repair and maintain facilities from time to time as may be necessary to accomplish this purpose.

B. If, after written notice from the city of the need for repair or maintenance to address a significant risk to life or property, a utility operator fails to repair and maintain facilities as requested by the city and by the date reasonably established by the city, the city may perform such repair or maintenance using qualified personnel or contractors at the utility operator's sole expense. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.120 - Vacation.

If the city vacates any right-of-way, or portion thereof, that a utility operator uses, the utility operator shall, at its own expense, remove its facilities from the right-of-way unless the city reserves a public utility easement, which the city shall make a reasonable effort to do provided that there is no expense to the city, or the utility operator obtains an easement for its facilities. If the utility operator fails to remove its facilities within thirty days after a right-of-way is vacated, or as otherwise directed or agreed to in writing by the city, the city may remove the facilities at the utility operator's sole expense. Upon receipt of an invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.130 - Right-of-way usage fee.

A. Except as set forth in subsection B of this section, every person that owns utility facilities in the city and every person that uses utility facilities in the city to provide utility service, whether or not the person owns the utility facilities used to provide the utility services, shall pay the right-of-way usage fee for every utility service provided using the rights-of-way in the amount determined by resolution of the city commission.

B. A utility operator whose only facilities in the right-of-way are facilities mounted on structures within the right-of-way, which structures are owned by another person, and with no facilities strung between

such structures or otherwise within, under or above the right-of-way, shall pay the attachment fee set by commission resolution for each attachment, or such other fee set forth in the license granted by the city. Unless otherwise agreed to in writing by the city, the fee shall be paid annually, in arrears, for each year during the term of this license within thirty days after the end of each calendar year, and shall be accompanied by information sufficient to illustrate the calculation of the amount payable. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.

C. Right-of-way usage fee payments required by this section shall be reduced by any franchise fee payments received by the city, but in no case will be less than zero dollars.

D. Unless otherwise agreed to in writing by the city, the right-of-way usage fee set forth in subsection A of this section shall be paid quarterly, in arrears, for each quarter during the term of the license within thirty days after the end of each calendar quarter, and shall be accompanied by an accounting of gross revenues, if applicable, and a calculation of the amount payable. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.

E. The calculation of the right-of-way usage fee required by this section shall be subject to all applicable limitations imposed by federal or state law.

F. The city reserves the right to enact other fees and taxes applicable to the utility operators subject to this chapter. Unless expressly permitted by the city in enacting such fee or tax, or required by applicable state or federal law, no utility operator may deduct, offset or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the right-of-way usage fee or any other fees required by this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.140 - Audits.

A. Within thirty days of a written request from the city, or as otherwise agreed to in writing by the city:

1. Every provider of utility service shall furnish the city with information sufficient to demonstrate that the provider is in compliance with all the requirements of this chapter and its franchise agreement, if any, including but not limited to payment of any applicable right-of-way usage fee or franchise fee.

2. Every utility operator shall make available for inspection by the city at reasonable times and intervals all maps, records, books, diagrams, plans and other documents, maintained by the utility operator with respect to its facilities within the rights-of-way or public utility easements. Access shall be provided within the city unless prior arrangement for access elsewhere has been made with the city.

B. If the city's audit of the books, records and other documents or information of the utility operator or utility service provider demonstrate that the utility operator or provider has underpaid the right-of-way usage fee or franchise fee by three percent or more in any one year, the utility operator shall reimburse the city for the cost of the audit, in addition to any interest owed pursuant to Section 13.34.130 or as specified in a franchise.

C. Any underpayment, including any interest or audit cost reimbursement, shall be paid within thirty days of the city's notice to the utility service provider of such underpayment.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.150 - Insurance and indemnification.

A. Insurance.

1. All utility operators shall maintain in full force and effect the following liability insurance policies that protect the utility operator and the city, as well as the city's officers, agents, and employees:

a. Comprehensive general liability insurance with limits not less than:

i. Three million dollars for bodily injury or death to each person;

ii. Three million dollars for property damage resulting from any one accident; and

iii. Three million dollars for all other types of liability.

b. Motor vehicle liability insurance for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.

c. Worker's compensation within statutory limits and employer's liability with limits of not less than one million dollars.

d. If not otherwise included in the policies required by subsection A.1.a. above, maintain comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.

e. Utility operator may utilize primary and umbrella liability insurance policies to satisfy the preceding insurance policy limit requirements.

2. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name, or the certificate of insurance shall name, with the exception of worker's compensation, as additional insureds the city and its officers, agents, and employees. The coverage must apply as to claims between insureds on the policy. The policy shall provide that the insurance shall not be canceled or no longer complies with this section, without thirty days prior written notice first being given to the city. If the insurance is canceled or materially altered, the utility operator shall obtain a replacement policy that complies with the terms of this section and provide the city with a replacement certificate of insurance. The utility operator shall maintain continuous uninterrupted coverage, in the terms and amounts required. The utility operator may self insure, or keep in force a self-insured retention plus insurance, for any or all of the above coverage.

3. The utility operator shall maintain on file with the city a certificate of insurance, or proof of self-insurance acceptable to the city, certifying the coverage required above.

B. Financial Assurance. Unless otherwise agreed to in writing by the city, before a franchise granted or license issued pursuant to this chapter is effective, and as necessary thereafter, the utility operator shall provide a performance bond or other financial security, in a form acceptable to the city, as security for the full and complete performance of the franchise or license, if applicable, and compliance with the terms of this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the utility operator to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance surety required by subsection C of Section 13.34.080.

C. Indemnification.

1. Each utility operator shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failure to act, or other misconduct of the utility operator or its affiliates, officers, employees, agents, contractors, subcontractors, or lessees in the construction, operation, maintenance, repair, or removal of its facilities, and in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed, or prohibited by this chapter or by a franchise agreement, unless the utility operator's

failure arises directly from the city's negligence or willful misconduct. The acceptance of a license under Section 13.34.070 shall constitute such an agreement by the applicant whether the same is expressed or not. Upon notification of any such claim the city shall notify the utility operator and provide the utility operator with an opportunity to provide defense regarding any such claim.

2. Every utility operator shall also indemnify the city for any damages, claims, additional costs or expenses assessed against or payable by the city arising out of or resulting, directly or indirectly, from the utility operator's failure to remove or relocate any of its facilities in the rights-of-way or easements in a timely manner, unless the utility operator's failure arises directly from the city's negligence or willful misconduct.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.160 - Compliance.

Every utility operator shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all applicable ordinances, resolutions, rules and regulations of the city, heretofore or hereafter adopted or established during the entire term of any license granted under this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.170 - Confidential/proprietary information.

If any person is required by this chapter to provide books, records, maps or information to the city that the person reasonably believes to be confidential or proprietary, the city shall take reasonable steps to protect the confidential or proprietary nature of the books, records or information, to the extent permitted by Oregon public records laws, provided that all documents are clearly marked as confidential by the person at the time of disclosure to the city. The city shall not be required to incur any costs to protect such document, other than the city's routine internal procedures for complying with the Oregon public records law.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.180 - Penalties.

A. Any person found guilty of violating any of the provisions of this chapter or the license shall be subject to a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

B. Nothing in this chapter shall be construed as limiting any judicial or other remedies the city may have at law or in equity, for enforcement of this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.190 - Severability and preemption.

A. The provisions of this chapter shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law.

B. If any article, section, subsection, sentence, clause, phrase, term, provision, condition or portion of this chapter is for any reason declared or held to be invalid or unenforceable by any court of competent jurisdiction or superseded by state or federal legislation, rules, regulations or decision, the remainder of this chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, clause, phrase, term, provision, condition, covenant and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event any provision is preempted by federal or state laws, rules or regulations, the provision shall be preempted only to the extent required by law and any portion not preempted shall survive. If any federal or state law resulting in preemption is later repealed, rescinded, amended or otherwise changed to end the preemption, such provision shall thereupon return to full force and effect and shall thereafter be binding without further action by the city.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.200 - Application to existing agreements.

To the extent that this chapter is not in conflict with and can be implemented consistent with existing franchise agreements, this chapter shall apply to all existing franchise agreements granted to utility operators by the city.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)



Oregon City Municipal Code

Chapter 16.12 Minimum Public Improvements and Design Standards for Development

16.12.008 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.

16.12.10 - Purpose and general provisions.

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

16.12.11 - Applicability.

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3-4 plexes, single and two family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
 - 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
 - 2. Plant street trees.

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division

and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

- C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed.
1. Minor Site Plan and Design Review applications
 2. Work within the right-of-way
 3. Lot Line Adjustments and Abandonments
 4. Public capital improvement projects

16.12.12 - Jurisdiction and management of the public rights-of-way.

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

16.12.13 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance.

- A. Compliance with the following criteria is required:
1. The modification meets the intent of the standard;
 2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
 3. The modification is consistent with an adopted transportation or utility plan; and
 4. The modification is complementary with a surrounding street design; or, in the alternative;
 5. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
- B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.
1. Modifications to driveway location, size, and sharing standards in 16.12.035
 2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards

16.12.14 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Pre-Design Meeting;
- B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;
- C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;

- D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);
- E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);
- F. Plan Check and Inspection Fees (as set by City resolution);
- G. Certificate of Liability Insurance for City funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
- H. Preconstruction Meeting Notes;
- I. Financial Guarantee(s) per OCMC 17.50.140;
- J. Applicable Approvals/Permits from other agencies or entities;
- K. Developer/Engineer Agreement for public works improvements.

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. Project Engineer's Certificate of Completion;
- M. Stormwater Operation and Maintenance Easement (if applicable);
- N. Deed of Dedication (Bargain and Sale Deed);
- O. Recorded Plat and/or Easements (if applicable);
- P. Recorded Non-Remonstrance Covenant Agreement;
- Q. Land Division Compliance Agreement (if applicable);
- R. Permanent Stabilization and/or Restoration of the impact from the development;
- S. Fulfillment of all Conditions of Approval;
- T. Payment of all Outstanding Fees;
- U. Maintenance Guarantee(s). per OCMC 17.50.141;
- V. Indemnity Agreement (if applicable);
- W. Completed Punchlist;
- X. As-Built Drawings;

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, may be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

16.12.15 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted

- by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
 - C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's Transportation System Plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

16.12.16 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space		N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space		N/A	

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.

4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.85.
 - A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.
 - B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.
 - C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable City regulations and standards.
 - D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.
 - E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.
 - F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.
 - G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.
 - H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

16.12.17 - Street design—Access control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The City may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

16.12.18 - Street design—Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines; or
- B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
- C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

16.12.19 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

16.12.20 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

16.12.21 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

16.12.22 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for

residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

16.12.23 - Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

16.12.24 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

16.12.25 - Street design—Cul-de-sacs and dead-end streets.

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

- A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.
- B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.
- C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and City adopted street standards.
- D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

- E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

16.12.26 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

16.12.27 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

16.12.28 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

16.12.29 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

16.12.30 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the

appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.

16.12.31 – Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

16.12.32 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

- A. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
 1. Accessways shall have a fifteen-foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.
 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a sixteen foot paved surface between four-foot planter strips on either side.
- B. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
- C. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
- D. Accessways shall comply with Americans with Disabilities Act (ADA).
- E. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
 1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
 2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees

may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty- two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
- F. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- G. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
- H. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
- I. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.
- J. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
 1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
 2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

16.12.33 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan (TSP) or as otherwise identified by the City Engineer.

- A. For intersections within the regional center, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
- B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized

- intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 2. For unsignalized intersections outside of the boundaries of the Regional Center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:
1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
- F. I-205/OR 99E Interchange.
- G. State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
 2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

16.12.035 - Driveways.

- A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway and between driveways	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

- B. All detached single and two family dwellings shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the City Engineer.
- C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
- D. Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single-family attached or detached residential property, duplex, 3- 4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.
- E. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the Transportation System Plan to minimize points of access to arterials and collectors. Access shall not be provided on Arterial or Collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer

determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family	10 feet		24 feet
Duplexes	12 feet		24 feet
3-4 Plexes	12 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

- G. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
 2. To facilitate street tree planting requirements;
 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
 4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
- H. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
 2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

- I. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12,15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.

16.12.85 - Easements.

The following shall govern the location, improvement and layout of easements:

- A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.
 - 1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable Design Standards.
 - 2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public right of ways or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.
 - a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones
 - b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones
 - a. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a 5 foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.
 - c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.
- B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads.

These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

- C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
- D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.
- E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

16.12.90 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
- B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.
- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.
- D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide public utility easement within private property as defined in OCMC 16.12.85.A.2.
- E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

- F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:

- A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.
- B. **Stormwater Drainage System.** Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.
- C. **Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer 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. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.
- D. **Water System.** 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.
- E. **Street Trees.** Refer to OCMC 12.08, Street Trees.
- F. **Bench Marks.** At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.
- G. **Other Utilities.** The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities

shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic, shall be relocated underground.

1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):
 - a. No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.
 - b. Properties with less than 1.0 acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - c. Properties with less than 200 feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - d. Land divisions with 5 or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past 10 years. In those cases, the existing overhead utilities shall be relocated underground.
 3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.
 4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.
- H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
- I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.
- 16.12.100 - Same—Road standards and requirements.
- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be

established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
- C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

16.12.105 - Same—Timing requirements.

- A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.
- B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

16.12.110 -Public improvements—Financial guarantees.

- A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.
- B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

16.12.120 Waiver of Remonstrance

The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

16.12.125 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.



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

17.4.5 - 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.

17.4.6 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, paths, sidewalks or similar designations.

17.04.030 - Accessway, pedestrian/bicycle.

"Accessway, pedestrian/bicycle" means any off-street path or way as described in OCMC 16.12, 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 20 feet 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.

17.4.80 - 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.

17.4.81 - 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.

17.4.82 - 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.

17.4.83 - 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.

17.4.90 - 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.

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.

17.4.153 - Board.

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

17.4.154 – Building.

"Building" means structure.

17.4.155 - 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.

17.04.176 – Capital Improvement Project.

"Capital Improvement Project" is a project located within an existing or proposed right-of-way or easement including roads, water mains, sanitary sewers, storm sewers and their appurtenances where the project is solely or partially funded by City funds and is solely or partially administered by the City of Oregon City.

17.4.177 - 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.

17.4.178 - 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.

17.4.195 - 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 or Public Works Director.

17.4.196 - 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.

17.4.197 - 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.

17.4.255 - 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)

17.4.300 - Development.

"Development" means an activity where a building or grading operation occurs, a material change in the use or appearance of a structure or land occurs, 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. Development does not refer to a capital improvement project or an activity within the right of way or public utility easement that is not associated with land or use changes occurring outside of a right of way or public utility easement, except where stated.

For the purpose of OCMC 17.26 and OCMC 17.40, "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, capital improvement projects, excavation or drilling operations.

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, capital improvement projects, 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, capital improvement projects, 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, capital improvement projects, 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. A capital improvement project or an activity within the right of way that is not associated with land or use changes occurring outside of right of way or public utility easement, does not occur within a 'development site'.

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, Public Works Director, or designee.

17.4.320 - 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.

17.04.340 – Easement.

"Easement" means the space in, upon, above, along, across, over or under a private property for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of a facility owned by someone other than the private property whereby the easement is located.

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 cart, 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 carts may require licensing from state and county health departments. Food carts 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.

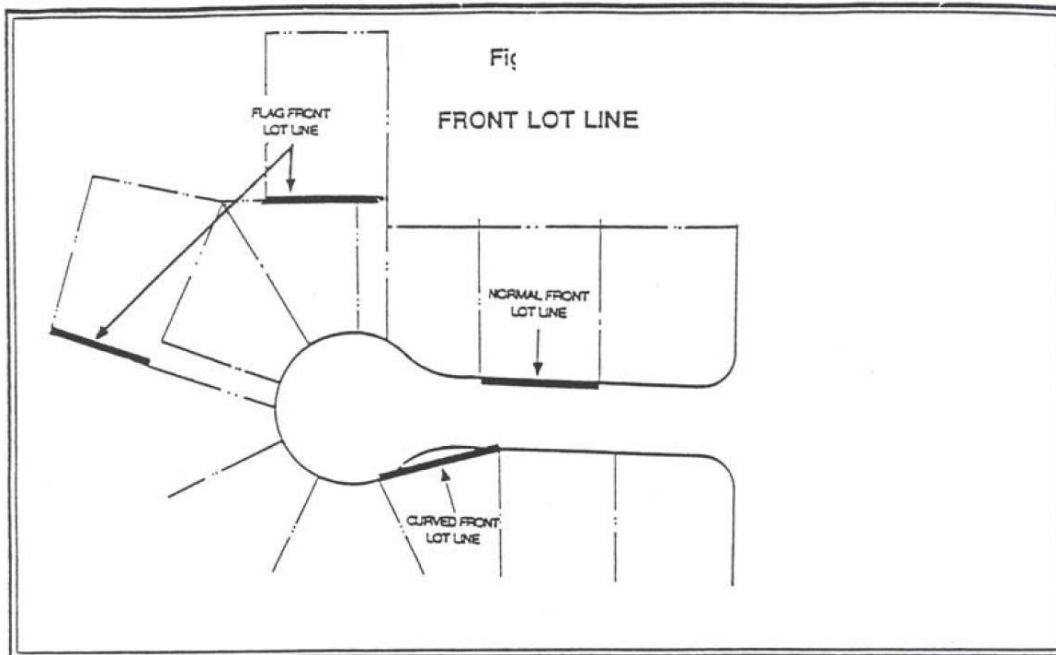


Figure 17.04.490

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 as defined in OCMC 15.48.

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 carts, 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.

Residential Density Calculation Example:

Zone: R-5

Unit type: Single Family Detached

Gross site area: 4.84 acres = 210,830 sq. ft. (80% is developable, 20% is right-of-way, slopes etc.)

210,830 sq. ft. X .8 = 168,664 sq. ft.

Net developable area: 168,664 sq. ft./43,560 = 3.87 acres

Density (See Density Standards table for Medium Density District):

Minimum Density = 8.7 du/acre X 3.87 acres = 33.68 (round up) = 34 units

Maximum Density = 12.4 du/acre X 3.87 acres = 47.98 (round up) = 48 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. The property line may sometimes be the same line as the right of way line even though right of way is not a lot or parcel.

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.

17.04.982 - Public street.

"Public street" means a publicly maintained street or accessway under the jurisdiction of a governmental entity.

17.04.985 - Public utilities and services.

"Public utilities and services" means facilities for providing electric power, communication, water, sewers and transportation.

17.04.986 – Public Utility Easement.

"Public Utility Easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

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.

17.04.1020 - 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 public street, public alley or other public accessway. Right of way is not a parcel, lot, or considered real estate or real property.

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.

17.04.1125 - 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.

Utility poles and transportation facilities or any items located within a public easement or right of way are not considered structures within this definition.

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.

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, features 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 features 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 17.08 Low Density Residential Districts

17.08.010 - Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

17.08.020 - Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Internal conversions;
- D. Corner duplexes;
- E. Cluster housing;
- F. Residential homes;
- G. Parks, playgrounds, playfields and community or neighborhood centers;
- H. Home occupations;
- I. Family day care providers;
- J. 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);
- K. 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;
- L. Transportation facilities.

17.08.025 - Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 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;

17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Single-family attached residential units.

17.08.035 - Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.
Maximum height	35 ft.	35 ft.	35 ft.
Maximum building lot coverage With ADU	40%, except 45%	40%, except 45%	40%, except 45%
Minimum lot width	65 ft.	60 ft.	50 ft.
Minimum lot depth	80 ft.	75 ft.	70 ft.
Minimum front yard setback	20 ft., except 15 ft. - Porch	15 ft., except 10 ft. - Porch	10 ft., except 5 ft. - Porch
Minimum interior side yard setback	8 ft.	7 ft.	5 ft.
Minimum corner side yard setback	10 ft.	10 ft.	10 ft.
Minimum rear yard setback	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU
Garage setback	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

17.08.045 - 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.

17.08.050 - Density standards.

A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density	3.5 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density	4.4 du/acre	5.4 du/acre	7.3 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 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.



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 17.10 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	5,000 sq. ft.	3,500 sq. ft.
Duplex	6,000 sq. ft.	4,000 sq. ft.
Single-family attached	3,500 sq. ft.	2,500 sq. ft.
3-4 plex	2,500 sq. ft. per unit	2,000 sq. ft. per unit
Maximum height	35 ft.	35 ft.
Maximum building lot coverage		
Single-family detached and all duplexes	50%	55%
With ADU	60%	65%
Single-family attached and 3-4 plex	70%	80%
Minimum lot width		
All, except	35 ft., except	25 ft., except
Single-family attached	25 ft.	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	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:

- For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
- Public utility easements may supersede the minimum setback.

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.



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.
2. Public utility easements may supersede the minimum setback.
3. Maximum setback may be increased per OCMC 17.62.055.D.

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.



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.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- 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.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.26 HC Historic Commercial District

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. Additional design requirements or adjustments to dimensional standards may be required to comply with OCMC 17.40 Historic Overlay District.

17.26.20 - Permitted uses.

- A. Single-family detached residential units or a single unit in conjunction with a nonresidential use;
- B. Duplexes or two units in conjunction with a nonresidential use;
- C. Internal conversions;
- D. Live/work dwellings; Accessory uses, buildings and dwellings;
- E. Banquet, conference facilities and meeting rooms;
- F. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities for up to ten guests per night;
- G. Child care centers and/or nursery schools;
- H. Indoor entertainment centers and arcades;
- I. Health and fitness clubs;
- J. Medical and dental clinics, outpatient; infirmary services;
- K. Museums, libraries and cultural facilities;
- L. Offices, including finance, insurance, real estate and government;
- M. 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;
- N. Postal services;
- O. Parks, playgrounds, play fields and community or neighborhood centers;
- P. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- Q. Restaurants, eating and drinking establishments without a drivethrough;
- R. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- S. 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;
- T. Seasonal sales;

- U. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- V. Studios and galleries, including dance, art, photography, music and other arts;
- W. 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;
- X. Veterinary clinics or pet hospitals, pet day care;
- Y. Home occupations;
- Z. Research and development activities;
- AA. 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;
- BB. Residential care homes and facilities licensed by the state;
- CC. Transportation facilities.

17.26.030 - Conditional Uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the 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 17.29.020.1.;
- 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;
- J. Hospitals;
- K. Parking not in conjunction with a primary use;
- L. Passenger terminals.

17.26.035 - Prohibited uses.

- A. Single-family attached dwellings;
- B. 3-4 plex residential
- C. Multifamily residential
- D. Marijuana businesses;
- E. Mobile Food Units, except with a special event permit.

17.26.050 - Dimensional standards.

- A. Residential uses:
 1. Single-family detached residential units shall comply with the dimensional and density standards required for the R-6 District.
 2. Duplexes shall comply with the dimensional and density standards required for the R-3.5 District.
- B. All other uses:
 1. Minimum lot area: None.
 2. Maximum building height: Thirty-five feet or three stories, whichever is less.

3. Minimum required setbacks if not abutting a residential zone: None.
 4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
 5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
 6. Maximum front yard setback: Five feet.
 7. Maximum interior side yard: None.
 8. Maximum rear yard: None.
 9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
- Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.29 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.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.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.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.31 MUE Mixed Use Employment District

17.31.10 - Designated.

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes or similar as defined by the community development director. Some commercial uses are allowed, within limits. The county offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 - Permitted uses.

Permitted uses in the MUE district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Child care centers, nursery schools;
- C. Medical and dental clinics, outpatient; infirmary services;
- D. Distributing, wholesaling and warehousing;
- E. Health and fitness clubs;
- F. Hospitals;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- I. Offices;
- J. 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;
- K. Postal services;
- L. Parks, playfields and community or neighborhood centers;
- M. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- N. Passenger terminals (water, auto, bus, train);
- O. 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, water tanks, telephone exchange and cell towers;
- P. Transportation facilities;
- Q. Marijuana processors, processing sites, wholesaling and laboratories;
- R. Transitory mobile food units.

17.31.030 - Limited uses.

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 MUE development site or complex. 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 same development site, as determined by the community development director.

- A. Retail services, including but not limited to personal, professional, educational and financial services, marijuana, laundry and dry cleaning;
- B. Restaurants, eating and drinking establishments;
- C. Retail shops, provided the maximum footprint for a stand-alone building with a single store does not exceed sixty thousand square feet;
- D. Public and/or private educational or training facilities;
- E. Custom or specialized vehicle alterations or repair wholly within a building.

17.31.040 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in OCMC 17.56.

- A. Correctional, detention and work release facilities;
- B. Drive-through facilities;
- C. Hotels, motels and commercial lodging;
- D. Outdoor markets that do not meet the criteria of OCMC 17.31.020.J;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Veterinary or pet hospital, dog day care.

17.31.050 - Prohibited uses.

The following uses are prohibited in the MUE district:

- A. Outdoor sales or storage;
- B. Kennels;
- C. Gas/Convenience stations;
- D. Motor vehicle parts stores;
- E. Motor vehicle sales and incidental service;
- F. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;
- H. Self-storage facilities;
- I. Marijuana production.

17.31.060 - Dimensional standards.

- A. Minimum lot areas: None.
- B. Minimum Floor Area Ratio: 0.25.
- C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty 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.
- 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: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum site coverage of the building and parking lot: Eighty percent.
- G. Minimum landscape requirement (including the parking lot): Twenty percent.

The design and development of the 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 way system within the development with appropriate connections to surrounding properties;
4. Include, as appropriate, a bikeway walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 - 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. Standards.

1. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
2. 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.
3. 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.


Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.32 C General Commercial District

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of 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.

17.32.020 - Permitted uses.

- 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. Drive-in or drive-through facilities;
- E. Gas stations;
- F. Indoor entertainment centers and arcades;
- G. Health and fitness clubs;
- H. Motor vehicle and recreational vehicle sales and/or incidental service;
- I. Motor vehicle and recreational vehicle repair and/or service;
- J. Custom or specialized vehicle alterations or repair wholly within a building.
- K. Medical and dental clinics, outpatient; infirmary services;
- L. Museums, libraries and cultural facilities;
- M. Offices, including finance, insurance, real estate and government;
- N. Outdoor markets, such as produce stands, craft markets and farmers markets;
- O. Postal services;
- P. Passenger terminals (water, auto, bus, train);
- Q. Parks, playgrounds, play fields and community or neighborhood centers;
- R. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- S. Multifamily residential, 3-4 plex residential, or 1 or 2 units in conjunction with a nonresidential use;
- T. Restaurants, eating and drinking establishments without a drive through;
- U. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- V. 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;
- W. Seasonal sales;
- X. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

- Y. Studios and galleries, including dance, art, photography, music and other arts;
- Z. 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;
- AA. Veterinary clinics or pet hospitals, pet day care;
- BB. Home occupations;
- CC. Research and development activities;
- DD. 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;
- EE. Residential care facility licensed by the state;
- FF. Transportation facilities;
- GG. Live/work dwellings.

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in OCMC 17.56:

- A. Religious institutions;
- B. Hospitals;
- C. Self service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

- A. Distribution, wholesaling and warehousing;
- B. Outdoor sales or storage, except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building;
- C. General manufacturing or fabrication;
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- E. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- F. Mobile food units, except with a special event permit.

17.32.050 - Dimensional standards.

- A. Minimum lot area: None.
- B. Maximum building height: Sixty 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: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: Five feet.
 - 2. Interior side yard setback: None.
 - 3. Corner side yard setback abutting street: None

4. Rear yard setback: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.F. Maximum site coverage of building and parking lot: Eighty-five percent

G. Minimum landscaping requirement (including parking lot): Fifteen 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.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.34 MUD Mixed Use Downtown District

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- 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. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multifamily residential, 3-4 plex residential;
- M. 1 or 2 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;
- N. Restaurants, eating and drinking establishments without a drive through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- Q. Seasonal sales;

- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. 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;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. 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;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions.
- DD. Mobile food units outside of the downtown design district.

17.34.030 - Conditional uses.

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 services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I.;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;
- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;
- O. Recycling center and/or solid waste facility;
- P. Shelters, except within the Downtown Design District.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;
- C. Self-service storage;
- D. Single-Family attached and detached residential units and duplexes;

- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- I. Mobile food units within the downtown design district unless a special event has been issued.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- 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: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; or
 - 3. Property abutting single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Twenty feet.
 - 2. Interior side yard: No maximum.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: No maximum.
 - 5. Rear yard abutting street: Twenty feet.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape 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 vertical mixed-use configuration or to live/work dwellings.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- 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: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.

- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard setback: Ten feet.
 - 2. Interior side yard setback: No maximum.
 - 3. Corner side yard setback abutting street: Ten feet.
 - 4. Rear yard setback: No maximum.
 - 5. Rear yard setback abutting street: Ten feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- H. Maximum site coverage of the building and parking lot: Ninety-five percent.
- I. Minimum landscape requirement (including parking lot): 5 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 vertical mixed-use configuration or to live/work dwellings.

17.34.080 - Explanation of certain standards.

