



# **CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING - REVISED AGENDA**

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**Virtual Meeting  
Wednesday, April 07, 2021 at 7:00 PM**

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## **VIRTUAL MEETING OF THE CITY COMMISSION**

**This meeting will be held online via Zoom and streamed on the City's website at [www.orcity.org](http://www.orcity.org); please contact [recorderteam@orcitey.org](mailto:recorderteam@orcitey.org) to register to participate in the meeting.**

*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@orcitey.org](mailto:recorderteam@orcitey.org).*
- *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 AND ROLL CALL**

### **2. FLAG SALUTE**

### **3. CEREMONIES AND PROCLAMATIONS**

[3a.](#) Arbor Day Proclamation

[3b.](#) Mayoral Appointments to City Boards and Commissions

### **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. Natural Resources Committee (NRC) Annual Report by Chair Dr. Nancy Broshot

[5b.](#) Citizen Involvement Committee Annual Report Presented by Chair Bob La Salle

**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. 21-18, Establishing a Minimum Monthly Rate to be Charged for Stormwater Service Provided to Each Customer Served by Oregon City's Stormwater System

[7b.](#) Settlement Agreement Between the McLoughlin Neighborhood Association and the City of Oregon City

[7c.](#) Personal Services Agreement with PacificWRO for the Furniture Contract for the Oregon City Operations Complex (CI 18-009)

[7d.](#) Amended Minutes of the August 27, 2020 Special Meeting

[7e.](#) Minutes of the March 11, 2021 Special Work Session

[7f.](#) Minutes of the March 17, 2021 Regular Meeting

[7g.](#) From 3/3/2021 Consent Agenda: Public Improvement Contract with Trench Line Excavation, Inc. for the 5th Street Waterline Replacement and Storm System Improvements Project (CI 21-001)

[7h.](#) From 3/3/2021 Consent Agenda: Personal Services Agreement with Murraysmith for a Risk and Resiliency Assessment and Emergency Response Plan for the City's Water Infrastructure (PS 21-002)

[7i.](#) From 3/3/2021 Consent Agenda: Minutes of the December 16, 2020 Work Session

[7j.](#) From 3/3/2021 Consent Agenda: Minutes of the February 20, 2021 Special Meeting

[7k.](#) From 3/3/2021 Consent Agenda: Minutes of the January 12, 2021 Work Session

[7l.](#) From 3/3/2021 Consent Agenda: Minutes of the January 6, 2021 Regular Meeting

**8. PUBLIC HEARINGS**

[8a.](#) First 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)

[8b.](#) First 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



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[8c.](#) Public Hearing for Adoption of Conservation Easement on Lazy Creek Lane

[8d.](#) Real Estate Contract for the Sale of Public Works Property Located at 306 S. Center Street to Yue Cong Zhu.

[8e.](#) Second Reading of Ordinance No. 21-1006, Vacating a Section of Public Right-of-Way Adjacent to 1625 Washington Street

**9. GENERAL BUSINESS**

**10. COMMUNICATIONS**

**City Manager**

[10a.](#) Distribution of the Financial Reports for Fiscal Year Ended June 30, 2020

**Commissioners**

**Mayor**

**11. ADJOURNMENT**

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**PUBLIC COMMENT GUIDELINES**

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*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.*

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**ADA NOTICE**

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*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.*

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**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](http://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 **Agenda Date:** 04/07/2021  
**From:** Community Development Director Laura Terway

### **SUBJECT:**

Arbor Day Proclamation

### **STAFF RECOMMENDATION:**

Staff recommends the Mayor read the Arbor Day Proclamation. Staff will also provide information about planned events.

### **EXECUTIVE SUMMARY:**

Arbor Day in Oregon City will be April 10, 2021.

### **BACKGROUND:**

Oregon City will officially celebrate Arbor Day on April 10, 2021 with two events planned. Because of the limitations on public gatherings due to the pandemic, neither event is open to the public.

- On Thursday, April 8, 2021 at 1:00 p.m., Mayor Lyles