- A. Floor Area Ratio (FAR).
 - 1. Purpose. 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.
 - 2. Standards.
 - a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.
 - 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.
- B. Building height.
 - 1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.35 Willamette Falls Downtown District

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
- E. Restaurants, eating and drinking establishments without a drive-through, and mobile food units;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;
- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;
- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units—Multi-family, and 3-4 plex;
- S. Services, including personal, professional, educational and financial services; laundry and dry cleaning;

- T. Seasonal sales;
- 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. Religious institutions;
- Y. Live/work units;
- Z. Water-dependent uses, such as boat docks;
- AA. Passenger terminals (water, auto, bus, train);
- BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;
- CC. After-hours public parking.

17.35.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
- D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;
- H. Public utilities and services such as pump stations and sub-stations;
- I. Stadiums and arenas.

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels.
- B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;
- C. Self-service storage;
- D. Distributing, wholesaling and warehousing not in association with a permitted use;
- E. Single-family and two-family residential units;
- F. Motor vehicle and recreational vehicle repair/service;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- I. Marijuana production, processing, wholesaling, research, testing, and laboratories;

17.35.050 - Temporary uses.

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.
- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
 - 1. Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;
 - 2. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;
- C. General Regulations for Temporary Uses.
 - 1. The temporary use permit is good for one year and can be renewed for a total of three years;
 - 2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district;
 - 3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.060 - Willamette Falls Downtown District dimensional standards.

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:
 - 1. Accessory structures or buildings under one thousand square feet; and
 - 2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum allowed setbacks: Ten feet.
- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.36 GI General Industrial District

17.36.010 - Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted:

- A. Manufacturing and/or fabrication;
- B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;
- C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);
- D. Veterinary or pet hospital, kennel;
- E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);
- F. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or marijuana , 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;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Outdoor sales and storage;
- I. Recycling center and solid waste facility;
- J. Wrecking yards;
- K. Public utilities, including sub-stations (such as buildings, plants and other structures);
- L. 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;
- M. Storage facilities;
- N. Transportation facilities;
- O. Marijuana production, processing, wholesaling, and laboratories;
- P. Mobile food units operating on a property for less than five hours in a twenty-four hour period.

17.36.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in OCMC 17.56:

- A. Any use in which more than half of the business is conducted outdoors;
- B. Hospitals.

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

- A. Minimum lot area, minimum not required;
- B. Maximum building height, three stories, not to exceed forty feet;
- C. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback;
 - 2. Interior side yard, no minimum setback;
 - 3. Corner side yard, ten feet minimum setback;
 - 4. Rear yard, ten feet minimum setback;

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.
- E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.
- F. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.



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.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- 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 OCMC17.50, 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.



Oregon City Municipal Code

Chapter 17.39 I Institutional District

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;
- B. Parks, playgrounds, playfields and community or neighborhood community centers;
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;
- D. Stadiums and arenas;
- E. Banquet, conference facilities and meeting rooms;
- F. Government offices;
- G. Transportation facilities;
- H. Mobile food units.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;
- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations;

I. Police Station.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;
- B. Marijuana businesses;

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.
Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

17.39.060 - Relationship to master plan.

- A. A master plan is required for any development within the I District on a site over ten acres in size that:
 - 1. Is for a new development on a vacant property;
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or
 - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions
- B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.
- C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.



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. Onsite utility location;
 - 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. All new utilities shall be placed underground.
 - 1. Service poles may be allowed on private property when undergrounding service is technically or - physically infeasible.
- K. 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.

L. All new utilities shall be placed underground.

1. Service poles may be allowed on private property when undergrounding service is technically or - physically infeasible.

J. K. 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

17.62.55 –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.

17.62.56 - 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.

17.62.57 - 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.).

17.62.059 - 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.



Community Development

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

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report. The applicant understands that all applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

December 28, 2020

HEARING DATE: Planning Commission: September 28, 2020
FILE NUMBER: GLUA 20-00033 LEG-20-00001 Public Works Code Amendments

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: Oregon City Public Works
C/O Josh Wheeler PE, Assistant City Engineer
PO Box 3040
Oregon City, OR 97045

REQUEST: Proposed code revisions to the Geologic Hazards Overlay District, and other ancillary Public Works related development code, including refinements to Public Utility Easements (PUE) and undergrounding utility requirements.

LOCATION(S): City Wide

I. BACKGROUND:

1. Existing Conditions

The City of Oregon City Public Works Department proposes changes to the following sections of the Municipal Code :

- 12.04 Streets, Sidewalks, and Public Places (Ordinance 18-1009, adopted July 3, 2019)
- 13.04 Water Service System (Ordinance 10-1003, adopted July 7, 2010)
- 13.08 Sewer Regulations (Ordinance 10-1003, adopted July 7, 2010)
- 13.24 Telecommunications Facilities (Ordinance 13-1014, adopted November 6, 2013)
- 13.34 Utility Facilities in Public Rights-of-Way (Ordinance 13-1014, adopted November 6, 2013)

- 16.12 Minimum Public Improvements and Design Standards for Development (Ordinance 18-1009, adopted July 3, 2019)
- 17.04 Definitions (Ordinance 18-1009, adopted July 3, 2019)
- 17.08 Low-Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.10 Medium Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.12 High-Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.24 NC Neighborhood Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.26 HC Historic Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.29 MUC Mixed-Use Corridor District (Ordinance 18-1009; adopted July 3, 2019)
- 17.31 MUE Mixed-Use Employment District (Ordinance 18-1009; adopted July 3, 2019)
- 17.32 C General Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.34 MUD Mixed-Use Downtown District (Ordinance 18-1009; adopted July 3, 2019)
- 17.35 Willamette Falls Downtown Design District (Ordinance 18-1009; adopted July 3, 2019)
- 17.36 GI General Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.37 CI Campus Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.39 I Institutional District (Ordinance 18-1009; adopted July 3, 2019)
- 17.44 US Geologic Hazards (Ordinance 10-1003; adopted July 7, 2010)
- 17.52 Off-Street Parking and Loading (Ordinance 18-1009; adopted July 3, 2019)
- 17.62 Site Plan and Design Review (Ordinance 18-1009; adopted July 3, 2019)
- 17.80 Communication Facilities (Ordinance 18-1005; adopted May 2, 2018)

These codes have been established and revised over the years. The most recent adopted revision is stated in parentheses.

2. Project Description

The City of Oregon City Public Works Department is implementing a number of projects which all require various changes to the City Code. Those projects are an enhanced Geologic Hazard Code, an Inflow/Infiltration Reduction Pilot Project, a new policy on Undergrounding Existing Overhead Utilities, and policy on Sidewalk Seating and Obstructions of a Sidewalk. Please refer to the *Detailed Summary of Proposed Changes* and the *GLUA 20-0003 Draft Code Revised August 18, 2020*, attached to the staff report for additional detail. Revision to the draft code that occur during the hearings process will be incorporated in updated versions of these two documents.

The proposed code revisions generally address the need for clarifications in technical development review and to address new policy direction on obstructions in the Right of Way. Larger policy questions about how to strike an appropriate balance between development interests and geologic hazard protections should be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework which could result in additional code revisions in the future.

Enhanced Geologic Hazard Code

Oregon City is keenly aware of its location in landslide country and its obligation to reduce and mitigate natural hazards risks in its community. Landslides in Newell Creek Canyon in the 1990s and early 2000s spurred action for the City to enhance geologic reporting and construction

requirements in areas of steep slope initially, and later historic landslides areas with the arrival of Lidar data for the region.

In October 2019, the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI) published a new State landslide hazards document titled “Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” (Exhibit 9). This document provides cities and counties with a high risk of landslides, such as Oregon City, additional tools and analysis to help them better meet Oregon Land Use Goal 7: Natural Hazards (Exhibit 10) by further reducing landslide risk in their communities. This document provides:

“Landslides are a chronic problem in our state, affecting both infrastructure and private property. Approximately 13,048 documented landslides have occurred in Oregon in the last 150 years The combination of geology, precipitation, topography, and seismic activity makes portions of Oregon especially prone to landslides. The Coast Range and the Cascades Range have the most significant landslide hazards in Oregon; these geographic areas and the valley between them contain the bulk of Oregon’s population. We know that precipitation, earthquakes, and human activity are the main triggers of landslides. While we cannot control precipitation and earthquakes, we can change our human activity. Addressing landslide risk is everyone’s responsibility and is codified in Oregon Revised Statute

(ORS) 195.2533: The Legislative Assembly declares that it is the policy of the State of Oregon that: Each property owner, each highway user and all federal, state and local governments share the responsibility for making sound decisions regarding activities that may affect landslide hazards and the associated risks of property damage or personal injury.”¹

As every jurisdiction chooses how best to respond to risk (legal or geologic) and the need to balance the sometimes competing Oregon Land Use Goals and community’s comprehensive Plan and policies, this important document should not be seen as a prescriptive path or regulatory document with approval criteria. Rather, it should be used as a guide to help evaluate the effectiveness of a jurisdictions approach to addressing geologic hazards in their community. Oregon City Development Services, does however, see value in referencing the document in the Geologic Hazards code as a background educational document for the public, applicants, and consultants to better understand the context of geologic hazards in development review.

“DOGAMI and DLCD collaborated on this Guide to help Oregon communities reduce potential losses from landslide events. To do this, we identify land use tools and strategies. The Guide is focused on land use planning approaches to reduce landslide hazard risk and is not intended to address the full range of efforts needed for overall landslide risk reduction and hazard preparedness. Land use planning to reduce landslide hazard risk uses comprehensive plan and implementation provisions (e.g., zoning code, building code, and so forth) and is based on science and policy. Science is a basis for policy, implementation, and decision-making, while policies also shape the science that is pursued and obtained. Much of the expressed need for this Guide (Chapter 4, section C, Key Questions from Interviewees, and Chapter 5, section C, Landslide

¹ Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (pages ii)

Guide Interviewees' Key Points) stemmed from communities that pursued and obtained lidar-based land slide mapping with DOGAMI.”²

The Guide is an omnibus look at geologic hazards within Oregon- with a goal of sharing knowledge/provide guidance to both jurisdictions and the general public within the framework of land use review. Chapters topics include types of landslide hazards, the role of geotechnical engineering, types of mitigation, the role of lidar mapping, review of existing codes, and links to other resources. The importance of lidar mapping is a strong theme in the Guide.

“Lidar, a form of laser technology, has significantly increased the ability to locate and map existing landslides. Lidar allows mappers to see the earth’s surface with a much higher level of detail than has ever been available, and as the technology continues to improve, so too does the level of detail. Lidar imagery even allows mappers to see the ground beneath vegetation and trees, as if the earth had been stripped bare. This gives geologists the ability to identify and map landslide features that may have previously been unrecognized or overlooked”³

As one of the earliest pilot areas, Oregon City has been fortunate to have access to Lidar data since 2006, which greatly influenced previous code changes in 2009/2011. Both during the creation of this current Guide and after its adoption, Oregon City staff consulted with staff from both DOGAMI and DLCD to understand the strengths and weaknesses of the current Geologic Hazards code, how it compared to other jurisdictions, and how it could be strengthened.

The Guide identifies the following features of a strong Geologic Hazard Zoning Codes (p.79.):

- Are supported by and incorporate the best available science-based landslide hazard maps and analysis.
- Have clear submittal requirements and approval criteria.
- Employ factors in addition to slope to determine when a geotechnical report is required.
- Define and establish the qualified geoprofessional(s) for the required report in accordance with state licensing regulations.
- Require geotechnical reports to determine whether a proposed development is within the community’s risk tolerance level and to properly condition development.
- Link requirements to degree of risk and geotechnical report recommendations.
- Address soil stabilization through grading, erosion control, vegetation management, and water management.
- Require monitoring by the geotechnical report author during construction.
- Are enforced.
- Contain strong grading, erosion control, and land use planning codes. These codes provide clarity in what is applicable; protect the people, property, and environment; and are effective in limiting or preventing deleterious soil movement.
- Are based on maps and reports that provide details on the hazard areas.

² Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (page 2)

³ Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (pages 2-3)

- Include specific references to the materials used to establish the code provisions (such as maps and reports) and have those materials adopted and incorporated into the regulatory provisions;
- Have clearly identified application materials (with checklists and handouts to help explain the information) and processes of review.
- Have information located on the community's website so that the code is clear and accessible.
- Have replaced outdated Unified Building Code or UBC references with current International Building Code or IBC references in the code.

In October 2019, DLCD and DOGAMI presented their new landslide guide to the Oregon City City Commission. The City Commission directed staff to review the current city code and determine if any enhancements were needed to achieve these objectives.

As part of furthering this effort, DLCD and DOGAMI commended Oregon City for its use of lidar data and generally meeting all the requirements for a strong geohazard code; however, they recommended improved tracking and reporting post development approval. Since that time, City staff have mapped in the City's GIS system all available geotechnical reports and indemnity agreements received from developers so that this information is now available to the public. In addition, staff identified areas where the code was inconsistent, ambiguous or was the source of confusion for applicants and revisions are proposed to address those issues.

The revisions proposed in this code update provide clarification to existing standards, references the new landslide guide, and codifies the waiver program the City currently follows. Construction specifications, calendar exceptions, and retaining wall standards have also been added. Density, review standards, and stormwater standards have been further clarified. In addition to providing additional data, these standards largely codify existing practice. As mentioned above, the more robust policy discussion about the extent to which development on steep slopes should be limited or development interests protected is reserved for consideration with the new comprehensive plan.

Inflow/Infiltration Reduction Pilot Project

This Pilot Project implements new construction recommended from the Sanitary Sewer Master Plan. Construction recommendations including capital improvement projects. Those projects include installing new storm sewers that will allow disconnection of existing storm sewers from the sanitary sewer system. The Plan also recommends the disconnection of private storm sewers from the sanitary sewer system as well as repair of private sanitary sewer laterals. These two construction projects will reduce inflow and infiltration, respectively, minimizing the amount of stormwater treated at the Tri-City Wastewater Treatment Plant. The Pilot Project is a 5-year project within the McLoughlin and Rivercrest neighborhoods. By using flow monitoring pre and post-construction, the City will determine the success of the Pilot Project. If successful and if budget allows, the City will continue beyond these neighborhoods into other areas of the City.

To implement this project, City Code and Sanitary Sewer Design Standards and Chapter 13.08 of the Oregon City Municipal Code need to be amended to address cross-connections, right of entry, condition of service lines, sewer rates, service lateral improvement program, and reduced rates. Other sections: failure to comply with rules and unlawful substances have also been

revised. Language has been proposed referencing the state administrative rule outlining that property on septic must connect to City sewer if the septic is failing and if that property is physically (of the proper elevation and within 300 feet) and legally available (in city limits or able to be annexed) to the existing public sewer. The code also now proposes to explicitly disallow any cross-connections - any place where connections of storm sewer connect with sanitary sewer. New party line sewers are proposed to be prohibited. Property owners are explicitly required to keep their pipes in good condition to prevent infiltration. The proposed code change also gives the right of public works staff to enter the property so that a service can be televised and inspected. The proposed code changes clarify the sewer rate establishment and reduced rate program to be in line with the water rate program. The service lateral improvement program is also proposed to be codified. Lastly, these code revisions designate the following as unlawful substances within sewer lines: Stormwater, Surface water, groundwater, roof runoff, and subsurface drainage. This follows standards engineering practice. A section prohibiting sending stormwater or groundwater to the sanitary sewer system has also been proposed.

In addition to these changes, staff has taken the opportunity to review the entire sanitary sewer Code - Section 13.08 - to ensure it meets best practices and standards. As a result, the code relating to Sewer Connection – Exemptions, Connections to Existing Work, and Applications Outside City Limits have been revised.

Revisions have also been proposed to Section 13.04 of the Oregon City Municipal Code – Water Service - in order to comply with the Sewer Code of 13.08. Various clarifications have been added to be in conformance with current practices and to be consistent with changes in 13.04.

The Sanitary Sewer Design Standards have proposed revisions to add that no stormwater should be conveyed to the sanitary sewer system. In addition, staff took advantage of the Standards being open to allow for for a greater number construction materials and processes to be used as well as changes to Drop Manholes to be in conformance with the current industry standards.

Undergrounding Existing Overhead Utilities Policy

The City of Oregon City Municipal Code currently requires all development to place utility lines underground. This code has been interpreted to apply to all new utilities as well as existing utilities. With the rising cost of moving existing utilities underground, the City is proposing changes to existing code to reduce the requirement to only those properties where undergrounding will have a greater impact and where it is proportional to do so.

The proposed changes create limits of when an existing overhead line must be placed underground-if the property is at least 200 feet long, at least 1.0 acre in size, or if the subdivision is 6 lots or more, the undergrounding requirement is waived for existing overhead lines. The code changes propose to more specifically define the public utility easement, being 10 feet in most zones, and 5 feet in certain other urban zones. This addresses a conflict that has existed within practice, policy, and the code for quite some time. Definitions of Easement have been updated to be consistent throughout code.

Sidewalk Obstructions Policy

In December 2019, the City Commission requested a review of the current ROW obstruction policies. In response, a new written policy outlining current practices of the Department with respect to the permitting of sidewalk seating and sidewalk obstructions in the downtown area

and 7th Street and amendments to Chapter 12.04 are proposed. These amendments more clearly define the types of obstructions that require a permit.

It should be noted that in summer 2020, the City Commission passed a resolution to waive the fee for sidewalk seating and allow the use of parklets in the right-of-way to address business needs during COVID-19. These code changes are separate from that Resolution. The purpose of the code change is to add a 3rd type of obstruction called 'temporary long term', which would be for temporary items (not attached to the ground) for a period of 61-365 days. The current code defines a temporary item for 0-60 days, and a permanent (attached) obstruction has an indefinite time period.

If adopted, this code change more clearly defines the temporary use of the right of way for items like sidewalk seating or parklets when meeting criteria set forth by the Public Works Department thru consultation with the City Commission.

1. **To implement the above projects, The City of Oregon City Public Works Department anticipates adopting revisions to the following chapters by Ordinance.** Please refer to the Detailed Summary of Proposed Changes for more information on specific recommend changes.

- 12.04 Streets, Sidewalks, and Public Places
- 13.04 Water Service System
- 13.08 Sewer Regulations
- 13.24 Telecommunications Facilities
- 13.34 Utility Facilities in Public Rights-of-Way
- 16.12 Minimum Public Improvements and Design Standards for Development
- 17.04 Definitions
- 17.08 Low-Density Residential Districts
- 17.10 Medium Density Residential Districts
- 17.12 High-Density Residential Districts
- 17.24 NC Neighborhood Commercial District
- 17.26 HC Historic Commercial District
- 17.29 MUC Mixed-Use Corridor District
- 17.31 MUE Mixed-Use Employment District
- 17.32 C General Commercial District
- 17.34 MUD Mixed-Use Downtown District
- 17.35 Willamette Falls Downtown Design District
- 17.36 GI General Industrial District
- 17.37 CI Campus Industrial District
- 17.39 I Institutional District
- 17.44 US Geologic Hazards
- 17.52 Off-Street Parking and Loading
- 17.62 Site Plan and Design Review
- 17.80 Communication Facilities

The City of Oregon City Public Works Department also proposes the following changes be adopted by Ordinance:

- Sanitary Sewer Design Standards
- Engineering Fee Schedule- (*adopting a new fee for Temporary Long-Term ROW obstruction through a separate process after code amendment approval*)

-
The City of Oregon City Public Works Department also proposes the following changes be adopted by Resolution:

- Sidewalk Obstructions Policy
- Undergrounding Private Utilities Policy

3. Public Notice and Comments

Public Works staff presented the proposal to the public at the following public meetings:

- Citizen Involvement Committee – December 2, 2019
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
- Development Stakeholders Group – November 14, 2019, and February 13, 2020
 (No published meeting minutes available for the 2-12-20 meeting)
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
 - o Discussed revisions to Geologic Hazards Code
- City Commission Work Session Meeting – December 10, 2019
 - o Discussed Existing unwritten sidewalk policy
- City Commission Work Session Meeting – October 8, 2019
 - o Presentation by DLCD and DOGAMI of new Landslide Guide (No published meeting minutes available)
- Planning Commission – September 23, 2019 (No published meeting minutes available)
 - o Overview of existing Geologic Hazard Code and preview during LEG 19-00003
- City Commission Work Session – June 9, 2020
 - o Presentation of Geologic Hazards Code
- Natural Resource Committee – June 10, 2020
 - o Presentation of Geologic Hazards Code
- City Commission Work Session – June 7, 2020
 - o Presentation of Sidewalk Obstructions and Chapter 16 and 17 revisions
- City Commission Work Session – May 20, 2020
 - o Presentation of Chapter 13 revisions on utilities
- September 23, 2020 Online Geologic Hazards Community Forum. Noticed as part of the Measure 56 Land Use Notice (Exhibit 11)

Only one written comment from AKS Engineering (Exhibit 12a) was received by the public at any of these informational meetings. AKS recommended revisions to sewer specifications, which were added to the revised Sanitary Sewer Design Standards as they provide additional direction for constrained areas and incorporated them into the proposed document.

GLUA 20-00033 LEG-20-00001 Public Works Code Amendments Land Use Public Comment

GLUA 20-00033 LEG-20-00001 Public Works Code Amendments

An overview of the public comment categories submitted to date can be found below. They are separated into technical questions and more policy questions. Please refer to the public comments matrix attached as an exhibit to this staff report for additional detail. The matrix will be updated throughout the Public Hearings process.

Technical Questions

“Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” (Exhibit 9) As discussed above, the Guide will be added as a reference document in OCMC 17.44 Geologic Hazards this document should not be seen as a prescriptive path or regulatory document with approval criteria. Oregon City Development Services, does, however, see value in referencing the document in the Geologic Hazards code as a background educational document for the public, applicants, and consultants to better understand the context of geologic hazards in development review.

The text of Oregon Land Use Goal 7 should be added or referenced in the code.

Goal 7, Areas Subject to Natural Hazards (Oregon DLCD, is one of the 19 Oregon Statewide Planning Goals.) It contains both requirements and guidelines that are intended to be implemented by local governments as part of their comprehensive plan and zoning efforts. As part of this planning effort, Goal 7 objectives must be balanced against the other goals and implemented in a way that makes sense for Oregon City. Evaluating and balancing the policy objectives set forth in the Goals is done on a city-wide legislative basis rather than as part of individual quasi-judicial development reviews as a means to streamline review as well as avoid ad hoc decision-making. Rather than adopt Goal 7 as a code criterion, the City has elected to to rely on the joint DLCD and DOGAM created Guide, discussed above, which provides more specific guidance on how to best implement the requirements of Goal 7. In fact, DLCD and DOGAMI staff have never raised any concerns that the current Geologic Hazards code does not meet Goal 7 requirements.

How do we trust the staff with the probability of risk based on existing data?

Acknowledging that there is always some risk with any development anywhere, City staff and its licensed consultants are the most qualified to evaluate this risk. They are educated, trained, hold professional engineering licenses and years of experience,. City staff also have geotechnical consultants available through on-call contracts to seek advice and analysis when a second opinion is appropriate. . Staff also rely on the Lidar data provided through DOGAMI and have relationships with DLCD and DOGAMI when needed, additional advisement is warranted.

Need to ensure an active discovery process during construction and not rely on applicant consultants

The City does not rely solely on an applicant consultant. Rather, in addition to staff qualification, the City has four geotechnical consultants available for on-call services. These consultants all have professional engineers, geologists, and structural engineers who can design, analyze, and advise on development or properties that are proposing to do work within a mapped geologic hazard.

Policy Questions Reserved for the 2040 Comprehensive Plan

Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan should be added to Comprehensive Plan as part of this project. In 2019, Clackamas County updated this Multi-Jurisdictional Natural Hazards Mitigation Plan (NHMP) to prepare for the long-term effects resulting from hazards. As part of this process, Oregon City also created an updated addendum that is incorporated as part of that

Plan. The relevant substance of the updated Plan and addendum will be considered in the upcoming Comprehensive Plan update process, and specific sections may be added or referenced as part of that review.

Holly Lane should be removed from Transportation System Plan, and a grade-separated interchange should be added to the intersection of Highway 213 and Beavercreek Road based on geohazard of Holly Lane area. As part of the 2013 Transportation Plan update, the City removed the grade-separated interchange at 213 and Beavercreek Road as a transportation project. Any discussion about Transportation Plan projects and their relationship with natural hazards can and should occur during the upcoming Comprehensive Plan update process, where these larger policy questions can be discussed with the context of all the State Land Use Goals and Oregon City Comprehensive Plan policies.

OCMC 17.44 Geologic Hazard Overlay should further restrict development. Oregon City is not doing enough, especially in very high-risk areas, and reductions in density should not be based on lots of record; they should be based on the area of the historic landslide. Any large-scale changes in the Geologic Hazards code that affect larger policy questions, such as striking the best balance between housing needs, hazard risk, and property rights, will be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework and could result in additional code revisions in the future.

II. DECISION-MAKING CRITERIA

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive Plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: Complies as Proposed. The proposal qualifies as initiated as a legislative request by the Public Works Director.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the City's land use regulations, comprehensive Plan, maps, inventories and other policy documents that affect the entire City or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

Finding: Complies as Proposed. This legislative action will follow the procedures found in OCMC 17.50.170 including meetings with the Planning Commission, and City Commission where applicable.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive Plan;

Finding: Complies as Proposed. This legislative action will be consistent with the applicable goals and policies of the Comprehensive Plan. Therefore, the proposed amendments are consistent with Criterion (A).

The proposed code changes implement several ancillary plans to the Oregon City Comprehensive Plan. Regular Updates to Ancillary Documents like the Sewer Master Plan assure consistency with the Oregon City Comprehensive Plan. The applicable sections of the Comprehensive Plan are addressed below as well as State Land Use Goals. No revisions to the Master Plans or Comprehensive Plan are proposed.

The 2004 Oregon City Comprehensive Plan contains criteria for approving changes to the comprehensive Plan and ancillary documents. Review of the Comprehensive Plan should consider:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

“Statements of Principle - Page 3.

Provide efficient and cost-effective services. Water, sewer, fire protection, police services, streets, storm drainage, and other public services are directly affected by land-use decisions. This Plan ensures that land-development decisions are linked to master plans for specific services such as water or sewer and to capital improvement plans that affect budgets and require taxes to build. The City Commission believes that citizens are economically well-served through compact urban form, redevelopment of existing areas, and public investments (for example, street improvements) that are carefully tied to private investments when development occurs.”

“Implementing the Plan – Page 4

The Oregon City Comprehensive Plan is implemented through City Codes, **ancillary plans**, concept plans, and master plans.

Ancillary plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive Plan.”

“Ancillary Plans. – Page 15

Since 1982, several documents have been adopted as ancillary to the 1982 Comprehensive Plan: the *Public Facilities Plan* (1990), *Oregon City Transportation System Plan* (2001), *Oregon City Downtown Community Plan* (1999), *Oregon City Waterfront Master Plan* (2002), *City of Oregon City Water Master Plan* (2003), *City of **Oregon City Sanitary Sewer Master Plan (2003)***, *Drainage Master Plan* (1988, updated in 1999 as the *City of Oregon City Public Works Stormwater and Grading Design Standards*), *Caufield Basin Master Plan* (1997), *South End Basin Master Plan* (1997), *Molalla Avenue Boulevard and Bikeway Improvements Plan* (2001), the *Oregon City Park and Recreation Master Plan* (1999), and the *Oregon City Trails Master Plan* (2004).”

Applicable Comprehensive Plan and Statewide Planning Goals and Policies

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

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.

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.

Finding: Complies as Proposed. This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when development is exempt. The revisions include a reference to the new State landslide document. This reference is made in addition to other State Documents that are to be referenced when reviewing a site

for geologic hazards. It is merely another reference to ensure a fully thought out review of the mapped geologic hazard. The revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can include steep slopes or historic landslide areas.

Other miscellaneous improvements have been made. The waiver process that the City has been using via in-house policy is now proposed to be codified. Additional criteria have been added to determine when a site work may occur outside of the codified months of the year. Retaining wall design requirements have been added. Language has been added, ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by implementing current scientific understanding of landslide susceptibility for lands currently mapped within the Geologic Hazard Overlay, ensuring that these conditions will be addressed by the applicants during the development review process. Including the DOGAMI landslide guide as an application submittal requirement will offer city staff and its consultants a better understanding of current conditions allowing them to make decisions about development that will reduce the likelihood of loss of life or property.

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

Finding: Complies as Proposed. This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial, by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground in turn reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for downtown businesses in a way that supplements the business while also allowing for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis, whereas currently, the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require that all stormwater be redirected from the sanitary system back to the stormwater system. Currently, due to the City originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system, which contributes unnecessary flows to the Tri-City Wastewater Treatment Plant. As that Plant near capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing requires. The effect will be to stabilize sewer rates and system development charges rather than a continued substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exempt the current requirement that all existing overhead utilities be relocated underground. This imposes an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air

pollution, which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on developments.

Goal 9.2 Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.

Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Finding: Complies as Proposed. This legislative code amendment has been proposed as a response to what other public agencies, local business, and citizens have conveyed to the City.

Tri-City Sewer Treatment Plant, operated by Water Environment Services(WES), is nearing capacity, and WES has requested a reduction of stormwater flows into the sanitary sewer system. This is completed by inflow and infiltration reduction and is implemented by policy and code changes in OCMC Chapter 13.08.

The Downtown Oregon City Association and Oregon City Chamber of Commerce are partners with respect to the vitality of downtown businesses. The Chamber of Commerce requested the City review its policies with respect to sidewalk obstructions and temporary obstructions. Proposed amendments to OCMC Chapter 12.04 are in response to this request.

In October, 2019, DOGAMI / DLCD issued a document entitled "Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities.". In response, the Oregon City Planning Commission, the Oregon City City Commission, and citizens, proposed amendments to OCMC Chapter 17.44 have to address the Guide recommendations.

The Oregon City Development Stakeholders Group (DSG) requested the City look at the requirement to underground existing overhead utilities. During this investigation, the City met with Portland General Electric(PGE) to discuss the reasons this requirement has become expensive compared to previous years. In that discussion, a conversation also occurred concerning the provision for a Public Utility Easement (PUE) commonly used for electric, gas, telephone, cable, fiberoptic franchise utilities. While OCMC Chapters 13.24 and 13.34 provide regulation on franchise utilities, the development code had only minor references to the PUE. The code amendments within OCMC Chapter 16.12 reflect the discussions with not only PGE and the DSG, but also the City of Oregon City Community Development Department. These discussions led to the proposed revisions of not only reducing the undergrounding requirement but also more clearly regulating the provision for and use of the PUE.

All revisions relate to economic impacts and are intended to streamline the development process by providing clarity and common-sense solutions recommended by these proposed revisions.

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 11.1.2

Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.

Policy 11.1.4

Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Policy 11.1.5

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

Policy 11.1.7

Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.

Finding: Complies as Proposed. This legislative code amendment relates to the provision of public facilities while also implementing Capital Improvement Plans.

Concerning proposed amendments to OCMC Chapter 12.04 on sidewalks and temporary obstructions, the purpose is to ensure the public sidewalk is maintained for use by the public while also allowing it to be used for seating for adjacent businesses.

Concerning proposed amendments to OCMC Chapter 13.08, the sewer amendments implement plans and programs set forth in the Sanitary Sewer Master Plan.

Proposed amendments to OCMC Chapter 16.12 provide a clearer definitive space for the franchise utilities to be located so that their service can be provided to all developments with ease of maintenance and reduced disruption of service.

Proposed amendments to OCMC Chapter 17.44 support safe development on underdeveloped or vacant buildable land where utilities exist and ensure that these developments are designed in a safer, effective, and more sustainable manner based on the current science available for geologic hazards.

Goal 11.2 Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting

the environment and meeting state and federal standards for sanitary sewer systems.

Policy 11.2.2

Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing Urban Growth Boundary. Plan strategically for future expansion areas.

Policy 11.2.4

Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Policy 11.2.5

Implement the City's wastewater policies through the *City of Oregon City Sanitary Sewer Master Plan*.

Finding: Complies as Proposed. This legislative code amendment proposes changes to OCMC Chapter 13.08 concerning sewer flows. These amendments are necessary to implement the inflow and infiltration (I&I) reduction plan. These amendments implement the City of Oregon City Sanitary Sewer Master Plan.

Goal 11.7 Private Utility Operations

Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Policy 11.7.1

Require local service lines in new subdivisions be placed underground.

Policy 11.7.2

Coordinate with private utility providers to install infrastructure during Street construction and maintenance to reduce the need to repeatedly cut into newly paved streets.

Policy 11.7.3

Adopt lighting practices in streets and other public facilities, and encourage them in private development, that reduce glare, light pollution, light trespass, and energy use, while maintaining even lighting ensuring good visibility and safety for the public.

Policy 11.7.4

Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

Finding: Complies as Proposed. This legislative code amendment provides for an appropriate Public Utility Easement (PUE) for the franchise utilities (electric, gas, telephone, cable, fiberoptic) and provides exemptions for the relocation of existing overhead utilities to underground. This exemption will not change the requirement to install all new utilities underground to be in line with Policy 11.7.1. The Pavement Cut Standards are not proposed to be amended as part of these amendments; therefore,

Policy 11.7.2 is retained. No changes to the lighting requirements are proposed; therefore, Policy 11.7.3 is retained. The details and clarification of the PUE will improve the execution of Policy 11.7.4.

Goal 12.5 Safety

Develop and maintain a transportation system that is safe.

Policy 12.5.1

Identify improvements that are needed to increase the safety of the transportation system for all users.

Policy 12.5.2

Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3

Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Finding: Complies as Proposed. These legislative code amendments will enhance safety thru the proposed revisions to OCMC 12.04 and 17.44. By ensuring proper space for pedestrians on sidewalks by regulating the seating in the right of way through the changes to the temporary obstruction codes, safety will be improved for pedestrians. By providing more stringent standards to the geologic hazard code, developers of vacant property will have safer properties to build on and those properties that could be affected by a landslide are less likely impacted.

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.

Finding: Complies as Proposed. This legislative code amendment will not affect the City's adopted public facilities master plans.

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 plan amendment, 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 or plan amendment;

Finding: Complies as Proposed. This legislative action will have no negative effect on the provision of public facilities and services.

Inflow/Infiltration : The amendments to OCMC 13.04 and 13.08 will have no negative effect on the public water and sewer systems. In fact, the proposed amendments will improve the public systems by reducing the negative effects of inflow and infiltration currently being experienced by the system. These amendments implement improvements from the City's Sanitary Sewer and Stormwater Master Plans. Zoning is not impacted by this amendment. These amendments allow for proper implementation of the City's Stormwater and Grading Standards and Sanitary Sewer Standards.

Undergrounding overhead utilities and revising development standards as they relate to the Public Works Standards: The amendments to OCMC 13.24, 13.34, 16.12, and Chapter 17 will have no negative effect on the public transportation system. Reducing the requirement of moving existing utilities underground will retain more physical space for the transportation system and other utilities that may be needed within the public right of way. No impact to the City's Transportation System Plan or Utility Master Plans is anticipated. These amendments will not affect the zoning designations for any lands. However, these amendments will address conflicts within current development standards relating to

the provision of a PUE and adjustments to how setbacks are measured as a result as well as limiting development review for activities occurring solely with the City right-of-way. This amendment will remove those conflicts and let zoning standards and public works standards apply in concert with one another.

Sidewalks: The amendments to OCMC 12.04 will have no negative effect on the public transportation system. The amendment and subsequent policy will provide guidelines and requirements for the use of the public right of way, which should reduce the negative impacts experienced in the traveled way. This amendment ensures proper space for sidewalks as described in the City's Transportation System Plan. Zoning is not affected by this amendment.

Geologic Hazards: The amendments to OCMC 17.44 will have no negative effects to public transportation or utility systems. The amendments strengthen requirements to those properties seeking development within geologic hazards. This will enhance the safety of utilities and roadways and will further minimize negative impacts to those systems. No utility or transportation master plan is affected by this amendment. This amendment does not affect zoning. The current properties with mapped geologic hazards will remain as mapped.

Therefore, the proposed amendments are consistent with Criterion (B).

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 or plan amendment; and

Finding: Complies as Proposed.: Not applicable. None of the proposed amendments will have any impact on the existing or planned functions, capacity, and level of service of the transportation system. Therefore, the proposed amendments are consistent with Criterion (C).

D. Statewide planning goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment.

STATEWIDE PLANNING GOAL 1:

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. Development of the Plan included a public involvement effort. The applicant, Oregon City Public Works Department, has presented the update for input to the Development Stakeholders Group on May 9, 2019. The update was provided on the City's website during the months of February through May 2019. Local civil engineering consultants and developers were notified via email on February 5, 2019 and April 24, 2019. The standards were presented in a City Commission Work Session on May 7, 2019. The City Commission considered these standards for approval on July 17, 2019. An online Geologic Hazards Community Forum was held on September 23, 2020, which was noticed as part of the Measure 56 Land Use Notice sent to all Oregon City households.

September 23, 2020, Virtual online Community Forum

The purpose of the Community Forum was to educate the public on the municipal code with respect to geotechnical issues, educate the public on various facets of geotechnical science, and to listen to concerns from the public so that the City may implement the best-revised code possible as it looks to update existing codes. The Community Forum consisted of a panel of speakers who spoke about geologic hazards in general, as well as the recommended code revisions. The meeting also contained a Question & Answer session. A link to the video will be added to the staff report as soon as it is uploaded to the city website.

Panel Members and Speaking Topics :

- Dr. Scott Burns, PhD - Portland State University, Department of Geology

Slopes and when to be concerned. History of Oregon City.

- George Freitag, CEG, LEG, LHG - GRI, Principal

Rainfall relationship to geologic hazards

- Tim Pfeiffer, PE, GE - Foundation Engineering, Senior Geotechnical Engineer

Geologic and Geotechnical Basis for the City of Oregon City Geologic Hazards Code

- Tricia Sears, Natural Hazards Planner - Dept. Of Land Conservation and Development (DLCD)

Geologic Hazards Planning in Oregon

- Josh Wheeler, PE - City of Oregon City, Assistant City Engineer

Proposed Code Updates to OCMC 17.44

STATEWIDE PLANNING GOAL 2:

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. Because the Plan is an ancillary document to the City's Comprehensive Plan, the application was processed pursuant to the legislative hearing process outlined in Section 17.50.170 of the Oregon City Municipal Code.

Goal 2 also provides that the public and "affected governmental units" be given the opportunity to review and comment on proposed amendments. In furthering that effort, the City has provided the Oregon Department of Fish and Wildlife notice of the proposed amendment and requested comment and no response was received.

STATEWIDE PLANNING GOAL 3: Agricultural Lands and GOAL 4: Forest Lands

Finding: Not Applicable. By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB, and therefore, those goals are not applicable.

STATEWIDE PLANNING GOAL 5:

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Complies as Proposed OAR 660-023-0250 specifies the circumstances that trigger Goal 5 review. In relevant part, an amendment affects a Goal 5 resource if the PAPA "amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource." The proposed amendments do not amend any Goal 5 adopted resource list or any standard

adopted in order to protect Goal 5 resources. Therefore, this Goal is met. These amendments further Goal 5 objectives by providing more rigorous review and greater clarity in the Natural Hazards Chapter 17.44 amendments. By clarifying and enhancing the geologic hazard code, natural resources will receive increased protection. The code revisions require stormwater evaluation, which relates to groundwater as well as overland flow and requires the applications to address any downstream impacts or regional impacts relating to stormwater flow, which in some cases relates to designated Natural Resources. No other code revisions relate to Goal 5. See responses under Comprehensive Plan Goal 7.1 for more information.

The first step in the general Goal 5 process is to compile an inventory of resources to determine which resources are significant. OAR 660-023-0030. The proposed amendment does not alter or amend the City's riparian or wetland inventories.⁴ The quantity, quality, and significance determinations for riparian resources similarly remain unchanged. Therefore, this inventory analysis step is not applicable to the City's adoption of The Geologic Hazards Overlay District Code amendments, or the other revisions to utility standards. The second step is determining a program to achieve Goal 5 based on "an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use." OAR 660-023-0040. A "conflicting use" is defined by OAR 660-023-0010 to include "a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource."

The proposed amendments add clarity to the existing standard; they generally do not further restrict or allow development. To the extent, changes occur, the only effects will be to further limit development that could conflict with riparian areas in favor of providing greater protection for Goal 5 inventoried riparian resources. Given that the proposed amendments will have a negligible impact on development, compliance with Goal 5 can be achieved through a very limited ESEE analysis. As a result, examples of the clarifications, along with a discussion of the identified ESEE consequences include:

- Additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can either include steep slopes or historic landslide areas or both.

With the minor amendments to the Geologic Hazards Overlay District Code amendments, the City has chosen to amend its program to achieve Goal 5 with respect to inventoried riparian resources by adopting additional measures to protect those resources from an identified conflicting development uses.

STATEWIDE PLANNING GOAL 6: Air and Water Quality

To maintain and improve the quality of the air, water and land resources of the state

Finding: Complies as Proposed. This application meets Goal 6 by how it addresses removing stormwater from the sanitary sewer system in the Code revisions of 13.08. This will improve the function of the Tri City Wastewater Treatment Plant as regulated by the Department of Environmental Quality (DEQ). See response under Comprehensive Plan Goal 11.2 for more information.

STATEWIDE PLANNING GOAL Goal 7: Areas Subject to Natural Hazards

To protect life and property from natural disasters and hazards.

Finding: Complies as Proposed This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when development is exempt from further review. The revisions include a reference to the new State landslide document that should be considered by applicants and result in a more robust analysis occurring as part of development review. The proposed code revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can either include steep slopes or historic landslide areas or both.

Other miscellaneous improvements have been made, including:

- The waiver of review in very limited circumstances where the impact of development are deemed to have a *de minimis* impact, as consistent with current city policy. requirements .
- Additional criteria that dictate when site work may occur.
- Retaining wall design requirements have been added.
- Language has been added ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by ensuring current science concerning landslide susceptibility will be addressed. By referencing the new DOGAMI landslide guide, the review requirements have added an additional tool to ensure potential landslide impacts are addressed. Additional tools should make the analysis more informed, potentially leading to reduced risk. If adopted, these standards will be implemented for the review and approval of properties with mapped geologic hazards.

STATEWIDE PLANNING GOAL Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Complies as Proposed. This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground, in turn, reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for

downtown businesses in a way that supplements the business while also allow for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis, whereas now the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require all stormwater to be redirected from the sanitary system back to the stormwater system. Currently, due to the City originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system, which contributes unnecessary flows to the Tri-City Wastewater Treatment Plant. As that Plant nears capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing will require stable rates and system development charges rather than a continued substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exempt the current requirement that all existing overhead utilities shall be relocated underground. This provides an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air pollution, which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on development.

Revisions to the Geologic Hazards Overlay District provided additional clarity in the development review process for all parties. Reducing uncertainty provides real value in the larger analysis a property owner makes in determining if a site will be developed or not.

STATEWIDE PLANNING GOAL 10: Housing

To provide for the housing needs of citizens of the state.

Finding: Complies as Proposed. Revisions to 16.12 and 17.44 positively impact housing. By reducing the burden on smaller developments through exemptions for undergrounding existing overhead utilities, the amendments will make developments cost-effective; therefore, enhancing the likely development of the City's buildable lands. By strengthening the geologic hazard code, the lands become more buildable with less risk due to the rigorous reviews necessary to ensure the site is safe. Without this code revisions, a site may have become unbuildable due to the lack of certainty.

STATEWIDE PLANNING GOAL 11: Urban Development

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 11 of the Oregon City Comprehensive Plan: Public Facilities. As stated in Section 11, the Code amendments are necessary to maintain compliance with Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly, and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. The proposed municipal code amendments are created to serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding: Complies as Proposed. Revisions to 12.04 enhance the pedestrian areas in the downtown area by ensuring proper areas are available for pedestrians while also allowing for sidewalk seating. Revisions to 16.12 allow for a proper Public Utility Easement (PUE) to ensure the actual right of way is clear of any additional utilities that could cause disruptions to service when under maintenance or create additional obstructions due to the settlement of sidewalk and roadways.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Finding: Not applicable. No land is being rezoned as part of this legislative application.

17.68.040 - Approval by the Commission. If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Finding: Not applicable. No Planning Commission recommendation will relate to OCMC 17.68.020 as no rezoning or annexation is occurring with this legislative application.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Finding: Not applicable. No land is being rezoned as part of this legislative application.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
- 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
- 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community

Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Complies as Proposed. Public Works attended PA 19-69 on December 3, 2019

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Complies as Proposed. Attendance at the Citizen Involvement Committee occurred on December 2, 2019 concerning the inflow/infiltration Policy and Code Amendments and the Undergrounding Overhead Utility Policy and Code amendments. The Citizen Involvement Committee was also invited to participate in the September 23, 2020 Geologic Hazards Webinar, which included a question and answer portion.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. *Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. *A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: Complies as Proposed.

Not applicable. Legislative actions are not subject to this standard.

III. Staff recommendation:

Based on the findings identified above and including all items entered into the record, the proposal to amend the Titles 12, 13, 16 and 17 of the Oregon City Municipal Code, is consistent with the Oregon City Comprehensive Plan and State Land Use Goals. Staff recommends approval of Planning file GLUA 20-00033 LEG-20-00001 Public Works Code Amendments.

Oregon City Municipal Code
GLUA 20-33 (LEG 20-01)

Public Works

Code Amendments Package #2

Ordinance No. 21-1007 Package #2

[OCMC 13.24/13.34 – Telecommunications Facilities](#)

[OCMC16.12 – Minimum Public Improvements](#)

[OCMC17.04 – Definitions](#)

[OCMC17.08 – Low Residential Districts*](#)

[OCMC17.10 – Medium Density Residential Districts*](#)

[OCMC17.12 – High-Density Residential Districts*](#)

[OCMC17.24 – NC Neighborhood Commercial District*](#)

[OCMC17.26 – HC Historic Commercial District*](#)

[OCMC17.29 – MUC Mixed-Use Corridor District*](#)

[OCMC17.31 – MUE – Mixed-Use Employment District*](#)

[OCMC17.32 – C General Commercial District*](#)

[OCMC17.34 – MUD Mixed-Use Downtown District*](#)

[OCMC17.35 – Willamette Falls Downtown District*](#)

[OCMC17.36 – GI General Industrial District*](#)

[OCMC17.37 Institutional District](#)

[OCMC17.36 – GI General Industrial District*](#)

[OCMC17.37 – CI Campus Industrial District*](#)

[OCMC17.39 – I Institutional District*](#)

[OCMC17.62 – Site Plan and Design Review](#)

*The only change to these zoning districts is to note that “Public utility easements may supersede the minimum setback”



Version: Redline Copy

Chapter 13.24 - TELECOMMUNICATIONS FACILITIES

13.24.010 - Scope of chapter.

Chapter 13.24 shall apply to telecommunications carriers, as defined below, with valid telecommunications franchises granted pursuant to this chapter prior to December 6, 2013. After December 6, 2013, all telecommunications carriers that do not have a valid franchise, or whose franchise expires, shall be subject to the provisions of Chapter 13.34 and the provisions of this chapter shall not apply to such telecommunications carriers.

(Ord. 99-1003 §1 (part), 1999)

(Ord. No. 13-1014, § 4, 11-6-2013)

Editor's note— Ord. No. 13-1014, § 4, adopted Nov. 6, 2013, deleted § 13.24.010 in its entirety and replaced it to read as herein set out. Former § 13.24.010 pertained to jurisdiction and management of the public rights-of-way.

13.24.020 - Regulatory fees and compensation not a tax.

- A. The fees and costs provided for in this chapter, and any compensation charged or paid for use of the public rights-of-way provided for in this chapter, are separate from, and in addition to, any and all federal, state, local, and city charges as may be levied, imposed, or due from a telecommunications carrier, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of telecommunications services.
- B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners, and these fees are not new or additional fees.
- C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

(Ord. 99-1003 §1 (part), 1999)

13.24.030 - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

"Aboveground facilities" means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

"Affiliated interest" means (1) every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of such telecommunications utility; (2) every corporation and person in any chain of successive ownership of five percent or more of voting securities of such telecommunications utility; (3) every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such telecommunications utility or by any person or corporation in any chain of successive ownership of five

percent or more of voting securities of such telecommunications utility; (4) every person who is an officer or director of such telecommunications utility or of any corporation in any chain of successive ownership of five percent or more of voting securities of such telecommunications utility; (5) every corporation which has two or more officers or two or more directors in common with such telecommunications utility; (6) every corporation and person, five percent or more of which is directly or indirectly owned by a telecommunications utility; (7) every corporation or person which the Public Utility Commission determines as a matter of fact, after investigation and hearing, actually is exercising any substantial influence over the policies and actions of such telecommunications utility, even though such influence is not based upon stockholdings, stockholders, directors or officers to the extent specified herein; and, (8) every person or corporation who or which the Public Utility Commission determines as a matter of fact, after investigation and hearing, actually is exercising such substantial influence over the policies and actions of such telecommunications utility in conjunction with one or more other corporations or persons with whom they are related by ownership or blood or by action in concert that together they are affiliated with such telecommunications utility within the meaning herein even though no one of them alone is so affiliated.

"Cable Act" means the Cable Communications Policy Act of 1984, 47 U.S.C. 521 et seq., as now and hereafter amended.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Oregon City, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City commission" means the elected governing body of the city of Oregon City, Oregon.

"Control or controlling interest" means actual working control in whatever manner exercised.

"City property" means and includes all property owned by the city, other than public rights-of-way and [public](#) utility easements as those are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way franchising as provided in this chapter.

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholes, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cable right-of-way, owned or controlled, in whole or in part, by one or more public utilities.

"Construction" means any activity in the public rights-of-way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

"Days" means calendar days unless otherwise specified.

"Duct" means a single enclosed raceway for conductors or cable.

["Easement" means the space in, upon, above, along, across, over or under a private property for constructing, reconstructing, operating, maintaining, inspecting, and repairing a facility owned by someone other than the private property owner whereby the easement is located.](#)

"Emergency" shall have the meaning provided for in ORS 401.025.

"Federal Communications Commission or FCC" means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

"Franchise" means an agreement between the city and a grantee which grants a privilege to use public right-of-way and [public](#) utility easements within the city for a dedicated purpose and for specific compensation.

"Grantee" means the person to which a franchise is granted by the city.

"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectible, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

"Oregon Public Utilities Commission or OPUC" means the statutorily created state agency in the state of Oregon responsible for licensing, regulation and administration of certain telecommunications carriers as set forth in Oregon law, or its lawful successor.

"Overhead or aboveground facilities" means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

"Private telecommunications network" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private telecommunications network" includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140.

"Public rights-of-way" means and includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including the subsurface under and air space over these areas. This definition applies only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public rights-of-way" shall also include [public](#) utility easements as defined below.

"Public utility easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

"State" means the state of Oregon.

"Telecommunications Act" means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. 151 et seq.) and as hereafter amended.

"Telecommunications carrier" means any provider of telecommunications services and includes every person that directly or indirectly owns, controls, operates or manages telecommunications facilities within the city.

"Telecommunications facilities" means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

"Telecommunications service" means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed and whether or not the transmission medium is owned by the provider itself. Telecommunications service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights of way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act; and (6) commercial mobile radio services as defined in 47 C.F.R. 20.

"Telecommunications system" means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

"Telecommunications utility" shall have the same meaning as ORS 759.005(1).

"Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for "overhead facilities."

"Usable space" means all the space on a pole, except the portion below ground level, the twenty feet of safety clearance space above ground level, and the safety clearance space between communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground level.

~~"Utility easement" means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes.~~

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services. (Ord. 99-1003 §1 (part), 1999)

(Ord. No. 11-1009, §§ 1, 2, 9-7-2011)

13.24.040 - Registration of telecommunications carriers.

A. Purpose. The purpose of registration is:

1. To assure that all telecommunications carriers who have facilities and/or provide services within the city comply with the ordinances, rules and regulations of the city.
2. To provide the city with accurate and current information concerning the telecommunications carriers who offer to provide telecommunications services within the city, or that own or operate telecommunications facilities within the city.
3. To assist the city in the enforcement of this chapter and the collection of any city franchise fees or charges that may be due the city.

B. Registration Required. Except as provided in subsection D of this section, all telecommunications carriers having telecommunications facilities within the corporate limits of the city, and all telecommunications carriers that offer or provide telecommunications service to customer premises within the city, shall register. The appropriate application and license from: (a) the Oregon Public Utility Commission (PUC); or (b) the Federal Communications Commission (FCC) qualify as necessary registration information. Applicants also have the option of providing the following information:

1. The identity and legal status of the registrant, including the name, address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information.
2. The name, address, and telephone number for the duly authorized officer, agent, or employee to be contacted in case of an emergency.
3. A description of the registrant's existing or proposed telecommunications facilities within the city, a description of the telecommunications facilities that the registrant intends to construct, and a description of the telecommunications service that the registrant intends to offer or provide to persons, firms, businesses, or institutions within the city.
4. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided, or to be provided, by the registrant constitutes an occupation or privilege subject to any business license requirements. A copy of the business license or the license number must be provided.

C. Registration Fee. Each application for registration as a telecommunications carrier shall be accompanied by a nonrefundable registration fee in the amount of thirty-five dollars, or as otherwise established by resolution of the city commission.

D. Exceptions to Registration. The following telecommunications carriers are excepted from registration:

1. Telecommunications carriers that are owned and operated by the state or a political subdivision of this state exclusively for its own use.
2. A private telecommunications network, provided that such network does not occupy any public rights-of-way of the city. (Ord. 99-1003 §1 (part), 1999)

13.24.050 - Construction standards.

A. General. No person shall commence or continue with the construction, installation or operation of telecommunications facilities within a public right-of-way except as provided in this chapter and in compliance with all applicable codes, rules, and regulations.

B. Construction Codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

C. Construction Permits. No person shall construct or install any telecommunications facilities within a public right-of-way without first obtaining a construction permit, and paying the construction permit fee established pursuant to subsection G of this section. No permit shall be issued for the construction or installation of telecommunications facilities within a public right-of-way:

1. Unless the telecommunications carrier has first filed a registration statement with the city pursuant to Section 13.24.040(B) of this code; and if applicable,
2. Unless the telecommunications carrier has first applied for and been granted a franchise pursuant to Section 13.24.070 of this code.

D. Permit Applications. Applications for permits to construct telecommunications facilities shall be submitted on forms to be provided by the city and shall be accompanied by drawings, plans and specifications. The drawings, plans and specifications must:

1. Provide sufficient detail to demonstrate that the facilities will be constructed in accordance with all applicable codes, rules and regulations;
2. Demonstrate that the facilities will be constructed in accordance with the franchise agreement;
3. Provide the location and route of all facilities to be installed aboveground or on existing utility poles;
4. Provide the location and route of all new facilities to be installed underground on or in a public right-of-way, including the line and grade proposed for the burial at all points along the route that are within the public right-of-way. Existing facilities shall be distinguished from new construction;
5. Provide the location of all of the applicant's existing underground utilities, conduits, ducts, pipes, mains and installations that are within the public rights-of-way along the underground route proposed by the applicant. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right-of-way; and
6. Provide a summary of the construction methods to be employed in performing the work and protecting existing structures, fixtures and facilities within or adjacent to the public right-of-way; including a description of any improvements that the applicant proposes to temporarily or permanently remove or relocate.

E. Applicant's Verification. All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, and the drawings, plans and specifications submitted with the application must comply with applicable technical codes, rules and regulations.

- F. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the city.
- G. Construction Permit Fee. Unless otherwise provided in a franchise agreement, prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount consistent with this chapter or as otherwise determined by resolution of the city commission. Such fee shall be designed to defray the costs of city administration of the requirements of this chapter.
- H. Issuance of Permit. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter, the franchise agreement, and all applicable provisions of the city code or other law, the city shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the city may deem necessary or appropriate.
- I. Notice of Construction. Except in the case of an emergency, the permittee shall notify the city not less than two working days in advance of any excavation or construction in the public rights-of-way.
- J. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city shall be provided access to the work site and such further information as it may require to ensure compliance with such requirements.
- K. Noncomplying Work. Subject to the notice requirements in Section 13.24.060(C), all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee.
- L. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the city rights-of-way and other public and private property. All construction work within city rights-of-way, including restoration, must be completed within one hundred twenty days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved pursuant to the schedule submitted and approved by the appropriate city official as contemplated by subsection F of this section.
- M. As-Built Drawings. If requested by the city, the permittee shall furnish the city with two complete sets of plans drawn to scale and certified to the city as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit. These plans shall be submitted to the city engineer or designee within sixty days after completion of construction, in a format mutually acceptable to the permittee and the city.
- N. Restoration of Public Rights-of-Way and City Property:
 - 1. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to good order and condition unless otherwise directed by the city and as determined by the city engineer or designee.
 - 2. If weather or other conditions do not permit the complete restoration required by this section, the permittee shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the city.
 - 3. If the permittee fails to restore rights-of-way or property to good order and condition, the city shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding thirty days to restore the rights-of-way or property. If, after said notice, the permittee fails to restore the rights-of-way or property to as good a condition as existed before the work was undertaken, the city shall cause such restoration to be made at the expense of the permittee.

4. A permittee or other person acting in its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures that are required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights-of-way or property.
- O. Performance and Completion Bond. Unless otherwise provided in a franchise agreement, a performance bond or other form of surety acceptable to the city equal to at least one hundred percent of the estimated cost of constructing permittee's telecommunications facilities within the public rights-of-way of the city, shall be provided before construction is commenced.
1. The surety shall remain in force until sixty days after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.
 2. The surety shall guarantee, to the satisfaction of the city:
 - a. Timely completion of construction;
 - b. Construction in compliance with applicable plans, permits, technical codes and standards;
 - c. Proper location of the facilities as specified by the city;
 - d. Restoration of the public rights-of-way and other property affected by the construction; and
 - e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

(Ord. 99-1003 §1 (part), 1999)

13.24.060 - Location of telecommunications facilities.

- A. Location of Facilities. All facilities located within the public rights-of-way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement:
1. Whenever all existing electric utilities, cable facilities or telecommunications facilities are located underground within a public right-of-way of the city, a grantee with permission to occupy the same public right-of-way must also locate its telecommunications facilities underground.
 2. Whenever all new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public right-of-way of the city, a grantee that currently occupies the same public right-of-way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public right-of-way, absent extraordinary circumstances or undue hardship as determined by the city and consistent with applicable state and federal law.
- B. Interference with the Public Rights-of-Way. No grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances and regulations.
- C. Relocation or Removal of Facilities. Except in the case of an emergency, within ninety days following written notice from the city, a grantee shall, at no expense to grantor, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public rights-of-way whenever the city shall have determined that such removal, relocation, change or alteration is reasonably necessary for:
1. The construction, repairs, maintenance or installation of any city or other public improvement in or upon the public rights-of-way.
 2. The operations of the city or other governmental entity in or upon the public rights-of-way.

3. The public interest.
- D. Removal of Unauthorized Facilities. Within thirty days following written notice from the city, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility, or related appurtenances within the public rights-of-way of the city shall, at its own expense, remove such facilities or appurtenances from the public rights-of-way of the city. A telecommunications system or facility is unauthorized and subject to removal in the following instances:
1. One year after the expiration or termination of the grantee's telecommunications franchise.
 2. Upon abandonment of a facility within the public rights-of-way of the city. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety days or longer. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.
 3. If the system or facility was constructed or installed without the appropriate prior authority at the time of installation.
 4. If the system or facility was constructed or installed at a location not permitted by the grantee's telecommunications franchise or other legally sufficient permit.
- E. Coordination of Construction Activities. All grantees are required to make a good faith effort to cooperate with the city.
1. By January 1st of each year, grantees shall provide the city with a schedule of their proposed construction activities that may affect the public rights-of-way, including specifically any proposed construction activities in or around a public right-of-way.
 2. If requested by the city, each grantee shall meet with the city annually or as determined by the city, to schedule and coordinate construction in the public rights-of-way. At that time, city will provide available information on plans for local, state, and/or federal construction projects.
 3. All construction locations, activities and schedules shall be coordinated, as ordered by the city engineer or designee, to minimize public inconvenience, disruption or damages.

(Ord. 99-1003 §1 (part), 1999)

13.24.070 - Telecommunications franchise.

- A. Telecommunications Franchise. A telecommunications franchise shall be required of any telecommunications carrier who desires to occupy public rights-of-way of the city.
- B. Application. Any person that desires a telecommunications franchise must register as a telecommunications carrier and shall file with the city an application which includes the following information:
1. The identity of the applicant.
 2. A description of the telecommunications services that are to be offered or provided by the applicant over its telecommunications facilities.
 3. Engineering plans, specifications, and a network map in a form customarily used by the applicant of the facilities located or to be located within the public rights-of-way in the city, including the location and route requested for applicant's proposed telecommunications facilities.
 4. The area or areas of the city the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area.

5. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services proposed.
 6. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease.
- C. Application and review fee:
1. Subject to applicable state law, applicant shall reimburse the city for such reasonable costs as the city incurs in entering into the franchise agreement.
 2. An application and review fee of two thousand dollars shall be deposited with the city as part of the application filed pursuant to subsection B of this section. Expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise.
- D. Determination by the City. The city shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial.
- E. Rights Granted. No franchise granted pursuant to this chapter shall convey any right, title or interest in the public rights-of-way, but shall be deemed a grant to use and occupy the public rights-of-way for the limited purposes and term stated in the franchise agreement.
- F. Term of Grant. Unless otherwise specified in the franchise agreement, a telecommunications franchise granted hereunder shall be in effect for a term of five years.
- G. Franchise Territory. Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be limited to a specific geographic area of the city to be served by the franchise grantee, and the public rights-of-way necessary to serve such areas, and may include the entire city.
- H. Franchise Fee. Each franchise granted by the city is subject to the city's right, which is expressly reserved, to fix a fair and reasonable compensation to be paid for the privileges granted; provided, nothing in this code shall prohibit the city and a grantee from agreeing to the compensation to be paid. The compensation shall be subject to the specific payment terms and conditions contained in the franchise agreement and applicable state and federal laws.
- I. Amendment of Grant. Conditions for amending a franchise:
1. A new application and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public rights-of-way of the city which are not included in a franchise previously granted under this chapter.
 2. If ordered by the city to locate or relocate its telecommunications facilities in public rights-of-way not included in a previously granted franchise, the city shall grant an amendment without further application.
 3. A new application and grant shall be required of any telecommunications carrier that desires to provide a service which was not included in a franchise previously granted under this chapter.
- J. Renewal Applications. A grantee that desires to renew its franchise under this chapter shall, not less than one hundred eighty days before expiration of the current agreement, file an application with the city for renewal of its franchise which shall include the following information:
1. The information required pursuant to subsection B of this section.
 2. Any information required pursuant to the franchise agreement between the city and the grantee.
- K. Renewal Determinations. Within ninety days after receiving a complete application, the city shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for non-renewal.

1. The financial and technical ability of the applicant.
 2. The legal ability of the applicant.
 3. The continuing capacity of the public rights-of-way to accommodate the applicant's existing and proposed facilities.
 4. The applicant's compliance with the requirements of this chapter and the franchise agreement.
 5. Applicable federal, state and local telecommunications laws, rules and policies.
 6. Such other factors as may demonstrate that the continued grant to use the public rights-of-way will serve the community interest.
- L. **Obligation to Cure as a Condition of Renewal.** No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city.
- M. **Assignments or Transfers of System or Franchise.** Ownership or control of a majority interest in a telecommunications system or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city, which consent shall not be unreasonably withheld or delayed, and then only on such reasonable conditions as may be prescribed in such consent.
1. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.
 2. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this chapter.
 3. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the city for all direct and indirect fees, costs, and expenses reasonably incurred by the city in considering a request to transfer or assign a telecommunications franchise.
 4. Any transfer or assignment of a telecommunications franchise, system or integral part of a system without prior approval of the city under this code or pursuant to a franchise agreement shall be void and is cause for revocation of the franchise.
- N. **Revocation or Termination of Franchise.** A franchise to use or occupy public rights-of-way of the city may be revoked for the following reasons:
1. Construction or operation in the city or in the public rights-of-way of the city without a construction permit.
 2. Construction or operation at an unauthorized location.
 3. Failure to comply with subsection M of this section with respect to sale, transfer or assignment of a telecommunications system or franchise.
 4. Misrepresentation by or on behalf of a grantee in any application to the city.
 5. Abandonment of telecommunications facilities in the public rights-of-way.
 6. Failure to relocate or remove facilities as required in this chapter.
 7. Failure to pay taxes, compensation, fees or costs when and as due the city under this chapter.
 8. Insolvency or bankruptcy of the grantee.
 9. Violation of material provisions of this chapter.
 10. Violation of the material terms of a franchise agreement.
- O. **Notice and Duty to Cure.** In the event that the city believes that grounds exist for revocation of a franchise, the city shall give the grantee written notice of the apparent violation or noncompliance,

providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty days, to furnish evidence that:

1. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
 2. Rebuts the alleged violation or noncompliance; and/or
 3. It would be in the public interest to impose some penalty or sanction less than revocation.
- P. Public Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the city of its compliance with the franchise or with this chapter, city staff shall refer the apparent violation or noncompliance to the city commission. The Commission shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.
- Q. Standards for Revocation or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this chapter, or of a franchise agreement, the city commission shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors:
1. Whether the violation or failure to comply was egregious;
 2. Whether substantial harm resulted from the violation or failure to comply;
 3. Whether the violation or failure to comply was intentional;
 4. Whether the grantee has violated or failed to comply with the provision(s) before;
 5. Whether the violation or failure to comply was voluntarily disclosed, admitted or cured; and
 6. The grantee's overall history of compliance.
- R. Other City Costs. All grantees shall, within thirty days after written demand therefore, reimburse the city for all reasonable direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement consistent with applicable state and federal laws.

(Ord. 99-1003 §1 (part), 1999)

13.24.080 - General franchise terms.

- A. Facilities. Upon request, each grantee shall provide the city with an accurate map or maps certifying the location of all of its telecommunications facilities within the public rights-of-way. Each grantee shall provide updated maps annually.
- B. Damage to Grantee's Facilities. Unless directly and proximately caused by wilful, intentional or malicious acts by the city, the city shall not be liable for any damage to or loss of any telecommunications facility within the public rights-of-way of the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights-of-way by or on behalf of the city, or for any consequential losses resulting directly or indirectly therefrom.
- C. Duty to Provide Information. Within ten business days of a written request from the city, each grantee shall furnish the city with information sufficient to demonstrate that the grantee has complied with all requirements of this chapter. All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public rights-of-way shall be made available for inspection by the city at reasonable times and intervals.
- D. Service to the City. If the city contracts for the use of telecommunications facilities, telecommunications services, installation, or maintenance from the grantee, the grantee shall charge

the city the grantee's most favorable rate offered at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any of grantee's tariffs or price lists on file with the OPUC. With the city's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the city and grantee.

- E. Compensation for City Property. If any right is granted, by lease, franchise or other manner, to use/or occupy city property for the installation of telecommunications facilities, the compensation to be paid for such right and use shall be fixed by the city.
- F. Cable Franchise. Telecommunication carriers providing cable service shall be subject to the separate cable franchise requirements of the city and other applicable authority.
- G. Leased Capacity. A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided that the grantee shall notify the city that such lease or agreement has been granted to a customer or lessee.
- H. Grantee Insurance. Unless otherwise provided in franchise agreement, each grantee shall, as condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsured:
 - 1. Comprehensive general liability insurance with limits not less than:
 - a. Three million dollars for bodily injury or death to each person;
 - b. Three million dollars for property damage resulting from any one accident; and,
 - c. Three million dollars for all other types of liability.
 - 2. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.
 - 3. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars.
 - 4. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.
 - 5. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the telecommunications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

It is hereby understood that, at least ninety (90) days before this policy is canceled or an intention not to renew this policy is stated, the grantee and the insurer must provide written notice addressed to the city of such intent to cancel or not to renew.
 - 6. Within sixty days after receipt by the city of said notice, and in no event later than thirty days prior to said cancellation, the grantee shall obtain and furnish to the city evidence that the grantee otherwise meets the requirements of this section.
 - 7. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.
- I. General Indemnification. Each franchise agreement shall include, to the extent permitted by law, grantee's expressed undertaking to defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its

telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise agreement made or entered into pursuant to this chapter.

- J. Performance Surety. Before a franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of a franchise granted under this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance surety required for construction of facilities.

(Ord. 99-1003 §1 (part), 1999)

13.24.090 - General provisions.

- A. Governing Law. Any franchise granted under this chapter is subject to the provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and Charter of the city.
- B. Written Agreement. No franchise shall be granted hereunder unless the agreement is in writing.
- C. Nonexclusive Grant. No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way of the city for delivery of telecommunications services or any other purposes.
- D. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of the chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of the chapter, then the provision shall be read to be preempted to the extent and or the time required by law. In the event such federal or state law, rules or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city, and any amendments hereto.
- E. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs. The enforcement of this provision shall be consistent with the provisions of this code regulating code enforcement.
- F. Other Remedies. Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.
- G. Captions. The captions to sections throughout this chapter are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this chapter.
- H. Compliance With Laws. Any grantee under this chapter shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the city heretofore or hereafter adopted or established during the entire term of any franchise granted under this chapter, which are relevant and relate to the construction, maintenance and operation of a telecommunications system.

- I. Consent. Wherever the consent of either the city or of the grantee is specifically required by this chapter or in a franchise granted, such consent will not be unreasonably withheld.
- J. Application to existing ordinance and agreements. To the extent that this chapter is not in conflict with and can be implemented with existing code and franchise agreements, this chapter shall apply to all existing ordinances and franchise agreements for use of the public rights-of-way for telecommunications.
- K. Confidentiality. The city agrees to use its best efforts to preserve the confidentiality of information as requested by a grantee, to the extent permitted by the Oregon public records law.
- L. Interest on late payments. If any fee or charge provided for under this chapter or in a franchise agreement shall not be timely paid, interest shall accrue on such fees at the rate of nine percent per annum, commencing the fifteenth day after payment was due. If such fee or charge is not paid within sixty days of the due date, an additional penalty in the amount of ten percent of such fee shall be assessed and due as of the date the underlying fee was due. Such penalty amount shall also bear interest at the rate provided for herein until paid.

(Ord. 02-1012, 2002: Ord. 99-1003 §1 (part), 1999)

Chapter 13.34 - UTILITY FACILITIES IN PUBLIC RIGHTS-OF-WAY

Sections :

13.34.010 - Title.

The ordinance codified in this chapter shall be known and may be referenced as the utility facilities in public rights-of-way ordinance.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.020 - Purpose and intent.

The purpose and intent of this chapter is to:

- A. Permit and manage reasonable access to the rights-of-way of the city for utility purposes and conserve the limited physical capacity of those rights-of-way held in trust by the city consistent with applicable state and federal law;
- B. Assure that the city's current and ongoing costs of granting and regulating access to and the use of the rights-of-way are fully compensated by the persons seeking such access and causing such costs;
- C. Secure fair and reasonable compensation to the city and its residents for permitting use of the rights-of-way;
- D. Assure that all utility companies, persons and other entities owning or operating facilities and/or providing services within the city register and comply with the ordinances, rules and regulations of the city;
- E. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;
- F. Encourage the provision of advanced and competitive utility services on the widest possible basis to businesses and residents of the city; and
- G. Comply with applicable provisions of state and federal law.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.030 - Jurisdiction and management of the public rights-of-way.

- A. The city has jurisdiction and exercises regulatory management over all rights-of-way within the city under authority of the city charter and state law.
- B. The city has jurisdiction and exercises regulatory management over each right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way, and whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- C. The exercise of jurisdiction and regulatory management of a right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.
- D. The provisions of this chapter are subject to and will be applied consistent with applicable state and federal laws, rules and regulations, and, to the extent possible, shall be interpreted to be consistent with such laws, rules and regulations.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.040 - Regulatory fees and compensation not a tax.

- A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the rights-of-way provided for in this chapter, are separate from, and in addition to, any and all other federal, state, local, and city charges as may be levied, imposed, or due from a utility operator, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.
- B. The city has determined that any fee or tax provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees or taxes are not imposed on property or property owners.
- C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.050 - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of: (i) video programming, or (ii) other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Oregon City, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City commission" means the elected governing body of the city of Oregon City, Oregon.

"City facilities" means city- or publicly-owned structures or equipment located within the right-of-way or public easement used for governmental purposes.

"Communications services" means any service provided for the purpose of transmission of information, including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. Communications service includes all forms of telephone services and voice, video, data or information transport, but does not include:

1. Cable service;
2. Open video system service, as defined in 47 C.F.R. 76;
3. Private communications system services provided without using the public rights-of-way;
4. Public communications systems;
5. Over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and
6. Direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

"Easement" means the space in, upon, above, along, across, over or under a private property for constructing, reconstructing, operating, maintaining, inspecting, and repairing a facility owned by someone other than the private property owner whereby the easement is located.

"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectible, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

"License" means the authorization granted by the city to a utility operator pursuant to this chapter.

"Person" means and includes any individual, firm, sole proprietorship, corporation, company, partnership, co-partnership, joint-stock company, trust, limited liability company, governmental entity, association or other organization, including any natural person or any other legal entity.

"Private communications system" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for sale or resale, including trade, barter or other exchange of value, directly or indirectly.

"Public communications system" means any system owned or operated by a government entity or entities for their exclusive use for internal communications or communications with other government entities, and includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140. "Public communications system" does not include any system used for sale or resale, including trade, barter or other exchange of value, of communications services or capacity on the system, directly or indirectly, to any person.

"Public utility easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.
~~means the space in, upon, above, along, across, over or under an easement for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of utilities facilities.~~
~~"Public utility easement" does not include an easement solely for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of city facilities, or where the proposed use by the utility operator is inconsistent with the terms of any easement granted to the city.~~

"Public works director" means the public works director for the city of Oregon City or any designee.

"Right-of-way" means and includes, but is not limited to, the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, public utility easements and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or other city

property not generally open to the public for travel. This definition applies only to the extent of the city's right, title, interest and authority to grant a license to occupy and use such areas for utility facilities.

"State" means the state of Oregon.

"Utility facility" or "facility" means any physical component of a system, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, transmitters, plant, equipment and other facilities, located within, under or above the rights-of-way, any portion of which is used or designed to be used to deliver, transmit or otherwise provide utility service.

"Utility operator" or "operator" means any person who owns, places, operates or maintains a utility facility within the city.

"Utility service" means the provision, by means of utility facilities permanently located within, under or above the rights-of-way, whether or not such facilities are owned by the service provider, of electricity, natural gas, communications services, cable services, water, sewer, and/or storm sewer to or from customers within the corporate boundaries of the city, and/or the transmission of any of these services through the city whether or not customers within the city are served by those transmissions.

"Work" means the construction, demolition, installation, replacement, repair, maintenance or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance or relocation.

13.34.060 - Registration.

- A. Registration Required. Every person that desires to provide utility services to customers within the city shall register with the city prior to providing any utility services to any customer in the city. Every person providing utility services to customers within the city as of the effective date of this chapter shall register within sixty days of the effective date of this chapter.
- B. Annual Registration. After registering with the city pursuant to subsection A of this section, the registrant shall, by December 31 of each year, file with the city a new registration form if it intends to provide utility service at any time in the following calendar year. Registrants that file an initial registration pursuant to subsection A of this section on or after September 30 shall not be required to file an annual registration until December 31 of the following year.
- C. Registration Application. The registration shall be on a form provided by the city, and shall be accompanied by any additional documents required by the city to identify the registrant and its legal status, describe the type of utility services provided or to be provided by the registrant and list the facilities over which the utility services will be provided.
- D. Registration Fee. Each application for registration shall be accompanied by a nonrefundable registration fee in an amount to be determined by resolution of the city commission in an amount sufficient to fully recover all of the city's costs of administering the registration program.
- E. Exception. A person with a valid franchise agreement or license from the city shall not be required to register to provide the utility services expressly permitted by the franchise agreement or license.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.070 - Right-of-way usage licenses.

- A. License Required.
 - 1. Except those utility operators with a valid franchise agreement from the city, every person shall obtain a license from the city prior to conducting any work in the rights-of-way.
 - 2. Every person that owns or controls utility facilities in the rights-of-way as of the effective date of this chapter shall apply for a license from the city within sixty days of the later of: (I) the effective

date of this chapter, or (2) the expiration of a valid franchise from the city, unless a new franchise is granted by the city pursuant to subsection E of this section.

- B. **License Application.** The license application shall be on a form provided by the city, and shall be accompanied by any additional documents required by the application to identify the applicant, its legal status, including its authorization to do business in Oregon, a description of the type of utility service provided or to be provided by the applicant, and the facilities over which the utility service will be provided, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.
- C. **License Application Fee.** The application shall be accompanied by a nonrefundable application fee or deposit set by resolution of the city commission in an amount sufficient to fully recover all of the city's costs related to processing the application for the license.
- D. **Determination by City.** The city shall issue, within a reasonable period of time, a written determination granting or denying the license in whole or in part. If the license is denied, the written determination shall include the reasons for denial. The license shall be evaluated based upon the provisions of this chapter, the continuing capacity of the rights-of-way to accommodate the applicant's proposed utility facilities and the applicable federal, state and local laws, rules, regulations and policies.
- E. **Franchise Agreements.** If the public interest warrants, as determined by the city, the city and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of [the] city commission. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with any such franchise.
- F. **Rights Granted.**
 - 1. The license granted hereunder shall authorize and permit the licensee, subject to the provisions of the city code and other applicable provisions of state or federal law, to construct, place, maintain and operate utility facilities in the rights-of-way for the term of the license.
 - 2. Any license granted pursuant to this chapter shall not convey equitable or legal title in the rights-of-way, and may not be assigned or transferred except as permitted in subsection K of this section.
 - 3. Neither the issuance of the license nor any provisions contained therein shall constitute a waiver or bar to the exercise of any governmental right or power, police power or regulatory power of the city as may exist at the time the license is issued or thereafter obtained.
- G. **Term.** Subject to the termination provisions in subsection M of this section, the license granted pursuant to this chapter will remain in effect for a term of five years.
- H. **License Nonexclusive.** No license granted pursuant to this section shall confer any exclusive right, privilege, license or franchise to occupy or use the rights-of-way for delivery of utility services or any other purpose. The city expressly reserves the right to grant licenses, franchises or other rights to other persons, as well as the city's right to use the rights-of-way, for similar or different purposes. The license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record that may affect the rights-of-way. Nothing in the license shall be deemed to grant, convey, create, or vest in licensee a real property interest in land, including any fee, leasehold interest or easement.
- I. **Reservation of City Rights.** Nothing in the license shall be construed to prevent the city from grading, paving, repairing and/or altering any rights-of-way, constructing, laying down, repairing, relocating or removing city facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any city facilities. If any of licensee's utility facilities interfere with the construction, repair, replacement, alteration or removal of any rights-of-way, public work, city utility, city improvement or city facility, except those providing utility services in competition with a licensee, licensee's facilities shall be removed or relocated as provided in subsections C, D

and E of Section 13.34.090, in a manner acceptable to the city and consistent with industry standard engineering and safety codes.

J. Multiple Services.

1. A utility operator that provides or transmits or allows the provision or transmission of utility services and other services over its facilities is subject to the license and right-of-way usage fee requirements of this chapter for the portion of the facilities and extent of utility services delivered over those facilities.
2. A utility operator that provides or transmits more than one utility service over its facilities is not required to obtain a separate license or franchise for each utility service, provided that it gives notice to the city of each utility service provided or transmitted and pays the applicable right-of-way usage fee for each utility service.

K. Transfer or Assignment. To the extent permitted by applicable state and federal laws, the licensee shall obtain the written consent of the city prior to the transfer or assignment of the license. The license shall not be transferred or assigned unless the proposed transferee or assignee is authorized under all applicable laws to own or operate the utility system and the transfer or assignment is approved by all agencies or organizations required or authorized under federal and state laws to approve such transfer or assignment. If a license is transferred or assigned, the transferee or assignee shall become responsible for all facilities of the licensee at the time of transfer or assignment. A transfer or assignment of a license does not extend the term of the license.

L. Renewal. At least ninety, but no more than one hundred eighty, days prior to the expiration of a license granted pursuant to this section, a licensee seeking renewal of its license shall submit a license application to the city, including all information required in subsection B of this section and the application fee required in subsection C of this section. The city shall review the application as required by subsection D of this section and grant or deny the license within ninety days of submission of the application. If the city determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the city may require that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the city, before the city will consider the application and/or grant the license. If the city requires the licensee to cure or submit a plan to cure a violation, the city will grant or deny the license application within ninety days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.

M. Termination.

1. Revocation or Termination of a License. The city commission may terminate or revoke the license granted pursuant to this chapter for any of the following reasons:
 - a. Material violation of any of the provisions of this chapter;
 - b. Material violation of any provision of the license;
 - c. Material misrepresentation in a license application;
 - d. Failure to pay related taxes, compensation, fees or costs due the city after final determination of the taxes, compensation, fees or costs;
 - e. Failure to restore the rights-of-way after construction as required by this chapter or other applicable state and local laws, ordinances, rules and regulations;
 - f. Failure to comply with technical, safety and engineering standards related to work in the rights-of-way; or
 - g. Failure to obtain or maintain any and all licenses, permits, certifications and other authorizations required by state or federal law for the placement, maintenance and/or operation of the utility facilities.
2. Standards for Revocation or Termination. In determining whether termination, revocation or some other sanction is appropriate, the following factors shall be considered:

- a. The egregiousness of the misconduct;
 - b. The harm that resulted;
 - c. Whether the violation was intentional;
 - d. The utility operator's history of compliance; and/or
 - e. The utility operator's cooperation in discovering, admitting and/or curing the violation.
3. Notice and Cure. The city shall give the utility operator written notice of any apparent violations before terminating a license. The notice shall include a short and concise statement of the nature and general facts of the violation or noncompliance and provide a reasonable time (no less than twenty and no more than forty days) for the utility operator to demonstrate that the utility operator has remained in compliance, that the utility operator has cured or is in the process of curing any violation or noncompliance, or that it would be in the public interest to impose a penalty or sanction less than termination or revocation. If the utility operator is in the process of curing a violation or noncompliance, the utility operator must demonstrate that it acted promptly and continues to actively work on compliance. If the utility operator does not respond or if the city manager or designee determines that the utility operator's response is inadequate, the city manager or designee shall refer the matter to the city commission, which shall provide a duly noticed public hearing to determine whether the license shall be terminated or revoked.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.080 - Construction and restoration.

- A. Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including but not limited to the National Electrical Code and the National Electrical Safety Code and the city's pavement cut standards. When a utility operator, or any person acting on its behalf, does any work in or affecting the rights-of-way, the utility operator shall, at its own expense, promptly restore the rights-of-way as directed by the city consistent with applicable city codes, rules and regulations. A utility operator or other person acting on its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting the rights-of-way or property.
- B. Construction Permits.
- 1. No person shall perform any work on utility facilities within the rights-of-way without first obtaining all required permits. The city shall not issue a permit for the construction, installation, maintenance or repair of utility facilities unless the utility operator of the facilities has applied for and received the license required by this chapter, or has a current franchise with the city, and all applicable fees have been paid. No permit is required for service drops to customer premises or routine maintenance or repairs where such drops, repairs or maintenance do not require cutting, digging, or breaking of, or damage to, the right-of-way and do not result in closing or blocking any portion of the travel lane for vehicular traffic, bicycle lanes or sidewalks.
 - 2. In the event of an emergency, a utility operator with a license pursuant to this chapter or its contractor may perform work on its utility facilities without first obtaining a permit from the city, provided that, to the extent reasonably feasible, it attempts to notify the city prior to commencing the emergency work and in any event applies for a permit from the city as soon as reasonably practicable, but not more than forty-eight hours after commencing the emergency work. As used in this subsection, "emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

3. Applications for permits to construct utility facilities shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:
 - a. That the facilities will be constructed in accordance with all applicable codes, rules and regulations.
 - b. The location and route of all utility facilities to be installed aboveground or on existing utility poles.
 - c. The location and route of all utility facilities on or in the rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route that are within the rights-of-way. Applicant's existing utility facilities shall be differentiated on the plans from new construction. The public works director may require additional information necessary to demonstrate that the proposed location can accommodate the utility facilities.
 - d. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
 4. All permit applications shall be accompanied by the verification of a professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.
 5. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by public works director.
 6. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount to be determined by resolution of the city commission.
 7. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter, the public works director shall issue a permit authorizing construction of the utility facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate.
 8. Except in the case of an emergency, the permittee shall notify the public works director not less than two working days in advance of any excavation or construction in the rights-of-way.
 9. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the utility facilities. The public works director and designated representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.
 10. All work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The city is authorized to stop work in order to assure compliance with the provision of this chapter. If the permittee fails to remove work as required in this subsection, the city may remove the work at the expense of the permittee, after notice and opportunity to cure.
 11. The permittee shall promptly complete all construction activities so as to minimize disruption of the city rights-of-way and other public and private property. All construction work within the rights-of-way, including restoration, must be completed within sixty days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the appropriate city official.
- C. Performance Surety.

1. The city may require a performance bond or other form of surety acceptable to the city equal to at least one hundred percent of the estimated cost of the work within the rights-of-way of the city be provided before construction is commenced.
 2. In the event the performance bond or other form of surety acceptable to the city is required, it shall:
 - a. Remain in force until sixty days after substantial completion of the work, as determined in writing by the city, including restoration of rights-of-way and other property affected by the construction; and
 - b. The performance bond or other form of surety acceptable to the city shall guarantee, to the satisfaction of the city:
 - i. Timely completion of the work;
 - ii. That the work is performed in compliance with applicable plans, permits, technical codes and standards;
 - iii. Proper location of the facilities as specified by the city;
 - iv. Restoration of the rights-of-way and other property affected by the work; and
 - v. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.
- D. Injury to Persons or Property. A utility operator shall preserve and protect from injury or damage other utility operators' facilities in the rights-of-way, the public using the rights-of-way and any adjoining property, and take other necessary measures to protect life and property, including but not limited to buildings, walls, fences, trees or facilities that may be subject to damage from the permitted work. A utility operator shall be responsible for all injury to persons or damage to public or private property resulting from its failure to properly protect people and property and to carry out the work.
- E. Restoration.
1. When a utility operator, or any person acting on its behalf, does any work in or affecting any rights-of-way, it shall, at its own expense, promptly restore such ways or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules and regulations, unless otherwise directed by the city and as determined by the public works director.
 2. If weather or other conditions beyond the utility operator's control do not permit the complete restoration required by the city, the utility operator shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at the utility operator's sole expense and the utility operator shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the city.
 3. If the utility operator fails to restore rights-of-way or property as required in this chapter, the city shall give the utility operator written notice and provide the utility operator a reasonable period of time not less than ten days, unless an emergency or threat to public safety is deemed to exist, and not exceeding thirty days, or such additional time agreed to in writing by the city, to restore the rights-of-way or property. If, after said notice, the utility operator fails to restore the rights-of-way or property as required in this chapter, the city shall cause such restoration to be made at the expense of the utility operator.
- F. Inspection. Every utility operator's facilities shall be subject to the right of periodic inspection by the city to determine compliance with the provisions of this chapter and all other applicable state and city codes, ordinances, rules and regulations. Every utility operator shall cooperate with the city in permitting the inspection of utility facilities upon request of the city. The utility operator shall perform all testing, or permit the city to perform any testing at the utility operator's expense, required by the city to determine that the installation of the utility operator's facilities and the restoration of the right-

of-way comply with the terms of this chapter and applicable state and city codes, ordinances, rules and regulations.

- G. Coordination of Construction. All utility operators are required to make a good faith effort to both cooperate with and coordinate their construction schedules with those of the city and other users of the rights-of-way.
1. Prior to January 1 of each year, utility operators shall provide the city with a schedule of known proposed construction activities for that year in, around or that may affect the rights-of-way.
 2. Utility operators shall meet with the city annually, or as determined by the city, to schedule and coordinate construction in the rights-of-way.
 3. All construction locations, activities and schedules within the rights-of-way shall be coordinated as ordered by the public works director, to minimize public inconvenience, disruption, or damages.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.090 - Location of facilities.

- A. Location of Facilities. Unless otherwise agreed to in writing by the city:
1. Utility facilities shall be installed underground in all areas of the city where there are no existing poles in the right-of-way or no space on existing poles in the right-of-way. This requirement shall not apply to pedestals, cabinets or other above-ground equipment of any utility operator. The city reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.
 2. Whenever any existing electric utilities, cable facilities or communications facilities are located underground within a right-of-way of the city, the utility operator with permission to occupy the same right-of-way shall locate its facilities underground at its own expense. This requirement shall not apply to facilities used for transmission of electric energy at nominal voltages in excess of thirty-five thousand volts in areas where there are existing poles in the right-of-way, or to pedestals, cabinets or other above-ground equipment of any utility operator. The city reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.
- B. Interference with the Rights-of-Way. No utility operator or other person may locate or maintain its facilities so as to unreasonably interfere with the use of the rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the rights-of-way. All use of the rights-of-way shall be consistent with city codes, ordinances, rules and regulations.
- C. Relocation of Utility Facilities.
1. A utility operator shall, at no cost to the city, temporarily or permanently remove, relocate, change or alter the position of any utility facility within a right-of-way, including relocation of aerial facilities underground, when requested to do so in writing by the city.
 2. Nothing herein shall be deemed to preclude the utility operator from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs or agreements, provided that the utility operator shall timely comply with the requirements of this section regardless of whether or not it has requested or received such reimbursement or compensation.
 3. The city shall provide written notice of the time by which the utility operator must remove, relocate, change, alter or underground its facilities. If a utility operator fails to remove, relocate, alter or underground any utility facility as requested by the city and by the date reasonably established by the city, the utility operator shall pay all costs incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the

utility facility to be removed, relocated, altered or undergrounded at the utility operator's sole expense. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

D. Removal of Unauthorized Facilities.

1. Unless otherwise agreed to in writing by the public works director, within thirty days following written notice from the city or such other time agreed to in writing by the city, a utility operator and any other person that owns, controls, or maintains any abandoned or unauthorized utility facility within a right-of-way shall, at its own expense, remove the facility and restore the right-of-way.
2. A utility system or facility is unauthorized under any of the following circumstances:
 - a. The utility facility is outside the scope of authority granted by the city under the license, franchise or other written agreement. This includes facilities that were never licensed or franchised and facilities that were once licensed or franchised but for which the license or franchise has expired or been terminated. This does not include any facility for which the city has provided written authorization for abandonment in place.
 - b. The facility has been abandoned and the city has not provided written authorization for abandonment in place. A facility is abandoned if it is not in use and is not planned for further use. A facility will be presumed abandoned if it is not used for a period of twelve consecutive months. A utility operator may overcome this presumption by presenting plans for future use of the facility.
 - c. The utility facility is improperly constructed or installed or is in a location not permitted by the construction permit, license, franchise or this chapter.
 - d. The utility operator is in violation of a material provision of this chapter and fails to cure such violation within thirty days of the city sending written notice of such violation, unless the city extends such time period in writing.

E. Removal by City.

1. The city retains the right and privilege to cut or move the facilities of any utility operator or similar entity located within the rights-of-way of the city, without notice, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency. The city will use qualified personnel or contractors consistent with applicable state and federal safety laws and regulations to the extent reasonably practicable without impeding the city's response to the emergency. The city will use best efforts to provide the utility operator with notice prior to cutting or moving facilities. If prior notice is not possible, the city will provide such notice as soon as reasonably practicable after taking such action.
2. If the utility operator fails to remove any facility when required to do so under this chapter, the city may, upon at least ten days' prior written notice, remove the facility using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations and industry standards, and the utility operator shall be responsible for paying the full cost of the removal and any administrative costs incurred by the city in removing the facility and obtaining reimbursement. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days. The obligation to remove shall survive the termination of the license or franchise.
3. The city shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the city or its contractor in removing, relocating or altering the facilities pursuant to subsections B, C or D of this section or undergrounding its facilities as required by subsection A of this section, or resulting from the utility operator's failure to remove, relocate, alter or underground its facilities as required by those subsections, unless such damage arises directly from the city's negligence or willful misconduct.

- F. Engineering Record Drawings. The utility operator shall provide the city with two complete sets of record drawings in a form acceptable to the city upon completion of construction.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.100 - Leased capacity.

A utility operator may lease capacity on or in its systems to others, provided that, upon request, the utility operator provides the city with the name and business address of any lessee. A utility operator is not required to provide such information if applicable law or a valid agreement between the utility operator and the lessee expressly prohibits such disclosure.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.110 - Maintenance.

- A. Every utility operator shall install and maintain all facilities in a manner that complies with applicable federal, state and local laws, rules, regulations and policies. The utility operator shall, at its own expense, repair and maintain facilities from time to time as may be necessary to accomplish this purpose.
- B. If, after written notice from the city of the need for repair or maintenance to address a significant risk to life or property, a utility operator fails to repair and maintain facilities as requested by the city and by the date reasonably established by the city, the city may perform such repair or maintenance using qualified personnel or contractors at the utility operator's sole expense. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.120 - Vacation.

If the city vacates any right-of-way, or portion thereof, that a utility operator uses, the utility operator shall, at its own expense, remove its facilities from the right-of-way unless the city reserves a public utility easement, which the city shall make a reasonable effort to do provided that there is no expense to the city, or the utility operator obtains an easement for its facilities. If the utility operator fails to remove its facilities within thirty days after a right-of-way is vacated, or as otherwise directed or agreed to in writing by the city, the city may remove the facilities at the utility operator's sole expense. Upon receipt of an invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.130 - Right-of-way usage fee.

- A. Except as set forth in subsection B of this section, every person that owns utility facilities in the city and every person that uses utility facilities in the city to provide utility service, whether or not the person owns the utility facilities used to provide the utility services, shall pay the right-of-way usage fee for every utility service provided using the rights-of-way in the amount determined by resolution of the city commission.
- B. A utility operator whose only facilities in the right-of-way are facilities mounted on structures within the right-of-way, which structures are owned by another person, and with no facilities strung between

such structures or otherwise within, under or above the right-of-way, shall pay the attachment fee set by commission resolution for each attachment, or such other fee set forth in the license granted by the city. Unless otherwise agreed to in writing by the city, the fee shall be paid annually, in arrears, for each year during the term of this license within thirty days after the end of each calendar year, and shall be accompanied by information sufficient to illustrate the calculation of the amount payable. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.

- C. Right-of-way usage fee payments required by this section shall be reduced by any franchise fee payments received by the city, but in no case will be less than zero dollars.
- D. Unless otherwise agreed to in writing by the city, the right-of-way usage fee set forth in subsection A of this section shall be paid quarterly, in arrears, for each quarter during the term of the license within thirty days after the end of each calendar quarter, and shall be accompanied by an accounting of gross revenues, if applicable, and a calculation of the amount payable. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.
- E. The calculation of the right-of-way usage fee required by this section shall be subject to all applicable limitations imposed by federal or state law.
- F. The city reserves the right to enact other fees and taxes applicable to the utility operators subject to this chapter. Unless expressly permitted by the city in enacting such fee or tax, or required by applicable state or federal law, no utility operator may deduct, offset or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the right-of-way usage fee or any other fees required by this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.140 - Audits.

- A. Within thirty days of a written request from the city, or as otherwise agreed to in writing by the city:
 - 1. Every provider of utility service shall furnish the city with information sufficient to demonstrate that the provider is in compliance with all the requirements of this chapter and its franchise agreement, if any, including but not limited to payment of any applicable right-of-way usage fee or franchise fee.
 - 2. Every utility operator shall make available for inspection by the city at reasonable times and intervals all maps, records, books, diagrams, plans and other documents, maintained by the utility operator with respect to its facilities within the rights-of-way or public utility easements. Access shall be provided within the city unless prior arrangement for access elsewhere has been made with the city.
- B. If the city's audit of the books, records and other documents or information of the utility operator or utility service provider demonstrate that the utility operator or provider has underpaid the right-of-way usage fee or franchise fee by three percent or more in any one year, the utility operator shall reimburse the city for the cost of the audit, in addition to any interest owed pursuant to Section 13.34.130 or as specified in a franchise.
- C. Any underpayment, including any interest or audit cost reimbursement, shall be paid within thirty days of the city's notice to the utility service provider of such underpayment.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.150 - Insurance and indemnification.

- A. Insurance.

1. All utility operators shall maintain in full force and effect the following liability insurance policies that protect the utility operator and the city, as well as the city's officers, agents, and employees:
 - a. Comprehensive general liability insurance with limits not less than:
 - i. Three million dollars for bodily injury or death to each person;
 - ii. Three million dollars for property damage resulting from any one accident; and
 - iii. Three million dollars for all other types of liability.
 - b. Motor vehicle liability insurance for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.
 - c. Worker's compensation within statutory limits and employer's liability with limits of not less than one million dollars.
 - d. If not otherwise included in the policies required by subsection A.1.a. above, maintain comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.
 - e. Utility operator may utilize primary and umbrella liability insurance policies to satisfy the preceding insurance policy limit requirements.
 2. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name, or the certificate of insurance shall name, with the exception of worker's compensation, as additional insureds the city and its officers, agents, and employees. The coverage must apply as to claims between insureds on the policy. The policy shall provide that the insurance shall not be canceled or no longer comply with this section, without thirty days prior written notice first being given to the city. If the insurance is canceled or materially altered, the utility operator shall obtain a replacement policy that complies with the terms of this section and provide the city with a replacement certificate of insurance. The utility operator shall maintain continuous uninterrupted coverage, in the terms and amounts required. The utility operator may self insure, or keep in force a self-insured retention plus insurance, for any or all of the above coverage.
 3. The utility operator shall maintain on file with the city a certificate of insurance, or proof of self-insurance acceptable to the city, certifying the coverage required above.
- B. Financial Assurance. Unless otherwise agreed to in writing by the city, before a franchise granted or license issued pursuant to this chapter is effective, and as necessary thereafter, the utility operator shall provide a performance bond or other financial security, in a form acceptable to the city, as security for the full and complete performance of the franchise or license, if applicable, and compliance with the terms of this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the utility operator to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance surety required by subsection C of Section 13.34.080.
- C. Indemnification.
1. Each utility operator shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failure to act, or other misconduct of the utility operator or its affiliates, officers, employees, agents, contractors, subcontractors, or lessees in the construction, operation, maintenance, repair, or removal of its facilities, and in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed, or prohibited by this chapter or by a franchise agreement, unless the utility operator's

failure arises directly from the city's negligence or willful misconduct. The acceptance of a license under Section 13.34.070 shall constitute such an agreement by the applicant whether the same is expressed or not. Upon notification of any such claim the city shall notify the utility operator and provide the utility operator with an opportunity to provide defense regarding any such claim.

2. Every utility operator shall also indemnify the city for any damages, claims, additional costs or expenses assessed against or payable by the city arising out of or resulting, directly or indirectly, from the utility operator's failure to remove or relocate any of its facilities in the rights-of-way or easements in a timely manner, unless the utility operator's failure arises directly from the city's negligence or willful misconduct.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.160 - Compliance.

Every utility operator shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all applicable ordinances, resolutions, rules and regulations of the city, heretofore or hereafter adopted or established during the entire term of any license granted under this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.170 - Confidential/proprietary information.

If any person is required by this chapter to provide books, records, maps or information to the city that the person reasonably believes to be confidential or proprietary, the city shall take reasonable steps to protect the confidential or proprietary nature of the books, records or information, to the extent permitted by Oregon public records laws, provided that all documents are clearly marked as confidential by the person at the time of disclosure to the city. The city shall not be required to incur any costs to protect such document, other than the city's routine internal procedures for complying with the Oregon public records law.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.180 - Penalties.

- A. Any person found guilty of violating any of the provisions of this chapter or the license shall be subject to a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- B. Nothing in this chapter shall be construed as limiting any judicial or other remedies the city may have at law or in equity, for enforcement of this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.190 - Severability and preemption.

- A. The provisions of this chapter shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law.

- B. If any article, section, subsection, sentence, clause, phrase, term, provision, condition or portion of this chapter is for any reason declared or held to be invalid or unenforceable by any court of competent jurisdiction or superseded by state or federal legislation, rules, regulations or decision, the remainder of this chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, clause, phrase, term, provision, condition, covenant and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event any provision is preempted by federal or state laws, rules or regulations, the provision shall be preempted only to the extent required by law and any portion not preempted shall survive. If any federal or state law resulting in preemption is later repealed, rescinded, amended or otherwise changed to end the preemption, such provision shall thereupon return to full force and effect and shall thereafter be binding without further action by the city.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.200 - Application to existing agreements.

To the extent that this chapter is not in conflict with and can be implemented consistent with existing franchise agreements, this chapter shall apply to all existing franchise agreements granted to utility operators by the city.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)



Oregon City Municipal Code

Chapter 16.12 Minimum Public Improvements and Design Standards for Development

16.12.008 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.

16.12.10 - Purpose and general provisions.

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

16.12.11 - Applicability.

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision. ~~Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way, or as otherwise provided in this chapter.~~
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3-4 plexes, single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
 1. Improve street pavement and construct curbs, gutters, sidewalks, and planter strips; and
 2. Plant street trees.

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division

and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

- C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed.
1. Projects that are reviewed through the Minor Site Plan and Design Review applications process shall not be subject to compliance with this public street improvement standards in 16.12.015 through 16.12.032 chapter unless identified in 16.12.010; however, if unless the following improvements are proposed, the design standards within this chapter shall apply:
 2. Work within the right-of-way
 3. New improvements or changes to an existing public off-street pedestrian and bicycle accessway
c. — New improvements or changes to an existing driveway
 4. Lot Line Adjustments and Abandonments are not subject to compliance with this chapter.
 5. 6. Capital Public capital improvement projects are not subject to compliance with this chapter unless otherwise noted.

16.12.12 - Jurisdiction and management of the public rights-of-way.

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

16.12.13 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance.

- A . Compliance with the following criteria is required:
1. The modification meets the intent of the standard;
 2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
 3. The modification is consistent with an adopted transportation or utility plan; and
 4. The modification is complementary with a surrounding street design; or, in the alternative;
 5. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
- B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.
1. Modifications to driveway location, size, and sharing standards in 16.12.035
 2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards

16.12.14 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Pre-Design Meeting;
 - B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;
 - C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;
-

- D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);
- E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);
- F. Plan Check and Inspection Fees (as set by City resolution);
- G. Certificate of Liability Insurance for Ccity funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
- H. Preconstruction Meeting Notes;
- I. Financial Guarantee(s) per OCMC 17.50.140;
- J. Applicable Approvals/Permits from other agencies or entities;
- K. Developer/Engineer Agreement for public works improvements.

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. Project Engineer's Certificate of Completion;
- M. Stormwater Operation and Maintenance Easement (if applicable);
- N. Deed of Dedication (Bargain and Sale Deed);
- O. Recorded Plat and/or Easements (if applicable);
- P. Recorded Non-Remonstrance Covenant Agreement;
- Q. Land Division Compliance Agreement (if applicable);
- R. Permanent Stabilization and/or Restoration of the impact from the development;
- S. Fulfillment of all Conditions of Approval;
- T. Payment of all Outstanding Fees;
- U. Maintenance Guarantee(s). per OCMC 17.50.141;
- V. Indemnity Agreement (if applicable);
- W. Completed Punchlist;
- X. As-Built Drawings;

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, may ~~be~~ be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

16.12.15 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted

- by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
 - C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's Transportation System Plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

16.12.16 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space		N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space		N/A	

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.

4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.85.
 - A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.
 - B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.
 - C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable City regulations and standards.
 - D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.
 - E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.
 - F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.
 - G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.
 - H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

16.12.17 - Street design—Access control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The City may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

16.12.18 - Street design—Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines; or
- B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
- C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

16.12.19 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

16.12.20 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

16.12.21 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

16.12.22 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for

residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

16.12.23 - Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

16.12.24 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

16.12.25 - Street design—Cul-de-sacs and dead-end streets.

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

- A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.
- B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.
- C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and Ccity adopted street standards.
- D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

- E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

16.12.26 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

16.12.27 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

16.12.28 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

16.12.29 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

16.12.30 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the

appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.

16.12.31 – Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

16.12.32 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

- A. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
 1. Accessways shall have a fifteen-foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.
 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a sixteen foot paved surface between four-foot planter strips on either side.
- B. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
- C. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
- D. Accessways shall comply with Americans with Disabilities Act (ADA).
- E. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
 1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
 2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees

may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty- two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
- F. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- G. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
- H. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
- I. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.
- J. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
 1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
 2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

16.12.33 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan (TSP) or as otherwise identified by the City Engineer.

- A. For intersections within the regional center, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
- B. For intersections outside of the Regional Center but designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized

- intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 2. For unsignalized intersections outside of the boundaries of the Regional Center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:
1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
- F. I-205/OR 99E Interchange.
- G. State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
 2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

16.12.035 - Driveways.

- A. All new development, ~~and~~ redevelopment, ~~and capital improvement projects~~ shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. ~~Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.~~

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

- B. ~~All detached single and two family dwellings shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the City Engineer.~~
- C. Nonresidential or multi-family residential ~~use~~ driveways that generate high traffic volumes ~~as determined by a traffic analysis~~ shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
- D. ~~Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single-family attached or detached residential property, duplex, 3- 4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.~~
- E. When a property fronts multiple roads, access shall be provided from ~~and limited to~~ the road with the lowest classification in the Transportation System Plan ~~whenever possible~~ to minimize points of access to arterials and collectors. ~~Access shall not be provided on Arterial or Collector roads unless there is no other alternative.~~ At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City

Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family Attached	10 feet		124 feet
Single-Family Detached in R-5 & R-3.5	10 feet		124 feet
Single-Family Detached in R-10, R-8, & R-6	12 feet		24 feet
Duplexes	12 feet		24 feet
3-4 Plexes	12 feet		24 36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

- G. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
 2. To facilitate street tree planting requirements;
 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
 4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
- H. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.

2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.
- I. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic. Exceptions may be processed as a Type 1 right of way permit and shall not be considered a modification under 16.12.013; however, exceptions shall follow the criteria listed in 16.12.013.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12,15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.

16.12.85 - Easements.

The following shall govern the location, improvement and layout of easements:

- A. ~~A.~~ Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.
 1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable Design Standards.
 2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public right of ways or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.
 - a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones
 - b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones
 - a. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a 5 foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.

- c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

1.2.

- B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.
- C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
- D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.
- E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

16.12.90 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
- B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.
- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.
- D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets

shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide public franchise-utility easement within private property as defined in OCMC 16.12.85.A.2.

- E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.
- F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:

- A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.
- B. **Stormwater Drainage System.** Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.
- C. **Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer 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. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.
- D. **Water System.** 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.

- E. Street Trees. Refer to OCMC 12.08, Street Trees.
- F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.
- G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing ~~and new~~ electrical lines and other wires, including but not limited to telecommunication, street lighting and ~~fiberoptic cable television~~, shall be ~~relocated~~placed underground.

1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):
 - a. No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.
 - b. Properties with less than 1.0 acre of ~~ownership~~land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - c. Properties with less than 200 feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - d. ~~Land divisions Properties which propose with 5 or less fewer~~ subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.
2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past 10 years. In those cases, the existing overhead utilities shall be relocated underground.
3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.
4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.

- H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and

funds available, or provide for recovery of costs from intervening properties as they develop.

- I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

16.12.100 - Same—Road standards and requirements.

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
 1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
- C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

16.12.105 - Same—Timing requirements.

- A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.
- B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

16.12.110 -Public improvements—Financial guarantees.

- A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.
- B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

16.12.120 Waiver of Remonstrance

The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed

development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

16.12.125 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.



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

17.4.5 - 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.

17.4.6 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, paths, sidewalks or similar designations.

17.04.030 - Accessway, pedestrian/bicycle.

"Accessway, pedestrian/bicycle" means any off-street path or way as described in OCMC ~~162.1204~~, 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 20 feet 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.

17.4.80 - 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.

17.4.81 - 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.

17.4.82 - 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.

17.4.83 - 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.

17.4.90 - 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.

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.

17.4.153 - Board.

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

17.4.154 – Building.

"Building" means structure.

17.4.155 - 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.

17.04.176 – Capital Improvement Project.

"Capital Improvement Project" is a project located within an existing or proposed right-of-way or easement including roads, water mains, sanitary sewers, storm sewers and their appurtenances where the project is solely or partially funded by City funds and is solely or partially administered by the City of Oregon City.

17.4.177 - 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.

17.4.178 - 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.

17.4.195 - 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 or Public Works Director.

17.4.196 - 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.

17.4.197 - 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.

17.4.255 - 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)

17.4.300 - Development.

"Development" means an activity where a building or grading operation occurs, making a material change in the use or appearance of a structure or land occurs, 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. Development does not refer to a capital improvement project or an activity within the right of way or public utility easement that is not associated with land or use changes occurring outside of a right of way or public utility easement, except where stated.

For the purpose of OCMC 17.26 and OCMC 17.40, "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, capital improvement projects, excavation or drilling operations.

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, capital improvement projects, 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, capital improvement projects, 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, capital improvement projects, 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. A capital improvement project or an activity within the right of way that is not associated with land or use changes occurring outside of right of way or public utility easement, does not occur within a 'development site'.

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, Public Works Director, or designee.

17.4.320 - 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.

17.04.340 – Easement.

"Easement" means the space in, upon, above, along, across, over or under a private property for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of a facility owned by someone other than the private property whereby the easement is located.

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 cart, 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 carts may require licensing from state and county health departments. Food carts 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.

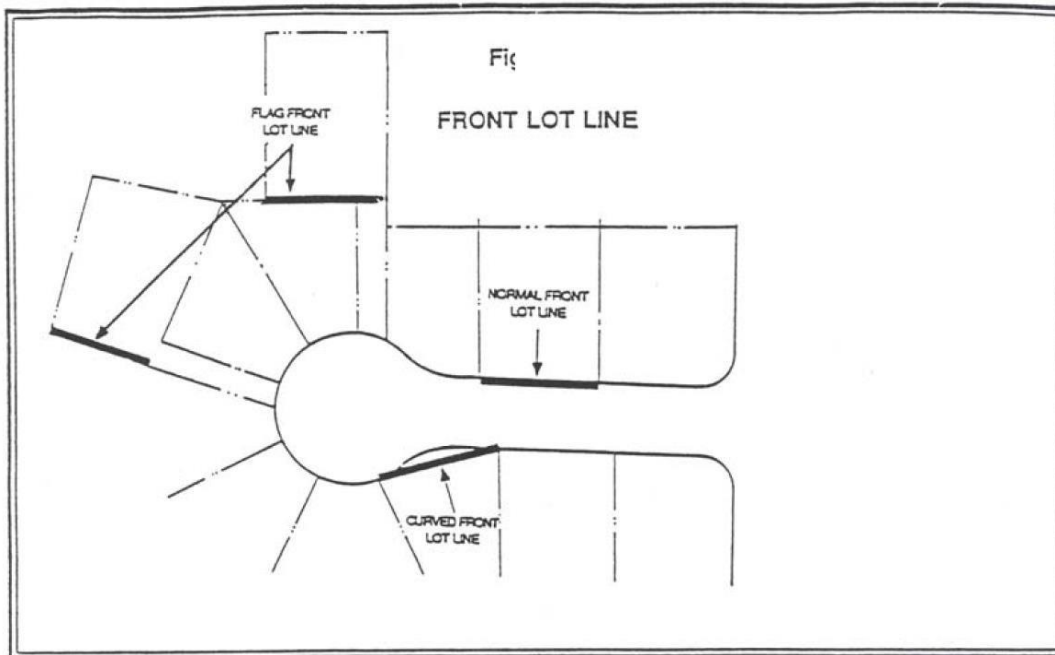


Figure 17.04.490

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 as defined in OCMC 15.48.

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 carts, 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.

Residential Density Calculation Example:

Zone: R-5

Unit type: Single Family Detached

Gross site area: 4.84 acres = 210,830 sq. ft. (80% is developable, 20% is right-of-way, slopes etc.)

210,830 sq. ft. X .8 = 168,664 sq. ft.

Net developable area: 168,664 sq. ft./43,560 = 3.87 acres

Density (See Density Standards table for Medium Density District):

Minimum Density = 8.7 du/acre X 3.87 acres = 33.68 (round up) = 34 units

Maximum Density = 12.4 du/acre X 3.87 acres = 47.98 (round up) = 48 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. The property line may sometimes be the same line as the right of way line even though right of way is not a lot or parcel.

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.

17.04.982 - Public street.

"Public street" means a publicly maintained street or accessway under the jurisdiction of a governmental entity.

17.04.985 - Public utilities and services.

"Public utilities and services" means facilities for providing electric power, communication, water, sewers and transportation.

17.04.986 – Public Utility Easement.

"Public Utility Easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

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.

17.04.1020 - 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 public street, public alley or other public accessway. Right of way is not a parcel, lot, or considered real estate or real property.

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.

17.04.1125 - 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.

Utility poles and transportation facilities or any items located within a public easement or right of way are not considered structures within this definition.

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.

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, ~~features~~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 ~~features~~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.



Oregon City Municipal Code

Chapter 17.08 Low Density Residential Districts

17.08.010 - Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

17.08.020 - Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Internal conversions;
- D. Corner duplexes;
- E. Cluster housing;
- F. Residential homes;
- G. Parks, playgrounds, playfields and community or neighborhood centers;
- H. Home occupations;
- I. Family day care providers;
- J. 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);
- K. 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;
- L. Transportation facilities.

17.08.025 - Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 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;

17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Single-family attached residential units.

17.08.035 - Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.
Maximum height	35 ft.	35 ft.	35 ft.
Maximum building lot coverage With ADU	40%, except 45%	40%, except 45%	40%, except 45%
Minimum lot width	65 ft.	60 ft.	50 ft.
Minimum lot depth	80 ft.	75 ft.	70 ft.
Minimum front yard setback	20 ft., except 15 ft. - Porch	15 ft., except 10 ft. - Porch	10 ft., except 5 ft. - Porch
Minimum interior side yard setback	8 ft.	7 ft.	5 ft.
Minimum corner side yard setback	10 ft.	10 ft.	10 ft.
Minimum rear yard setback	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU
Garage setback	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
- ~~2-3.~~ Public utility easements may supersede the minimum setback.

17.08.045 - 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.

17.08.050 - Density standards.

A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density	3.5 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density	4.4 du/acre	5.4 du/acre	7.3 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 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.



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. ~~1.~~ For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

1-2. ~~2.~~ Public utility easements may supersede the minimum setback.

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.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.12 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. ~~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.
2. Public utility easements may supersede the minimum setback.
3. Maximum setback may be increased per OCMC 17.62.055.D.

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.



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.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- 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.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.26 HC Historic Commercial District

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. Additional design requirements or adjustments to dimensional standards may be required to comply with OCMC 17.40 Historic Overlay District.

17.26.20 - Permitted uses.

- A. Single-family detached residential units or a single unit in conjunction with a nonresidential use;
- B. Duplexes or two units in conjunction with a nonresidential use;
- C. Internal conversions;
- D. Live/work dwellings; Accessory uses, buildings and dwellings;
- E. Banquet, conference facilities and meeting rooms;
- F. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities for up to ten guests per night;
- G. Child care centers and/or nursery schools;
- H. Indoor entertainment centers and arcades;
- I. Health and fitness clubs;
- J. Medical and dental clinics, outpatient; infirmary services;
- K. Museums, libraries and cultural facilities;
- L. Offices, including finance, insurance, real estate and government;
- M. 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;
- N. Postal services;
- O. Parks, playgrounds, play fields and community or neighborhood centers;
- P. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- Q. Restaurants, eating and drinking establishments without a drivethrough;
- R. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- S. 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;
- T. Seasonal sales;

- U. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- V. Studios and galleries, including dance, art, photography, music and other arts;
- W. 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;
- X. Veterinary clinics or pet hospitals, pet day care;
- Y. Home occupations;
- Z. Research and development activities;
- AA. 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;
- BB. Residential care homes and facilities licensed by the state;
- CC. Transportation facilities.

17.26.030 - Conditional Uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the 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 17.29.020.1.;
- 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;
- J. Hospitals;
- K. Parking not in conjunction with a primary use;
- L. Passenger terminals.

17.26.035 - Prohibited uses.

- A. Single-family attached dwellings;
- B. 3-4 plex residential
- C. Multifamily residential
- D. Marijuana businesses;
- E. Mobile Food Units, except with a special event permit.

17.26.050 - Dimensional standards.

- A. Residential uses:
 1. Single-family detached residential units shall comply with the dimensional and density standards required for the R-6 District.
 2. Duplexes shall comply with the dimensional and density standards required for the R-3.5 District.
- B. All other uses:
 1. Minimum lot area: None.
 2. Maximum building height: Thirty-five feet or three stories, whichever is less.

3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet.
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.



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.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- 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.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.31 MUE Mixed Use Employment District

17.31.10 - Designated.

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes or similar as defined by the community development director. Some commercial uses are allowed, within limits. The county offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 - Permitted uses.

Permitted uses in the MUE district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Child care centers, nursery schools;
- C. Medical and dental clinics, outpatient; infirmary services;
- D. Distributing, wholesaling and warehousing;
- E. Health and fitness clubs;
- F. Hospitals;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- I. Offices;
- J. 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;
- K. Postal services;
- L. Parks, playfields and community or neighborhood centers;
- M. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- N. Passenger terminals (water, auto, bus, train);
- O. 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, water tanks, telephone exchange and cell towers;
- P. Transportation facilities;
- Q. Marijuana processors, processing sites, wholesaling and laboratories;
- R. Transitory mobile food units.

17.31.030 - Limited uses.

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 MUE development site or complex. 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 same development site, as determined by the community development director.

- A. Retail services, including but not limited to personal, professional, educational and financial services, marijuana, laundry and dry cleaning;
- B. Restaurants, eating and drinking establishments;
- C. Retail shops, provided the maximum footprint for a stand-alone building with a single store does not exceed sixty thousand square feet;
- D. Public and/or private educational or training facilities;
- E. Custom or specialized vehicle alterations or repair wholly within a building.

17.31.040 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in OCMC 17.56.

- A. Correctional, detention and work release facilities;
- B. Drive-through facilities;
- C. Hotels, motels and commercial lodging;
- D. Outdoor markets that do not meet the criteria of OCMC 17.31.020.J;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Veterinary or pet hospital, dog day care.

17.31.050 - Prohibited uses.

The following uses are prohibited in the MUE district:

- A. Outdoor sales or storage;
- B. Kennels;
- C. Gas/Convenience stations;
- D. Motor vehicle parts stores;
- E. Motor vehicle sales and incidental service;
- F. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;
- H. Self-storage facilities;
- I. Marijuana production.

17.31.060 - Dimensional standards.

- A. Minimum lot areas: None.
- B. Minimum Floor Area Ratio: 0.25.
- C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty 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.
- 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: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum site coverage of the building and parking lot: Eighty percent.
- G. Minimum landscape requirement (including the parking lot): Twenty percent.

The design and development of the 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 way system within the development with appropriate connections to surrounding properties;
4. Include, as appropriate, a bikeway walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 - 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. Standards.

1. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
2. 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.
3. 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.



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 17.32 C General Commercial District

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of 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.

17.32.020 - Permitted uses.

- 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. Drive-in or drive-through facilities;
- E. Gas stations;
- F. Indoor entertainment centers and arcades;
- G. Health and fitness clubs;
- H. Motor vehicle and recreational vehicle sales and/or incidental service;
- I. Motor vehicle and recreational vehicle repair and/or service;
- J. Custom or specialized vehicle alterations or repair wholly within a building.
- K. Medical and dental clinics, outpatient; infirmary services;
- L. Museums, libraries and cultural facilities;
- M. Offices, including finance, insurance, real estate and government;
- N. Outdoor markets, such as produce stands, craft markets and farmers markets;
- O. Postal services;
- P. Passenger terminals (water, auto, bus, train);
- Q. Parks, playgrounds, play fields and community or neighborhood centers;
- R. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- S. Multifamily residential, 3-4 plex residential, or 1 or 2 units in conjunction with a nonresidential use;
- T. Restaurants, eating and drinking establishments without a drive through;
- U. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- V. 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;
- W. Seasonal sales;
- X. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

- Y. Studios and galleries, including dance, art, photography, music and other arts;
- Z. 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;
- AA. Veterinary clinics or pet hospitals, pet day care;
- BB. Home occupations;
- CC. Research and development activities;
- DD. 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;
- EE. Residential care facility licensed by the state;
- FF. Transportation facilities;
- GG. Live/work dwellings.

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in OCMC 17.56:

- A. Religious institutions;
- B. Hospitals;
- C. Self service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

- A. Distribution, wholesaling and warehousing;
- B. Outdoor sales or storage, except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building;
- C. General manufacturing or fabrication;
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- E. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- F. Mobile food units, except with a special event permit.

17.32.050 - Dimensional standards.

- A. Minimum lot area: None.
- B. Maximum building height: Sixty 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: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: Five feet.
 - 2. Interior side yard setback: None.
 - 3. Corner side yard setback abutting street: None

4. Rear yard setback: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum site coverage of building and parking lot: Eighty-five percent
- G. Minimum landscaping requirement (including parking lot): Fifteen 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.



Oregon City Municipal Code

Chapter 17.34 MUD Mixed Use Downtown District

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- 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. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multifamily residential, 3-4 plex residential;
- M. 1 or 2 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;
- N. Restaurants, eating and drinking establishments without a drive through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- Q. Seasonal sales;

- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. 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;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. 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;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions.
- DD. Mobile food units outside of the downtown design district.

17.34.030 - Conditional uses.

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 services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I.;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;
- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;
- O. Recycling center and/or solid waste facility;
- P. Shelters, except within the Downtown Design District.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;
- C. Self-service storage;
- D. Single-Family attached and detached residential units and duplexes;

- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental²(including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- I. Mobile food units within the downtown design district unless a special event has been issued.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- 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: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; or
 - 3. Property abutting single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Twenty feet.
 - 2. Interior side yard: No maximum.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: No maximum.
 - 5. Rear yard abutting street: Twenty feet.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape 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 vertical mixed-use configuration or to live/work dwellings.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- 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: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.

- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard setback: Ten feet.
 - 2. Interior side yard setback: No maximum.
 - 3. Corner side yard setback abutting street: Ten feet.
 - 4. Rear yard setback: No maximum.
 - 5. Rear yard setback abutting street: Ten feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- H. Maximum site coverage of the building and parking lot: Ninety-five percent.
- I. Minimum landscape requirement (including parking lot): 5 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 vertical mixed-use configuration or to live/work dwellings.

17.34.080 - Explanation of certain standards.

- A. Floor Area Ratio (FAR).
 - 1. Purpose. 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.
 - 2. Standards.
 - a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.
 - 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.
- B. Building height.
 - 1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.35 Willamette Falls Downtown District

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
- E. Restaurants, eating and drinking establishments without a drive-through, and mobile food units;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;
- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;
- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units—Multi-family, and 3-4 plex;
- S. Services, including personal, professional, educational and financial services; laundry and dry cleaning;

- T. Seasonal sales;
- 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. Religious institutions;
- Y. Live/work units;
- Z. Water-dependent uses, such as boat docks;
- AA. Passenger terminals (water, auto, bus, train);
- BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;
- CC. After-hours public parking.

17.35.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
- D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;
- H. Public utilities and services such as pump stations and sub-stations;
- I. Stadiums and arenas.

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels.
- B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;
- C. Self-service storage;
- D. Distributing, wholesaling and warehousing not in association with a permitted use;
- E. Single-family and two-family residential units;
- F. Motor vehicle and recreational vehicle repair/service;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- I. Marijuana production, processing, wholesaling, research, testing, and laboratories;

17.35.050 - Temporary uses.

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.
- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
 - 1. Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;
 - 2. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;
- C. General Regulations for Temporary Uses.
 - 1. The temporary use permit is good for one year and can be renewed for a total of three years;
 - 2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district;
 - 3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.060 - Willamette Falls Downtown District dimensional standards.

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:
 - 1. Accessory structures or buildings under one thousand square feet; and
 - 2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum allowed setbacks: Ten feet.
- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.



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 17.36 GI General Industrial District

17.36.010 - Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted:

- A. Manufacturing and/or fabrication;
- B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;
- C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);
- D. Veterinary or pet hospital, kennel;
- E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);
- F. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or marijuana , 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;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Outdoor sales and storage;
- I. Recycling center and solid waste facility;
- J. Wrecking yards;
- K. Public utilities, including sub-stations (such as buildings, plants and other structures);
- L. 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;
- M. Storage facilities;
- N. Transportation facilities;
- O. Marijuana production, processing, wholesaling, and laboratories;
- P. Mobile food units operating on a property for less than five hours in a twenty-four hour period.

17.36.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in OCMC 17.56:

- A. Any use in which more than half of the business is conducted outdoors;
- B. Hospitals.

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

- A. Minimum lot area, minimum not required;
- B. Maximum building height, three stories, not to exceed forty feet;
- C. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback;
 - 2. Interior side yard, no minimum setback;
 - 3. Corner side yard, ten feet minimum setback;
 - 4. Rear yard, ten feet minimum setback;

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.
- E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.
- F. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.



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.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- 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 OCMC17.50, 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.



Oregon City Municipal Code

Chapter 17.39 I Institutional District

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;
- B. Parks, playgrounds, playfields and community or neighborhood community centers;
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;
- D. Stadiums and arenas;
- E. Banquet, conference facilities and meeting rooms;
- F. Government offices;
- G. Transportation facilities;
- H. Mobile food units.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;
- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations;

I. Police Station.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;
- B. Marijuana businesses;

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

17.39.060 - Relationship to master plan.

- A. A master plan is required for any development within the I District on a site over ten acres in size that:
 - 1. Is for a new development on a vacant property;
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or
 - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions
- B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.
- C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.



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;~~ Onsite utility location;
 - e.d. Building location in OCMC 17.62.055.D;
 - f.e. Building Details in OCMC 17.62.050.B.9.055.I;
 - g.f. 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. All new utilities shall be placed underground.
 - 1. Service poles may be allowed on private property when undergrounding service is technically or - physically infeasible.
- K. 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.

L. All new utilities shall be placed underground.

1. Service poles may be allowed on private property when undergrounding service is technically or - physically infeasible.

J. K. 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

17.62.55 –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.

17.62.56 - 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.

17.62.57 - 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.).

17.62.059 - 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.



MEMORANDUM

LEG 20-00001

Second set of Code Revisions for Ordinance Adoption

April 7, 2021

After review and discussion with the City Commission, we offer the following code sections for Ordinance Adoption:

- 13.24/13.34 – Telecommunications Facilities
- 16.12 – Minimum Public Improvements
- 17.04 – Definitions
- 17.08 – Low Residential Districts*
- 17.10 – Medium Density Residential Districts*
- 17.12 – High-Density Residential Districts*
- 17.24 – NC Neighborhood Commercial District*
- 17.26 – HC Historic Commercial District*
- 17.29 – MUC Mixed-Use Corridor District*
- 17.31 – MUE – Mixed-Use Employment District*
- 17.32 – C General Commercial District*
- 17.34 – MUD Mixed-Use Downtown District*
- 17.35 – Willamette Falls Downtown Design District*
- 17.36 – GI General Industrial District*
- 17.37 – CI Campus Industrial District*
- 17.39 – I Institutional District*
- 17.62 – Site Plan and Design Review

*The only change to these zoning districts is to note that *“Public utility easements may supersede the minimum setback”*

At the November 16, 2020 City Commission meeting where all code amendments were discussed, the City Commission requested further discussion on the definition of development and the exemption of capital improvements projects dealing with utilities and

transportation. That discussion occurred on March 9, 2021. The meeting did not result in any further revisions.

In summary, and in general, the following is provided within the proposed revisions in addition to the statement about the zoning chapters above :

- 13.24/13.34 : The definitions of 'easement' and 'public utility easement' were revised to be consistent with what is proposed within 17.04 to align with current practice. The definition of 'gross revenue' was added to conform to language within current franchise agreements.
- 16.12 : Driveway standards were updated and clarified based on experience using the existing code. Details for the undergrounding of utilities were added. Language concerning public utility easements was added. Exemption of transportation and utility capital improvement projects were added.
- 17.04 : The following definitions were either updated or added: Accessway; Accessway, pedestrian/bicycle; Capital Improvement Project; City Engineer; Development; Development Site; Director; Easement; Grading; Property Line; Public Street; Public Utility Easement; Right-of-Way; Structure; Utility Facilities; Utility pole placement/replacement
- 17.62 : Language concerning the undergrounding of utilities and location of service poles was added for clarification.

The 3rd code package will involve OCMC 17.44. That package will be introduced after a work session to discuss the details occurs.

Thank you,
Josh Wheeler, PE
Assistant City Engineer

REFERENCE LINK TO PREVIOUS AGENDA ITEMS AND EXHIBITS FOR GLUA 20-00033 LEG-20-00001 PUBLIC WORKS CODE AMENDMENTS

September 28, 2020 Planning Commission Meeting

[Commission Report.pdf](#) (0.04 MB)
[GLUA 20-00033 LEG 20-00001 Staff Report.pdf](#) (0.56 MB)
[Exhibit 1 Public Works Code Amendments Overview.pdf](#) (1.27 MB)
[Exhibit 2 Public Works Code Amendments FAQ.pdf](#) (0.14 MB)
[Exhibit 3 Detailed Summary of Proposed Changes.pdf](#) (0.28 MB)
[Exhibit 4 GLUA 20-00033 Draft Code Revised September 21, 2020.pdf](#) (2.97 MB)
[Exhibit 5 Sanitary Standards -Proposed Revisions.pdf](#) (0.41 MB)
[Exhibit 6 Sidewalk Obstructions Policy.pdf](#) (0.43 MB)
[Exhibit 7. Undergrounding Utilities Policy- Proposed Revisions.pdf](#) (0.85 MB)
[Exhibit 8 Applicant's Narrative.pdf](#) (0.48 MB)
[Exhibit 9 Preparing for Landslide Hazards A Land Use Guide For Oregon Communities.pdf](#) (19.86 MB)
[Exhibit 10.Goal 7 Natural Hazards.pdf](#) (0.02 MB)
[Exhibit 12 Public Comment Matrix \(as of 9.21.20\).pdf](#) (1.02 MB)

November 9, 2020 Planning Commission Meeting

[Commission Report 11.9.20.pdf](#) (0.04 MB)
[October 30, 2020 Memo from Josh Wheeler, Assistant City Engineer.pdf](#) (0.13 MB)
[OCMC 13.08 -Sewer Regulations Revised for 11.9.20 PC Hearing.pdf](#) (0.09 MB)
[OCMC 16.12 Minimum Public Improvements - Revised for 11.9.20 PC Hearing.pdf](#) (0.40 MB)
[OCMC 17.44 Geologic Hazards Revised for 11.9.20 PC Hearing.pdf](#) (0.27 MB)
[OCMC 17.80 Revised for 11.9.20 PC Hearing.pdf](#) (0.26 MB)
[September 23, 2020 Geologic Hazards Presentation Final.pdf](#) (10.28 MB)
[September 23, 2020 Q&A Session Geologic Hazards Webinar.pdf](#) (0.19 MB)
[GLUA 20-00022 LEG 20-00001 PW Code Amendments Public Comment Matrix 11.09.20- Combined.pdf](#) (13.39 MB)
[New Public Comment: October 10, 2020 Mike Mitchell Email and Public Works Response.pdf](#) (0.18 MB)
[New Public Comment: September 14, 2020 Paul Edgar Email.pdf](#) (0.48 MB)
[New Public Comment: September 30, 2020 Paul Edgar Email.pdf](#) (0.01 MB)
[New Public Comment: September 29, 2020 Paul Edgar Email 2.pdf](#) (0.10 MB)
[New Public Comment: September 29, 2020 Paul Edgar Email 1.pdf](#) (0.90 MB)

November 18, 2020 City Commission Hearing

[Staff Report.pdf](#) (0.04 MB)
[Public Comment Matrix.pdf](#) (13.39 MB)
[October 30, 2020 Memo from Josh Wheeler, Assistant City Engineer.pdf](#) (0.13 MB)
[September 23, 2020 Geologic Hazards Presentation Final.pdf](#) (10.28 MB)
[September 23, 2020 Q&A Session Geologic Hazards Webinar.pdf](#) (0.19 MB)

December 8, 2020 City Commission Worksession

Infiltration and Inflow (I/I) Abatement Program Municipal Code Amendments
[Staff Report.pdf](#) (0.05 MB)
[Proposed Code Amendments - OCMC 13.08.pdf](#) (0.09 MB)

December 16, 2020 City Commission Worksession

Proposed Code Amendments to Oregon City Municipal Code Chapter 12.04
[Staff Report.pdf](#) (0.04 MB)
[OCMC Chapter 12.04 with Redlines.pdf](#) (0.14 MB)

December 16, 2020 City Commission Hearing

Request for Continuance of the Public Works Code Amendments to January 6, 2021 (GLUA 20-33, LEG 20-01
[Staff Report.pdf](#) (0.04 MB)

January 6, 2021 City Commission Hearing

Proposed 1st Reading of the Public Works Code Amendments (GLUA 20-33, LEG 20-01)

[Staff Report.pdf](#) (0.05 MB)

[Ordinance No 21-1003.pdf](#) (0.02 MB)

[Exhibit A- Amended Sections of the Oregon City Municipal Code.pdf](#) (0.61 MB)

[Exhibit B - Staff Report.pdf](#) (0.56 MB)

[Exhibit 1 Memo, Josh Wheeler- Additional Revisions OCMC Chapter 12.04.pdf](#) (0.12 MB)

[Exhibit 2 Memo, Josh Wheeler- Additional Revisions OCMC Chapter 13.08.pdf](#) (0.12 MB)

[Exhibit 3 Proposed Revisions to Chapter 13.04 Water Service System- redline.pdf](#) (0.16 MB)

[Exhibit 4 Proposed Revisions to OCMC 12.04 Streets Sidewalks - redline.pdf](#) (0.15 MB)

[Exhibit 5 Proposed Revisions to Chapter 13.08 Sewer Regulations - redline.pdf](#) (0.19 MB)

[Exhibit 6 Proposed Revisions to OCMC 17.80 Communications Facilities- redline.pdf](#) (0.26 MB)

[Exhibit 7 Reference link to previous agenda items and exhibits.pdf](#) (0.19 MB)

January 20, 2021 City Commission Hearing

First Reading of Ordinance No. 21-1003, Amending the Oregon City Municipal Code; Title 12: Streets, Sidewalks, and Public Places, Title 13: Public Services, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #1)

- [Staff Report.pdf](#) (0.05 MB)
- [Ordinance 21-1003.pdf](#) (0.02 MB)
- [Exhibit A – Amended Sections of the Oregon City Municipal Code.pdf](#) (0.81 MB)
- [Exhibit B - Planning Staff Report.pdf](#) (0.56 MB)
- [Exhibit B.1 Memo, Josh Wheeler - Additional Revisions- All Chapters.pdf](#) (0.13 MB)
- [Exhibit B.3 Memo, Josh Wheeler- Additional Revisions OCMC Chapter 13.08.pdf](#) (0.12 MB)
- [Exhibit B.2 Memo, Josh Wheeler- Additional Revisions OCMC Chapter 12.04.pdf](#) (0.12 MB)
- [Exhibit B.4 Proposed Revisions to OCMC 12.04 Streets Sidewalks- Redlined.pdf](#) (0.15 MB)
- [Exhibit B.5 Proposed Revisions to OCMC 13.04 Water Service System - Redlined.pdf](#) (0.16 MB)
- [Exhibit B.6 Proposed Revisions to OCMC 13.08 Sewer Regulations- Redlined.pdf](#) (0.18 MB)
- [Exhibit B.7 Proposed Revisions to OCMC 17.80 Communications Facilities - Redlined.pdf](#) (0.27 MB)
- [Exhibit B.8 Reference Links to Previous Agendas- Revised.pdf](#) (0.20 MB)

February 3, 2021 City Commission Hearing

Second Reading of Ordinance No. 21-1003, Amending the Oregon City Municipal Code; Title 12: Streets, Sidewalks, and Public Places, Title 13: Public Services, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #1)

- [Staff Report.pdf](#) (0.05 MB)
- [Ordinance No. 21-1003.pdf](#) (0.02 MB)
- [Exhibit A – Amended Sections of the Oregon City Municipal Code- Revised.pdf](#) (0.81 MB)
- [Exhibit B - Planning Staff Report.pdf](#) (0.56 MB)
- [Exhibit B.1 Memo, Josh Wheeler - Additional Revisions- All Chapters.pdf](#) (0.13 MB)
- [Exhibit B.2 Memo, Josh Wheeler- Additional Revisions OCMC Chapter 12.04.pdf](#) (0.12 MB)
- [Exhibit B.3 Memo, Josh Wheeler- Additional Revisions OCMC Chapter 13.08.pdf](#) (0.12 MB)
- [Exhibit B.4 Proposed Revisions to OCMC 12.04 Streets Sidewalks- Redlined.pdf](#) (0.15 MB)
- [Exhibit B.5 Proposed Revisions to OCMC 13.04 Water Service System - Redlined.pdf](#) (0.16 MB)

- [Exhibit B.6 Proposed Revisions to OCMC 13.08 Sewer Regulations -Revised Redline.pdf](#) (0.19 MB)
- [Exhibit B.7 Proposed Revisions to OCMC 17.80 Communications Facilities - Redlined.pdf](#) (0.27 MB)
- [Exhibit B.8 REFERENCE LINK TO PREVIOUS AGENDA Exhibits- Revised.pdf](#) (0.26 MB)

City Commission Worksession- March 9, 2021

City Code Amendments to Chapters 16.12 and 17.04; Define Capital Improvement Project (CIP) and Including Exemptions from Land Use Process

- [Staff Report.pdf](#) (0.04 MB)
- [Summary of Revisions to OCMC 17.04.pdf](#) (1.21 MB)
- [Summary of Revisions to OCMC 16.12.pdf](#) (0.62 MB)
- [Other Jurisdictions Memo.pdf](#) (0.21 MB)

The following meeting agendas, videos, staff report and exhibits for this project are available for viewing at <https://www.orcity.org/meetings> and are part of the record.

Citizen Involvement Committee – December 2, 2019
 City Commission Work Session Meeting – December 10, 2019
 City Commission Work Session Meeting – October 8, 2019
 Planning Commission – September 23, 2019
 City Commission Work Session – June 9, 2020
 Natural Resource Committee – June 10, 2020
 City Commission Work Session – June 7, 2020
 City Commission Work Session – May 20, 2020
 Planning Commission Meeting- September 28, 2020
 Planning Commission Meeting- October 26, 2020
 Planning Commission Meeting- November 9, 2020
 City Commission Hearing - November 18, 2020
 City Commission Work Session- December 8, 2020
 City Commission Work Session- December 16, 2020
 City Commission Hearing- December 16, 2020
 City Commission Hearing- January 6, 2021
 City Commission Hearing- January 20, 2021
 City Commission Hearing- February 3, 2021
 City Commission Worksession- March 9, 2021



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 04/21/2021
From: Community Development Director Laura Terway

SUBJECT:

Second Reading of Ordinance No. 21-1008, Approving an Emergency Annexation Proposal GLUA-20-00030: AN-20-00002 and Approving the Annexation of Certain Property Located at 11330 Forest Ridge Road to the City of Oregon City

STAFF RECOMMENDATION:

Approval of the second reading of Ordinance No. 21-1008.

EXECUTIVE SUMMARY:

Planning GLUA-20-00030: AN-20-00002 involves a request for an emergency annexation of a 0.49-acre property into the city limits of Oregon City in order to receive city services. The property is required to annex as a result of a septic system failure and has already connected to the city sewer system. No re-zoning of the property is proposed at this time. The City Commission approved the first reading of Ordinance No. 21-1008 on April 7, 2021.

BACKGROUND:

Planning GLUA-20-00030: AN-20-00002 involves a request for an emergency annexation of a 0.49-acre property into the city limits of Oregon City in order to receive city services. The property is required to annex as a result of a septic system failure and has already connected to the city sewer system. No re-zoning of the property is proposed at this time. Pursuant to the City's Comprehensive Plan policy 14.4.4 to expedite the annexation process for properties that are required to annex as a condition of connecting to city sewer, this application does not require a recommendation from the Planning Commission. The attached proposed findings, reasons for the decision, and conclusions detail compliance of the proposal with the City's annexation code and policies.

The City Commission approved the first reading of Ordinance No. 21-1008 on April 7, 2021. See proposed Findings, Reasons for Decision and Conclusions attached as Exhibit B.

OPTIONS:

1. Approve the first reading of Ordinance No. 21-1008.
2. Continue to a date certain of May 5, 2021.
3. Continue to a different date certain and provide staff direction.

ORDINANCE NO. 21-1008

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING EMERGENCY ANNEXATION PROPOSAL NO. GLUA-20-00030: AN-20-00002 AND APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 11330 FOREST RIDGE ROAD, INTO THE CITY OF OREGON CITY

WHEREAS, the owner of certain real property adjacent to the City of Oregon City, David Hay, proposed in Emergency Annexation Proposal No. GLUA 20-00030: AN 20-00002 that their 0.46-acre property and abutting Right of Way located at 11330 Forest Ridge Road, Oregon City OR 97045 identified as Clackamas County Map 3-1E-12BA, Tax Lot 03000, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

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

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

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

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

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

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

WHEREAS, City water is not immediately available along S Forest Ridge Rd, and an atypical water service connection to the City water main in Merchant Place would be required for a City water connection. The City has agreed that the property can remain in the Clackamas River Water District until such time as the service providers agree that the property should be served by City water; and

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

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

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the area further identified in the legal description attached hereto as Exhibit “A”, is hereby annexed to and made a part of the City of Oregon City.

Section 2. That the territory identified in Exhibit “A” shall hereby remain within Clackamas County Fire District # 1.

Section 3. That the territory identified in Exhibit “A” is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.

Section 4. That the territory identified in Exhibit “A” shall hereby remain within Clackamas River Water District.

Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit “A” into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

Section 7. That the effective date for this annexation is the date, this Ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 7th day of April, and the City Commission finally enacted the foregoing Ordinance this 21st day of April 2021.

RACHEL LYLES SMITH, Mayor

Attested to this 21st day of April 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit A – Map and Legal Description of Proposed Annexation

Exhibit B – Proposed Findings, Reasons for Decision and Conclusions

EXHIBIT A

Description

Lot 4 of the plat "Sunnyridge Acres No. 2", Plat No. 1653, Clackamas County Plat Records, and a portion of right-of-way, located in the Northwest One-Quarter of Section 12, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the south corner of said Lot 4; thence along the southwesterly line of said Lot 4 and the northwesterly extension thereof, North 59°45'00" West 170.00 feet to the centerline of Sunnyridge Court; thence along said centerline, North 30°15'00" East 158.10 feet to the centerline of Forest Ridge Lane; thence along said centerline, South 59°45'00" East 109.32 feet to the City of Oregon City city limits line; thence continuing along said centerline and said city limits line, South 59°45'00" East 60.68 feet to the northeasterly extension of the southeasterly line of said Lot 4; thence leaving said city limits line along said northeasterly extension and the southeasterly line of said Lot 4, South 30°15'00" West 158.10 feet to the Point of Beginning.

The above described tract of land contains 26,877 square feet, more or less.

The Basis of Bearings for this description is per said plat of "Sunnyridge Acres No. 2".

3/16/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR



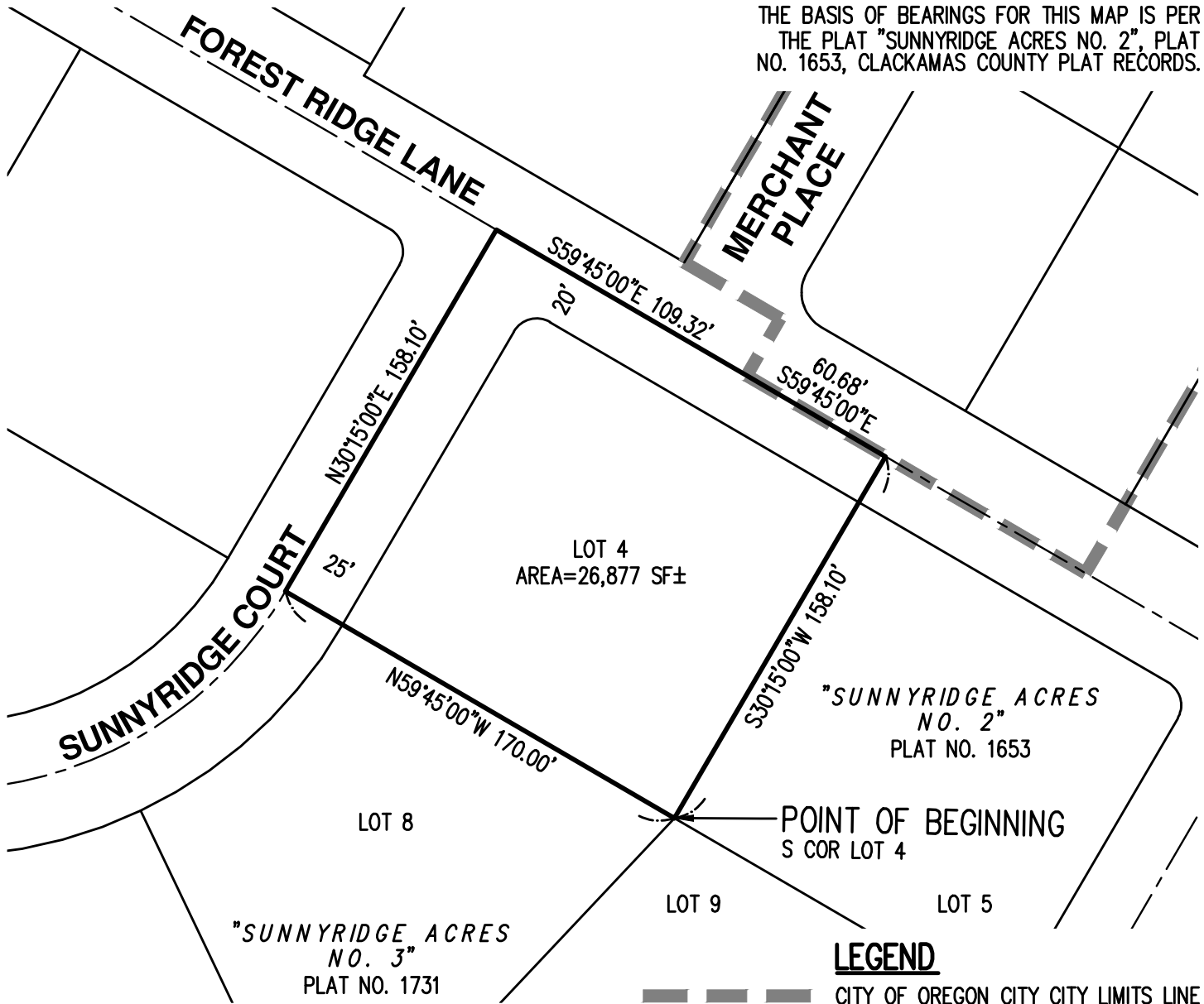
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/22

EXHIBIT B

LOT 4 OF THE PLAT "SUNNYRIDGE ACRES NO. 2" AND
A PORTION OF RIGHT-OF-WAY,
LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON

THE BASIS OF BEARINGS FOR THIS MAP IS PER
THE PLAT "SUNNYRIDGE ACRES NO. 2", PLAT
NO. 1653, CLACKAMAS COUNTY PLAT RECORDS.



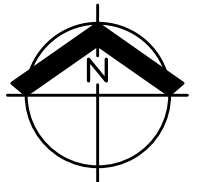
3/16/2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PREPARED FOR

CITY OF OREGON CITY
221 MOLALLA AVENUE, SUITE 200
OREGON CITY, OR 97045

SCALE: 1"=60 FEET

**DESCRIPTION MAP**

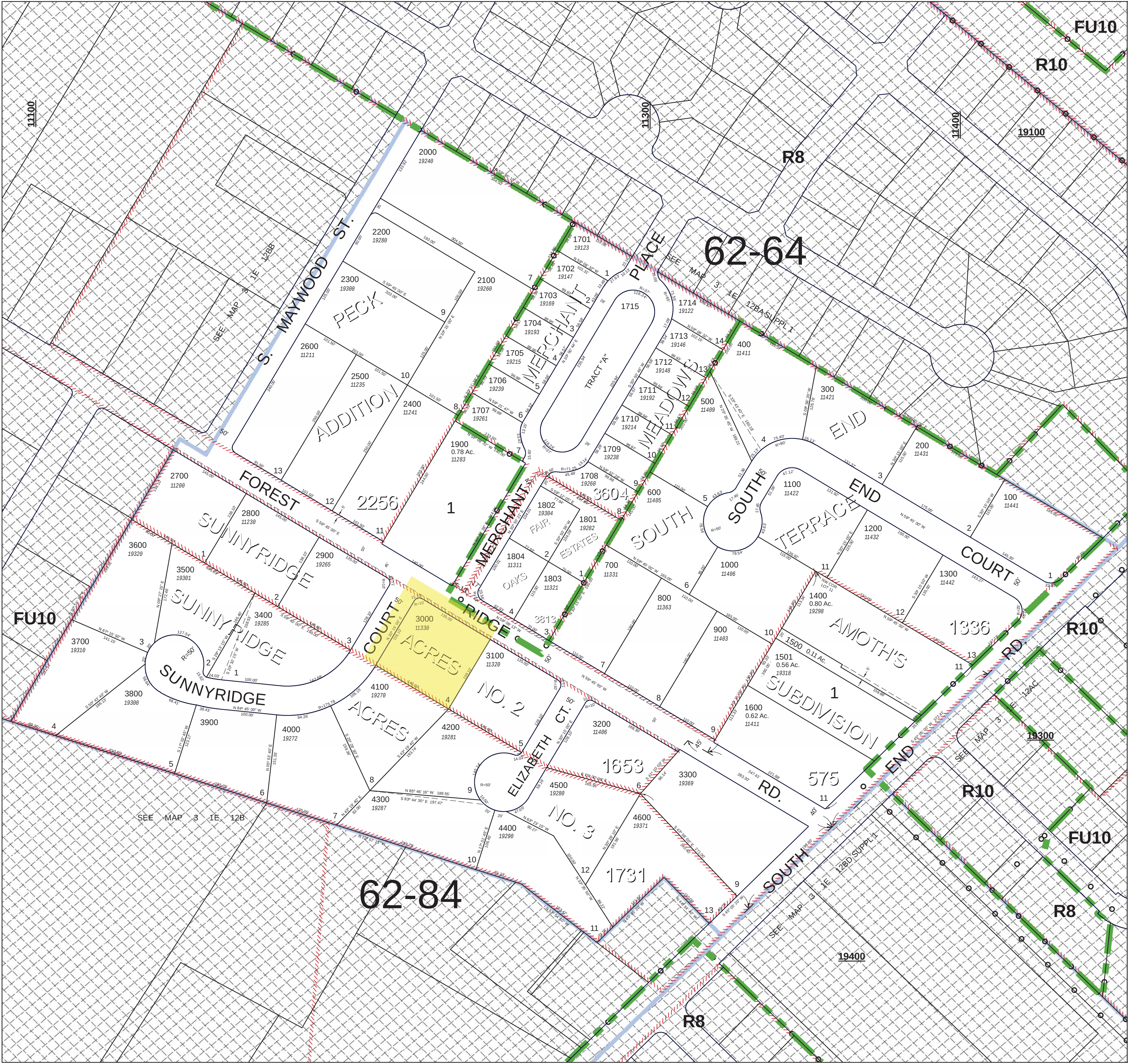
AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM

AKS

EXHIBIT
B

DRWN: WCB
CHKD: NSW

Page 614

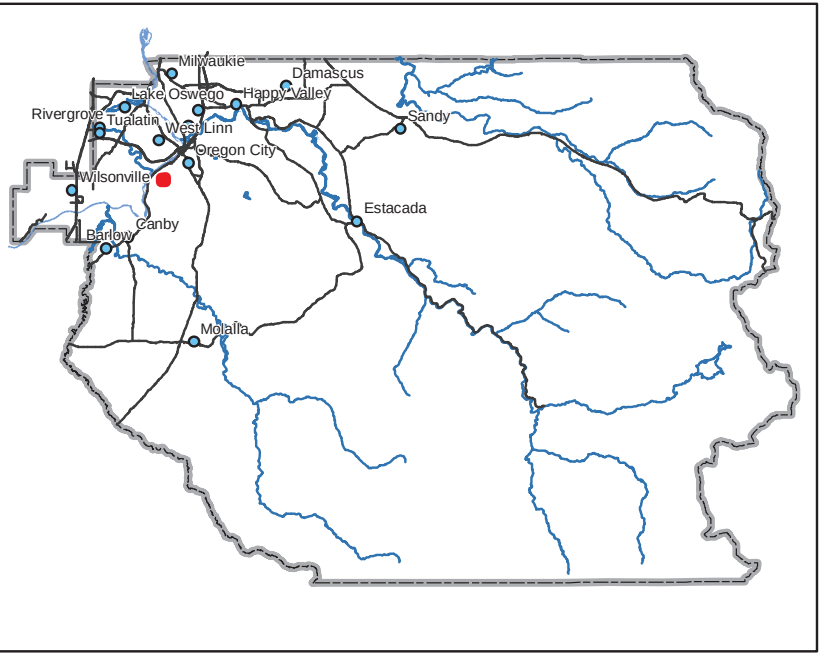


3 1 E 12BA
OREGON CITY
N.E.1/4 N.W.1/4 SEC.12 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
ABSALOM F. HEDGES NO. 40

Cancelled Taxlots
1700
1800

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

10/29/2018

3 1 E 12BA
OREGON CITY



FILE NO: GLUA 20-00030: AN 20-00002

APPLICATION TYPE: Annexation (Sewer Connection)

APPLICATION TYPE: Emergency Annexation (Sewer Connection)

APPLICANT: David and Melody Hay

REQUEST: The applicant is requesting approval of an emergency annexation of one 0.299 acre / 13,054 sf property due to a failing septic system. The property will retain its existing FU-10 zoning.

LOCATION: 1330 S Forest Ridge Road, Oregon City OR 97045
Tax Assessor Map: 3-1E-12BA-03000
Total Acres / SF: 0.46 acre (20,000 s.f.)

REVIEWER: Christina Robertson-Gardiner AICP, Senior Planner
Aaron Parker, Engineering Technician II

RECOMMENDATION: Evaluate Annexation against Factors, and Adopt the Staff Report and Proposed Findings, Reasons for Decision, and Recommendations.

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

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

PROPOSAL NO. AN-20-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: 2

Applicant(s): David and Melody Hay

The proposal is a single tax lot annexation initiated by a consent petition of 100% of the property owners and registered voters. Due to the nature of the emergency septic failure, this annexation proposal bypassed the Planning Commission as in the past emergency sewer connection requests. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

The City's policy is to expedite the processing of such annexations by forwarding a recommendation directly to the City Commission without a Planning Commission recommendation. This is consistent with Comprehensive Plan Policy 14.4.4:

14.4.4

Expedite the Annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

REASON FOR ANNEXATION

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

The Annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to the City sewer. City sewer services are available close to the property.

The territory to be annexed is located at the southwestern edge of City at S Forest Ridge Road, as shown in Exhibit 1. The territory contains approximately 0.45 acres, has one single-family residence with a population of 2, and an assessed value of \$ 242,523.

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

The owner would be able to receive city services, specifically, sanitary sewer service as well as the full range of administrative and municipal services provided upon Annexation to the City. The property is within 300

feet of a city sanitary sewer system, and by Oregon Revised Statute, it has been connected to the city sewer service and must be annexed.

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

SB 1573

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

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

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

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

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

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

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

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

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

This is an emergency annexation to allow a single property to connect to the City's sanitary sewer system because of a failing septic system on site. OAR 340-071-0160 mandates that a property with a failing septic system must connect to a sanitary sewer if it is physically and legally available. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service. The subject site has access to sanitary sewer in front of the house, and the line is not under a DEQ connection permit moratorium. Oregon City Comprehensive Plan Policy 11.1.3- *Confine urban public facilities and services to the city limits except where*

allowed for safety and health reasons in accordance with state land use planning goals and regulations directs the City to process this Annexation.

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

LAND USE PLANNING

SITE CHARACTERISTICS

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

Frontage to City Limits

The abutting ½ street right-of-way of S Forest Ridge Road is not already within the City and will need to be annexed as part of this approval, and if approved, will make the property contiguous to the City Limit for approximately 141 feet along the full frontage of the property. The property includes a large home setback approximately 29 feet from S Forest Ridge Road, with one accessory structure. No land division is proposed at this time.



FIGURE 1. LOCATION MAP

South End Concept Plan

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

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

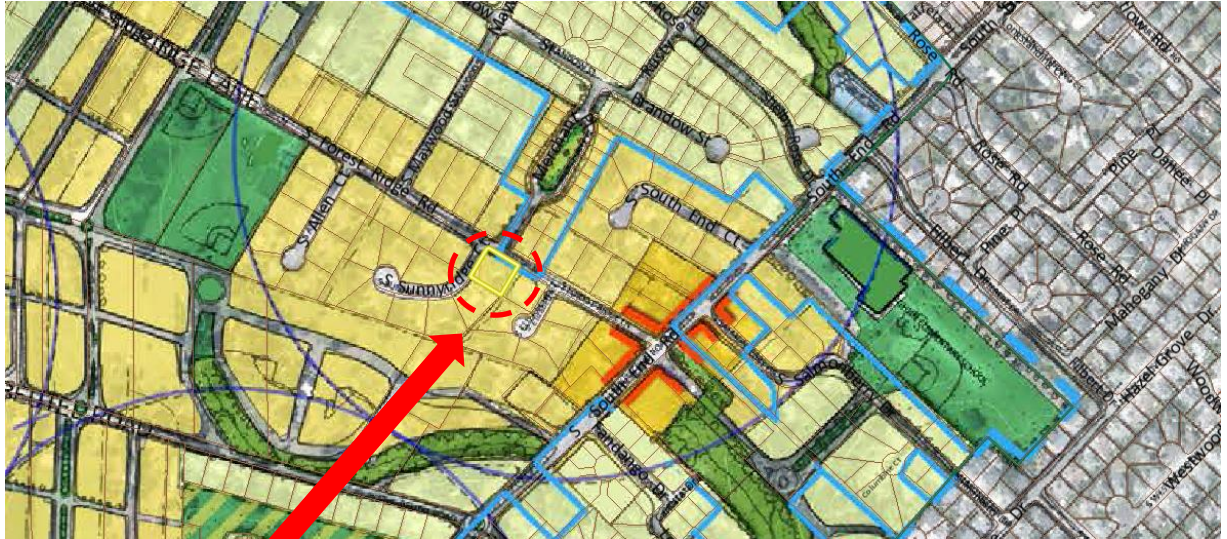


FIGURE 2. SOUTH END CONCEPT PLAN



FIGURE 3. STREET VIEW (2012)

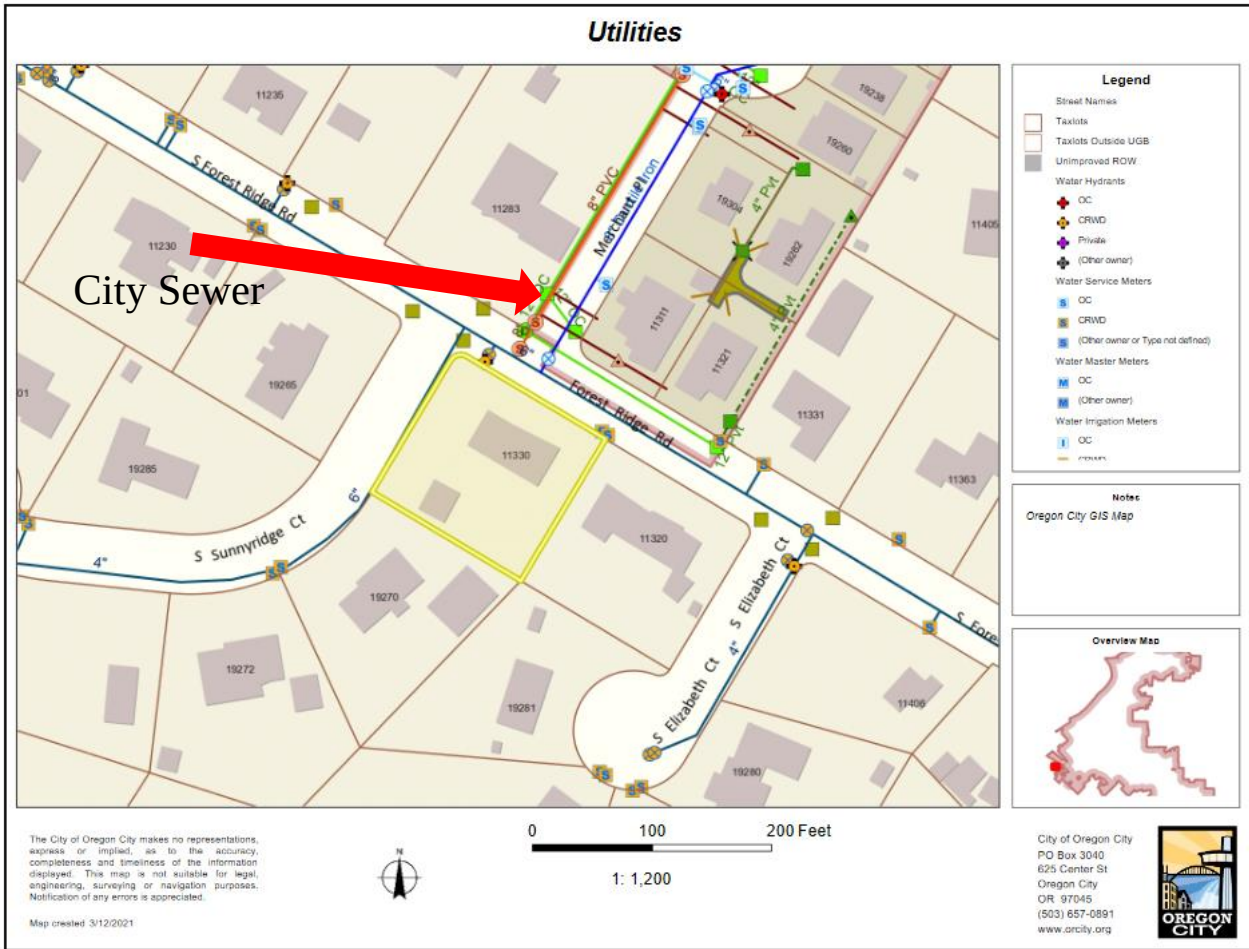


FIGURE 4. UTILITIES

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



FIGURE 5. CLACKAMAS COUNTY TAX ASSESSOR MAP

REGIONAL PLANNING CONSIDERATIONS

General Information

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

Metro Boundary Change Criteria

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

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.

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

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

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

Metro Regional Framework Plan

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

CLACKAMAS COUNTY PLANNING

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

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

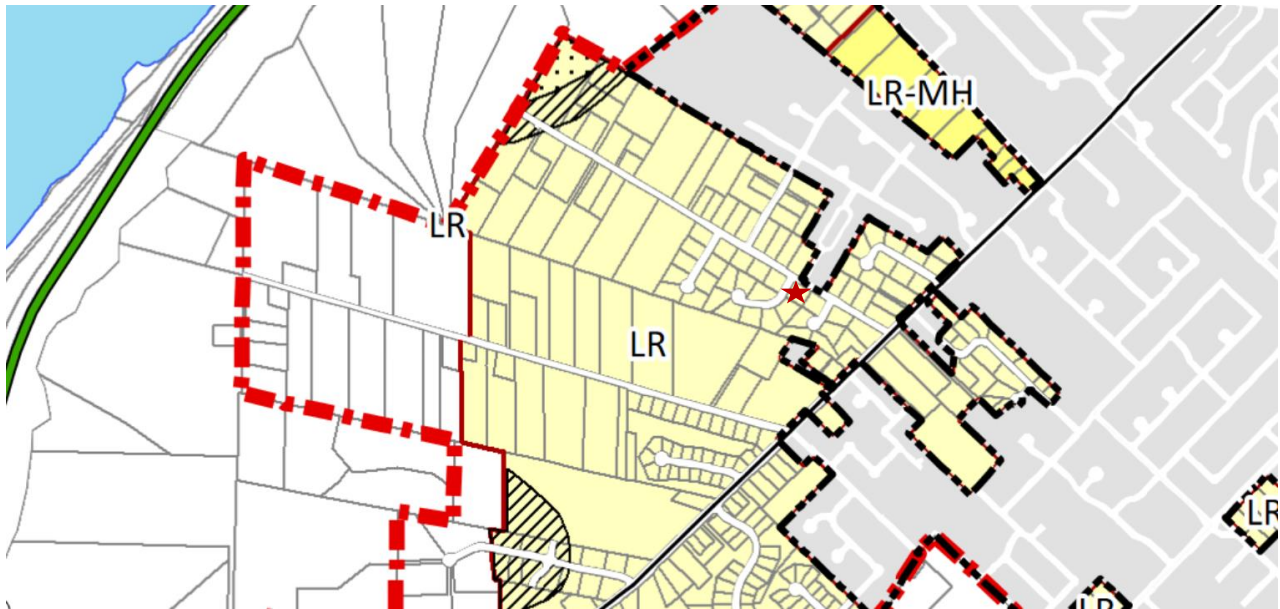


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION LR

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

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

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

Urban Growth Management Agreement

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

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of [OCMC 12.04.205 – Mobility Standards](#). The applicant has not applied to rezone the property and does not intend to redevelop the site at a higher density. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

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

4. City and County Notice and Coordination

* * *

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

* * *

5. City Annexations

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

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

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

* * *

The required notice was provided to the County at least 20 days before the City Commission hearing. The Agreement requires that adjacent road rights-of-way be included within annexations. The abutting rights-of-way of Forest Ridge will be included in the Ordinance adopting the Annexation

OREGON CITY COMPREHENSIVE PLAN

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

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

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

Goal 11.1: Provision of Public Facilities

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

Policies

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

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

Streets and other roads and paths

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

Wastewater collection

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

Police and Fire Protection

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

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

Water

The property is currently within the Clackamas River Water District (CRW). CRW has stipulated that the property is required to remain in the CRW service district. City water is not immediately available along S Forest Ridge Rd. An atypical water service connection to the City water main in Merchant Place would be required for a City water connection. The City has agreed that the property can remain in the CRW district until such time as the service providers agree that the property should be served by City water.

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

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

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

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

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

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

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

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

Goal 11.2: Wastewater

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

Policies

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

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

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

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

Goal 11.3: Water Distribution

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

Policies

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

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject lot is not already a user connected to the City water distribution system. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

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

Goal 11.4: Stormwater Management

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

Policies

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

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

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

Goal 11.9: Fire Protection

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

Policies

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

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

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

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

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

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

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

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

Goal 14.4: Annexation of Lands to the City

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

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

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

The proposed property will be contiguous to the city limits along the front property line, with the inclusion of the ½ street of Forest Ridge included in the Annexation Ordinance. No long linear extensions are proposed. The Annexation would not create any islands.

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

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

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

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

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

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

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

LAND USE

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

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

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

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

That section goes on to say:

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

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

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

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

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

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

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

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

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

3. *Adequacy and availability of public facilities and services to service potential development;*

Finding: The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve any potential development that could occur under the existing low-density plan designation, though none is proposed.

4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*

Finding: The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 104 feet along the property boundary. The Metro Code criteria are set out on page 2 of this report. This report considers each factor, and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. *Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;*

Finding: No natural hazards are identified on the property.

6. *Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of Annexation;*

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

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of Annexation."*

Finding: No significant adverse effects have been identified by any necessary party.

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

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

Section 8 of the Ordinance states:

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

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

FACILITIES AND SERVICES

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

Sanitary Sewers. The City of Oregon City provides sanitary sewer service via the 8" PVC sewer main line in Merchant Place which is not connected to the house via a sewer lateral at the time of writing of this report. The existing sewer main is approximately eight (3) feet deep. The to-be-constructed 4-inch lateral is to be deep enough to allow the subject property to flow by gravity to the sanitary sewer system. See the plans of the issued permit package PI-20-00071 for design conditions.

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

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

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

Due to the public health concern caused by a failing septic system, the City has approved access to the City sewer system. The City issued permits for the connection in August 2020.

The City has agreed that a main extension both directions from Merchant Place and along the property's S Forest Ridge Rd frontage ('to-and-through' main extension) per Sanitary Sewer Design Standards and the Sanitary Sewer Master Plan does not meet Standards. The sewer service connection for 11330 S Forest Ridge Rd is permitted to be to the manhole at Merchant Place and S Forest Ridge Rd. The applicant has been required to sign a non-remonstrance agreement in part to require connection to a future main in S Forest Ridge Rd as identified in the Sanitary Sewer Master Plan.

Water. The property is currently being served by Clackamas River Water (CRW). Betty Johson, Engineering Associate, indicates that CRW will continue to provide water service to 11330 S Forest Ridge Rd, until such time as the property can withdraw and the City provide water services.

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

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

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

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

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

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

Parks, Open Space, and Recreation. The nearest City park is Filbert Run Park, about .57 mile from the property. Any further homes constructed on the property, following annexed, re-zoning, and land division, would contribute to the Parks System Development Charge, which is currently \$4,881.00 per Single Family Home.

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

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

STAFF RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision for this Annexation, staff recommends that the City Commission approve Planning File GLUA 20-00030: AN 20-0002 and adopt as its own this Staff Report and Exhibits and;

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

ANNEXATION PETITION: GLUA 20-00030: AN 20-0002 PROPOSED FINDINGS, CONDITIONS AND REASONS FOR DECISION

Based on the staff report and findings, the Commission determines:

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

with regard to water and sewer service, the City has both of these services available to serve the area from existing improvements abutting the property.

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

**RECOMMENDED CONDITIONS OF APPROVAL
PLANNING FILES GLUA 20-00030: AN 20-0002**

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

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

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

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

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

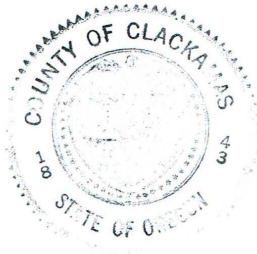
Exhibits:

1. Proposed Ordinance 21-1008
2. Exhibit A to Ordinance 21—1008 Map and Legal Description of Annexation Property
3. Annexation Application
4. Public Comment
 - a. Erik Carr- Clackamas Water Environment Services (WES)
 - b. Betty Johnson, Clackamas River Water (CRW)
 - c. Wes Rogers, Oregon City School District
 - d. Chris Long, Oregon City Building Department
5. Measure 3-51- May 18, 1999 voter-approved charter amendment (on file)
6. Public Notices/ Vicinity Map (on file)

CERTIFICATION OF REGISTERED VOTERS

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

NAME Rebekah Stern Doll
TITLE Deputy Clerk
DEPARTMENT Elections
COUNTY OF Clackamas
DATE 2/17/21



Worksheet (continued)

REGISTERED VOTERS

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

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 4
 NUMBER OF REGISTERED VOTERS WHO SIGNED 4
 PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 100%
 TOTAL ACREAGE IN PROPOSAL 1.494
 ACREAGE SIGNED FOR _____
 PERCENTAGE OF ACREAGE SIGNED FOR 100%

DOUBLE MAJORITY WORK SHEET

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

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
31E12BA03000	DAVID HAY	.494	249,792	Y
31E12BA03000	MELODY HAY	.494	249,792	Y
TOTALS				

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

we are residents hooked up to Chekamas River
water

APPLICANT'S NAME

David + Melody Hay

MAILING ADDRESS

11330 S. Forest Ridge Rd
Oregon, OR 97045

TELEPHONE NUMBER

503 784-4809

(Work)

(Res.)

REPRESENTING

DATE:

2/17/21

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

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

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

OWNERS PAYING EST. \$30,000/A

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

N/A

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

City _____

Rural Fire Dist. CLACKAMAS

County Service Dist. _____

Sanitary District ALSO ANNEX TO TRI-CITY

Hwy. Lighting Dist. N/A

Water District CLACKAMAS RIVER WATER

Grade School Dist. OCSD

Drainage District NONE

High School Dist. OCSD

Diking District NONE

Library Dist. OCSD

Park & Rec. Dist. NONE

Special Road Dist. NONE

Other Dist. Supplying Water Service _____

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

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

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

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON

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

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

The property to be annexed is described as follows:

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

11330 S. Forest Ridge Rd Oregon City, OR 97041
TAX LOT. 31E12BA03000
PARCEL # 00761474

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

LEGAL d
from county

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON

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

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

The property to be annexed is described as follows:

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

11330 S. Forest Ridge Rd Oregon City - OR 97045
TAX LOT 31E12BA03000
PARCEL # 00761474

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

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

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

YES - to remain single fam Residential

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

Sand SE

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

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

6" in street in front of home on
Forest Ridge Rd

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

MAN HOLE MERCHANT PL - SERVES A
8" MAIN

III. LAND USE AND PLANNING

- A. What is the applicable County Planning Designation? FV 10
 What City Planning Designation is being sought? REMAIN FV 10
- B. What is the zoning on the territory to be served? FV 10
 What zoning designation is being sought? FV 10
- C. Is the subject territory to be developed at this time? NO - existing farm land
- D. Generally describe the anticipated development (building types, facilities, number of units).
N/A
- E. Can the proposed development be accomplished under current county zoning?
☒ Yes ☐ No
 If No,---has a zone change been sought from the county either formally or informally.
☐ Yes ☐ No
 Please describe outcome of zone change request if answer to previous questions was Yes. N/A
- F. Is the proposed development compatible with the city's comprehensive land use plan for the area?
☒ Yes ☐ No ☐ City has no Plan for the area.
 Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)
☐ City Planning Commission ☒ City Planning Staff
☐ City Council ☐ City Manager
 Please describe the reaction to the proposed development from the persons or agencies indicated above.
NO change Proposed
- G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location 11330 S. Forest Ridge Rd Oregon City
- B. Land Area: Acres .494 or Square Miles _____
- C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).
Fairly Level Land - 135' x 128' lot - 4 Lg
Trees - 2 fir - 3 cedar - 1 house + 1 shop
entrance on Forest Ridge
- D. Describe land uses on surrounding parcels. Use tax lots as reference points.
- North: Single Family Residence # 31E12BA01804
- East: Single Family Residence # 31E12BA03100
- South: Single Family Residence # 31E12BA02900
- West: Single Family Residence # 31E12BA02900
- E. Existing Land Use:
- Number of single-family units 1 Number of multi-family units _____
- Number commercial structures _____ Number industrial structures _____
- Public facilities or other uses _____
- What is the current use of the land proposed to be annexed: Single Family
Residential
- F. Total current year Assessed Valuation \$ 249,798
- G. Total existing population 2

CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA
(City 100% Ownership Method)

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



NAME Mary Neigel
 TITLE GIS Cartographer 2
 DEPARTMENT Assessment & Tax
 COUNTY OF Clackamas
 DATE 02.17.21

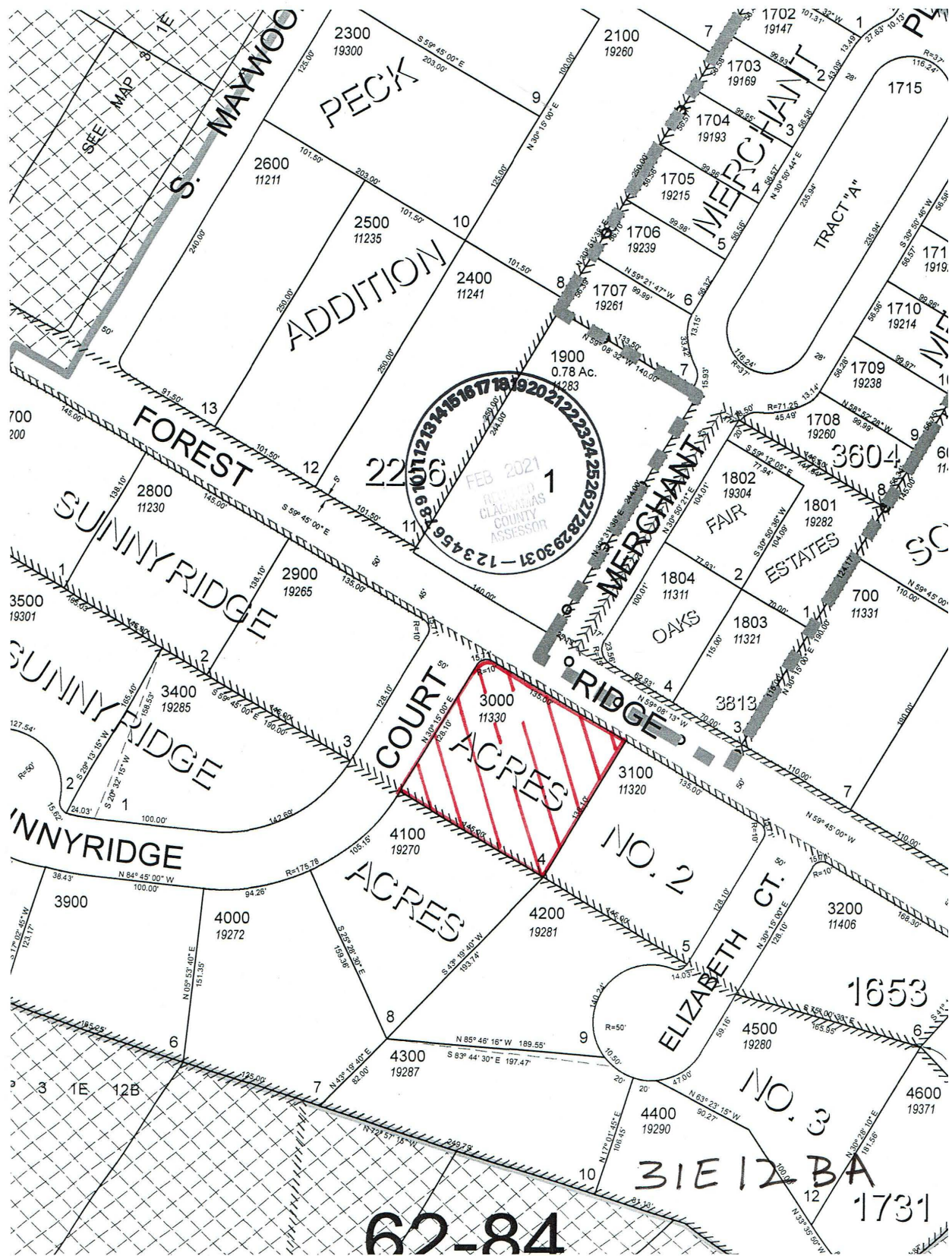
- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears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

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 31E 12BA) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



NAME Mary Neigel
TITLE GIS Cartographer 2
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE 2/17/21



53/10

NO. 2

S SUBDIVISION

SURVEYOR'S CERTIFICATE

I do hereby depose and say that I have correctly surveyed and marked shown on the annexed map of Sunnyridge Acres No. 2, that at the 2 inch iron pipe marking the initial point of Sunnyridge Acres. Said initial point is at a 1 inch iron pipe at the initial point of Amoth's Subdivision, 80 feet from the S.E. corner of the Samuel Pomeroy D.L.C., Sec. 12, along the southerly line of said Pomeroy D.L.C., 568.95 feet to the most westerly line of said Pomeroy D.L.C., thence N 30° 15' E along the westerly line of said lot 8, 15' W 5.0 feet from the Southwesterly edge of a 40.0 ft. road called Sunnyridge Lane, thence N 30° 15' E 50 feet to the Southwesterly Edge of Forest Ridge Lane, 1004.25 feet, thence S 41° 10' W 101.23 feet, thence N 59° 45' W 825.03 feet, thence N 30° 15' E 138.1 feet to the point of beginning of Sunnyridge Acres No. 2.

exact duplicate



Donald J. McIntosh
Donald J. McIntosh, Pacific Surveys

Subscribed and sworn to before me
this 21 day of OCTOBER 1971

Donald J. McIntosh
My Commission expires 8/3/75

APPROVALS

APPROVED Nov 8, 1971 APPROVED Oct. 28, 1971

Charles E. Miles James C. Ray
County Surveyor Clerk Co. Planning Commission

APPROVED November 22, 1971 ATTEST Nov 22, 1971

Donald S. Hatten George D. Pappan
Assessor County Clerk
Pat O'Connell James Tomlin, deputy
Deputy

ALL TAXES 6-30-72 AND PRIOR APPROVED 11-2-71
ARE PAID

Joe L. Hobbs Donald J. McIntosh
Sheriff

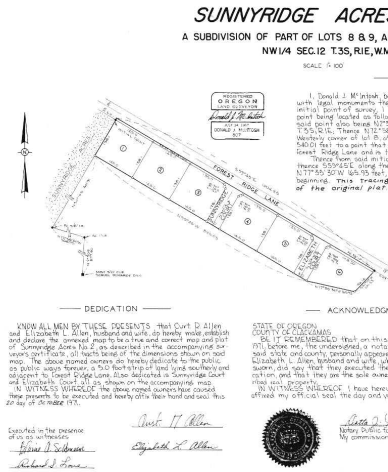
Freda Taylor Fred Stefani
Deputy County Commissioners

Donald J. McIntosh Thomas D. Selford
Surveyor (11-3-71) County Commissioners

of OCTOBER
in and for
Allen and
rest duly
lying dedi-
above desc-
my hand and
written.

6
of Oregon
8/3/75

1653



On Feb 16, 2021, at 4:28 PM, Christina Robertson-Gardner <crobertson@cityoforegon.org> wrote:

Hi Dave,

The narrative, with the highlighted items, is just for me. Our servers are still down today. I hope to have access to them tomorrow afternoon and will get you the revised narrative as soon as I can!

CRG

From: David Hay <davidhay@cityoforegon.org>

Sent: Tuesday, February 16, 2021 4:23 PM

To: Christina Robertson-Gardner <crobertson@cityoforegon.org>

Subject: Re: Outstanding Annexation application items

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

Good afternoon!

I have all papers filled out and going to the county tomorrow --the form you are to send me that has highlighted areas--will that be needed for the county or just for you?

Thank!

Dave Hay

On Feb 12, 2021, at 11:17 AM, Christina Robertson-Gardner <crobertson@cityoforegon.org> wrote:

Hi Dave,

I am working on a revised template and will get it to you later today or Tuesday. However, enclosed are two versions of the applicant's submittals. I am attaching the City Commission agenda links with have all exhibits attached and can be downloaded.

[February 9, 2021 City Commission Agenda](#)

6a. First Reading of Ordinance No. 23-1005, An Emergency Annexation of 0.9 Acres at 15242 Beaver Creek Road, File No. GLUA-20-00017; AN-20-00001

[Annexation Application Packet](#)

6a. First Reading of Ordinance No. 19-1010, Emergency Annexation of 0.299 Acres at 19420 S Peace Road, File No. GLUA-19-00012; AN-19-00001

From: David Hay <davidhay@cityoforegon.org>

Sent: Friday, February 12, 2021 11:17 AM

To: Christina Robertson-Gardner <crobertson@cityoforegon.org>

Subject: Re: Outstanding Annexation application items

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

Me again-LOL

You stated that you would also send a template/sample of other filled out apps for me to use as an example

Dave

On Feb 11, 2021, at 4:18 PM, Christina Robertson-Gardner <crobertson@cityoforegon.org> wrote:

Hi Dave,

Per our call, I have included the needed next steps for you.

1. Neighborhood Meeting

- Christina to email CIC to get Dave Hay on March 1, 2021 agenda.

2. Tri-City Service District (TCSD)

The property will be required to annex into Tri-City Service District (TCSD) before sanitary sewer service can be provided. The property is not currently located in the TCSD service area. The map below shows the current TCSD service area (light blue) in relation to the property. The TCSD annexation application can be found on the Development Services page of the Water Environment Services website: <https://www.clackamas.gov/development-services>. Please have the applicant contact WES if they have any questions regarding annexation.

Erik Carr <Erik.Carr@clackamas.gov> Development Review Specialist

Clackamas County - Water Environment Services 150 Beaver Creek Road

Oregon City, OR 97045

(p): 503-742-4571

3. Clackamas County Elections/Assessor

- Take [City](#) and [Tri-City](#) annexation packets to Clackamas County Contact Elections/Assessors office to finalize packet get signature verify legal description

- Fill out the remaining application sections- email Christina if you have any questions.

4. Updated Narrative

- Christina to send revised narrative next week. Only fill out yellow highlighted areas.

From: Christina Robertson-Gardner

Sent: Wednesday, February 10, 2021 8:47 AM

To: davidhay@cityoforegon.org

Cc: Aaron Parker <aparker@cityoforegon.org>

Subject: FW: Outstanding Annexation application items

Hi Dave,

Aaron Parker contacted me to get the status of the annexation application. Development Services cannot grant you a final hook-up until you have submitted a complete Annexation application. I indicated to him that I had not heard from you since the email sent in December and had not received any additional submittal information.

A complete annexation application is required before you can get your sewer permit finalized. Below is what you are missing:

- <image001.png>Land Use Application Form (682 KB) - Completed
 - Completed Annexation Packet: [Annexation Application Packet](#) (527 KB) - Not submitted
 - A completed narrative that responds to the applicable approval criteria. Not submitted
- Staff will provide you with a Code Response Template for all approval criteria. Please replace the areas highlighted in yellow with the information applicable to your site. [\[attached\]](#)

Please refer to your Pre-application notes for additional details.

You will also need to meet with your Neighborhood Association. The South End neighborhood Association is currently inactive. In these instances, the citywide [Citizen Involvement Committee](#) holds the land use requirement meeting. Contact Bob LaSalle, CIC Chair boblasalle@cityoforegon.org to get on their next available agenda. They hold meetings via Zoom, the 1st Monday of the Month at 7PM.

I'm a happy to schedule a call with you this week to discuss the submittal requirements. Let me know a good time for you.

[image007.png>What's your Vision for Oregon City?](#)

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

605 Warner Parson Rd, Oregon City, OR 97045

crobertson@cityoforegon.org

503-496-1364 Direct

(503) 722-3789 Main

[Interactive Map and Map](#)

[City of Oregon City](#)

[COVID-19 Coronavirus Information](#)

The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings [here](#), we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell. The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

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

From: Christina Robertson-Gardner

Sent: Monday, December 21, 2020 9:07 AM

To: dave@wco2000@comcast.net
Cc: Aaron Parker <aarparker@city.oreg.gov>
Subject: RE: Outstanding Annexation application items

Dave,

In my conversation with you this summer about the Annexation, I inadvertently confused your name with the applicant processing an emergency annexation on Seawater Road. Apologies for the switch up.

Aaron checked in with me today to get the status of the Annexation. I had not heard from you since summer, so I wanted to check-in.

A complete annexation application is required before you can get your sewer permit finalized. Below is what you are missing:

1. <image001.png>[Land Use Application Form](#) (682 KB) - Completed
2. Completed Annexation Petition: [Annexation Application Packet](#) (527 KB) - **Not submitted**
3. A completed narrative that responds to the applicable approval criteria: **Not Submitted**
 - Staff will provide you with a Code Response Template for all approval criteria. Please replace the areas highlighted in yellow with the information applicable to your site. (will be sent to you by the end of the day)

Please refer to your Pre-application notes for additional details.

You will also need to meet with your Neighborhood Association. The South End neighborhood Association is currently inactive. In these instances, the citywide [Citizen Involvement Committee](#) holds the land use requirement meeting. Contact Bob LaSalle, CIC chair lasalleb@city.oreg.gov to get on their next available agenda. They hold meetings via Zoom, the 1st Monday of the Month at 7PM.

I am happy to talk through the items over the phone if that is helpful. I am available all day today (though working from home) and can set up a time to talk.

[image001.png>What's your Vision for Oregon City?](#)

Christina Robertson-Gardner, AICP, Senior Planner
 685 Warner Parson Rd, Oregon City, OR 97045
robertson@city.oreg.gov
 503-496-1560 Direct
 503-657-7026 Fax

[Interactive Map and Data](#)
[City Site Submittal of Land Use Application](#)
[COVID-19 \(Coronavirus\) Information](#)

The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings [here](#), we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell. The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

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

From: Christina Robertson-Gardner
Sent: Tuesday, August 4, 2020 1:45 PM
To: dave@wco2000@comcast.net
Cc: Aaron Parker <aarparker@city.oreg.gov>
Subject: RE: Outstanding Annexation application items

Hi Dave,

One more item that I forgot to add it proof of holding a meeting with the Neighborhood Association meeting.

Neighborhood Meeting Required:

A meeting with the [Portland Neighborhood Association](#) is required for a complete application per [Chapter 17.50.055, OCMC](#) 17.50.055 requires that you contact the Neighborhood Association and Citizen Involvement Committee(CIC). Contact info for the CIC is here: <https://www.oregcity.org/cic>

Two Rivers Neighborhood Association

Chair: John Kies, jkies1@gmail.com

Vice-Chair: Kristina Bromwing, kubrick@PortlandHomeLife.com

Secretary/Treasurer: TBD

CIC Primary Representative: John Kies, jkies1@gmail.com

CIC Alternate Representative: TBD

Planning Division Contact: Dilara Vasileva, dvasileva@city.oreg.gov, 503-974-5501

Meeting Information: Held the fourth Tuesday of January (28th), March 24 Canceled, May (26th), September (22nd), and November (24th)

Located: Oregon City School District's Facilities and Maintenance Center (Bus Barn), 14551 Meyers Road, Oregon City at 6:45 PM.

You may schedule your own meeting per 17.50.055; the meeting must be after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility. **During COVID-19 Emergency Stay at Home Orders, the applicant can hold a virtual meeting in lieu of a face to face meeting.**

From: Christina Robertson-Gardner
Sent: Tuesday, August 4, 2020 1:20 PM
To: dave@wco2000@comcast.net
Cc: Aaron Parker <aarparker@city.oreg.gov>
Subject: Outstanding Annexation application items

Hi Dave,

The Planning Division has what it needs to allow Development Services to approve the Right of Way permit to work on the sewer. However, until a complete application is turned in, Planning is unable to allow Development Services to final the permit.

I am reattaching the Pre-application notes for your reference highlighting the specific outstanding items below.

1. <image001.png>[Land Use Application Form](#) (682 KB) - Completed
2. Completed Annexation Petition: [Annexation Application Packet](#) (527 KB) - **Not submitted**
3. A completed narrative that responds to the applicable approval criteria: **Not Submitted**
 - Staff will provide you with a Code Response Template for all approval criteria. Please replace the areas highlighted in yellow with the information applicable to your site. **Enclosed**

Feel free to give me a call if you have any specific questions.

From: Aaron Parker <aarparker@city.oreg.gov>
Sent: Friday, July 31, 2020 8:26 AM
To: Christina Robertson-Gardner <robertson@city.oreg.gov>
Subject: FW: Sewer

Christina, would you provide Dave with a specific update on what his application needs?

Aaron Parker, PE
 Engineering Technician
 II
aarparker@city.oreg.gov
 503-496-1560 Direct
 503-657-0891 City Hall
 503-657-7026 Fax

City of Oregon City
 625 Center Street
 Oregon City, Oregon
 97045

Website: www.oregcity.org | info@oregcity.org | Follow us on: [Facebook](#) / [Twitter](#)

Think **GREEN** before you print.

The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings [here](#), we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell.

The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

Engineering Development Services Public Counter Hours at City Hall at 625 Center Street are 9:00 AM to 4:00 PM Monday through Thursday. We are available for in-person discussions on Friday by appointment only.

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

From: Dave Hay <davehay@wco2000@comcast.net>
Sent: Thursday, July 30, 2020 5:05 PM
To: Aaron Parker <aarparker@city.oreg.gov>
Cc: Josh Wheeler <jwheeler@city.oreg.gov>; Christina Robertson-Gardner <robertson@city.oreg.gov>
Subject: Re: Sewer

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

Hi Aaron

As the last request I had heard of for the annexation all we had to do was have the promissory note Notarized which we have done and turned in two Weeks ago.

As far as I know we have paid all fees upfront a month or so ago.

Hoping to find out between now and Wednesday what's going on. As of right now I'm shooting for Wednesday at 9 AM. To meet with you

Thanks

Dave

Sent from my iPhone

On Jul 30, 2020, at 4:26 PM, Aaron Parker <aarparker@city.oreg.gov> wrote:

Hi Dave,

I'd be happy to meet with you on Wednesday, August 5 at City Hall to go over requirements. I've copied Josh as he will be at the meeting. Please suggest time(s) that you'd like to meet or simply stop by the permit counter between 9 AM and 3:30 PM (I'm out for lunch in the 12 PM to 1 PM range).

Public Works has a construction plan review and inspection fee of 5% of the project cost for improvement projects. Your Engineer will need to provide a project cost estimate to base fees on. This fee is due prior to first review of plans.

Note that Public Works cannot issue the sewer main extension with service construction permit until the annexation application is complete, the annexation fees are paid, and the promissory agreement is signed with the Planning Department. I understand from Planning that at this time your application is not complete in these regards.

Thank you,

Aaron Parker, PE
 Engineering Technician
 II
aarparker@city.oreg.gov
 503-496-1560 Direct
 503-657-0891 City Hall
 503-657-7026 Fax

City of Oregon City
 625 Center Street
 Oregon City, Oregon
 97045

Website: www.oregcity.org | info@oregcity.org | Follow us on: [Facebook](#) / [Twitter](#)

Think **GREEN** before you print.

The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings [here](#), we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell.

The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

Engineering Development Services Public Counter Hours at City Hall at 625 Center Street are 9:00 AM to 4:00 PM Monday through Thursday. We are available for in-person discussions on Friday by appointment only.

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

-----Original Message-----
From: Dave Hay <davehay@cmv.com>
Sent: Thursday, July 30, 2020 3:16 PM
To: Aaron Parker <aparker@cmv.com>
Subject: Sinner

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

Hi Aaron
Can I and my civil engineer meet with you either next Wednesday or Thursday morning to get laid out what I need to do so he can get going on the technical drawings? I like to meet you first thing in the morning if possible so I can get To work Let me know Thanks, Dave Hay
Sent from my iPhone
<PA 20-29 Planning Notes Final.pdf>

RECORDING REQUESTED BY:



9200 SE Sunnybrook Blvd., Ste 130
Clackamas, OR 97015

GRANTOR'S NAME:

Linda H. Conlee

GRANTEE'S NAME:

David Brian Hay and Melody Layne Hay

AFTER RECORDING RETURN TO:

Order No.: 36261904498-KM
David Brian Hay and Melody Layne Hay, husband and wife
1322 SE 114th Avenue
Portland, OR 97216

SEND TAX STATEMENTS TO:

David Brian Hay and Melody Layne Hay
11330 S. Forest Ridge Road
Oregon City, Or 97045

APN: 00761474

11330 S Forest Ridge Road, Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2019-055538

09/13/2019 09:04:00 AM

D-D Cnt=1 Stn=73 LESLIE
\$5.00 \$16.00 \$10.00 \$62.00

\$93.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Linda H. Conlee, Grantor, conveys and warrants to David Brian Hay and Melody Layne Hay, *as tenants by the entirety* Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

Lot 4, SUNNYRIDGE ACRES NO. 2, A SUBDIVISION OF PART OF LOTS 8 & 9, AMOTH'S SUBDIVISION, in the County of Clackamas and State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED NINETY-ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$391,500.00). (See ORS 93.030).

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

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

Dated: 9-11-19

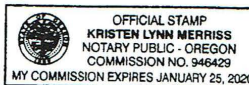
Linda H. Conlee
Linda H. Conlee

State of Oregon
County of Clackamas

This instrument was acknowledged before me on 9-11-19 by Linda H. Conlee.

Kristen Lynn Merriss
Notary Public - State of Oregon

My Commission Expires: 1/25/20



Deed (Statutory Warranty) Legal
ORD1368.doc / Updated: 04.26.19

Page 1

OR-TT-FNPT-02743.473644-36261904498

2019-055538

31E 12 BA
03000



From: [Carr, Erik](#)
To: [Christina Robertson-Gardiner](#)
Subject: RE: GLUA-20-00030 AN-20-00002 - ANNEXATION TO CITY OF OREGON CITY Transmittal
Date: Friday, March 5, 2021 3:52:36 PM

Good afternoon. The proposed development is not within the Tri-City Service District and will need to annex into TCSD before a connection to the public sanitary sewer system can be made. The TCSD annexation application is available on the WES website. The applicant should verify sanitary SDC's that may apply with future development with the City of Oregon City.

Thanks,

Erik Carr Bertram

Clackamas Water Environment Services
 503-742-4571 (office)
 503-936-3666 (cell)

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, March 5, 2021 11:21 AM
Subject: GLUA-20-00030 AN-20-00002 - ANNEXATION TO CITY OF OREGON CITY Transmittal

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

Let me know if you have any questions.

Christina



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

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
 695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orccity.org
 503) 496-1564 Direct
 (503) 722-3789 Main

[Interactive Maps and Apps](#)

[On-Line Submittal of Land Use Applications](#)

[COVID-19 \(Coronavirus\) Information](#)

*The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings **here**, we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell.*

The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

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



LAND USE TRANSMITTAL

DISTRIBUTION OF APPLICATION

- Building Official
- Development Services
- Public Works Operations
- City Engineer
- Public Works Director
- Parks Manager
- Community Services Director
- Police
- Economic Development Manager
- Traffic Engineer
- Natural Resource Committee
- City Manager's Office
- Oregon City Neighborhood Associations
- Clackamas County Transportation
- Clackamas County Planning
- Clackamas Fire District #1
- ODOT – Division Review
- Oregon City School District
- Tri-Met
- Metro
- PGE
- South Fork Water Board
- Hamlet of Beaver Creek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO
- Other – See Email List

NOTICE OF THE APPLICATION MAILED TO

- All Properties within 300 feet

HEARING DATE: City Commission Hearing: April 7, 2021
 HEARING BODY: Staff Review; ____ PC; ____ HRB; ____ CC ____ x_
 FILE # & TYPE: GLUA-20-00030 An 20-00002– Emergency Annexation to City Of Oregon City
 PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00030-20-0002-emergency-annexation-sewer-connection>
 PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orcity.org
 APPLICANT: David Hay
 OWNER: David & Melody Hay
 REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system. This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land. Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.
 LOCATION: 1330 S Forest Ridge Road, Oregon City OR 97045 identified as Clackamas County Map 3-1E-12BA-03000 Total Acres / SF: 0.46 acre (20,000 s.f.)

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. Please check the appropriate spaces below.

____ The proposal does not conflict with our interests.
 ____ The proposal conflicts with our interests for the reasons attached.
X The proposal would not conflict our interests if the changes noted below are included.

CRW will continue to provide water service to 11330 S Forest Ridge Rd, until such time as the City can withdraw and provide water service to this property.

Signed Betty A. Johnson

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.



LAND USE TRANSMITTAL

DISTRIBUTION OF APPLICATION

- Building Official
- Development Services
- Public Works Operations
- City Engineer
- Public Works Director
- Parks Manager
- Community Services Director
- Police
- Economic Development Manager
- Traffic Engineer
- Natural Resource Committee
- City Manager's Office
- Oregon City Neighborhood Associations
- Clackamas County Transportation
- Clackamas County Planning
- Clackamas Fire District #1
- ODOT – Division Review
- Oregon City School District
- Tri-Met
- Metro
- PGE
- South Fork Water Board
- Hamlet of Beavercreek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO
- Other – See Email List

NOTICE OF THE APPLICATION MAILED TO

- All Properties within 300 feet

HEARING DATE: City Commission Hearing: April 7, 2021
 HEARING BODY: Staff Review; ____ PC; ____ HRB; ____ CC ____ x_
 FILE # & TYPE: GLUA-20-00030 An 20-00002– Emergency Annexation to City Of Oregon City
 PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00030-20-0002-emergency-annexation-sewer-connection>
 PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orcity.org
 APPLICANT: David Hay
 OWNER: David & Melody Hay
 REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system. This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land. Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.
 LOCATION: 1330 S Forest Ridge Road, Oregon City OR 97045 identified as Clackamas County Map 3-1E-12BA-03000 Total Acres / SF: 0.46 acre (20,000 s.f.)

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. Please check the appropriate spaces below.

- X The proposal does not conflict with our interests.
 ____ The proposal conflicts with our interests for the reasons attached.
 ____ The proposal would not conflict our interests if the changes noted below are included.

If the property is annexed into the City before the sewer repair is completed, permits will be required to be pulled for the sewer connection on the private side of the property

Signed



Digitally signed by Christopher L. Long
Date: 2021.03.11 12:50:23 -0800

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.



LAND USE TRANSMITTAL

DISTRIBUTION OF APPLICATION

- Building Official
- Development Services
- Public Works Operations
- City Engineer
- Public Works Director
- Parks Manager
- Community Services Director
- Police
- Economic Development Manager
- Traffic Engineer
- Natural Resource Committee
- City Manager's Office
- Oregon City Neighborhood Associations
- Clackamas County Transportation
- Clackamas County Planning
- Clackamas Fire District #1
- ODOT – Division Review
- Oregon City School District
- Tri-Met
- Metro
- PGE
- South Fork Water Board
- Hamlet of Beaver Creek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO
- Other – See Email List

NOTICE OF THE APPLICATION MAILED TO

- All Properties within 300 feet

HEARING DATE: City Commission Hearing: April 7, 2021
 HEARING BODY: Staff Review; ____PC; ____HRB; ____CC__x_
 FILE # & TYPE: GLUA-20-00030 An 20-00002– Emergency Annexation to City Of Oregon City
 PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00030-20-0002-emergency-annexation-sewer-connection>
 PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orcity.org
 APPLICANT: David Hay
 OWNER: David & Melody Hay
 REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system. This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land. Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.
 LOCATION: 1330 S Forest Ridge Road, Oregon City OR 97045 identified as Clackamas County Map 3-1E-12BA-03000 Total Acres / SF: 0.46 acre (20,000 s.f.)

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. Please check the appropriate spaces below.



The proposal does not conflict with our interests.

The proposal conflicts with our interests for the reasons attached.

The proposal would not conflict our interests if the changes noted below are included.

Signed _____

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

Wes Rogers

Digitally signed by Wes Rogers
 DN: cn=Wes Rogers, o=OCSD62,
 ou=Bond Management, email=wes.rogers@ocsd62.org,
 Date: 2021.03.04 10:00:00 -0700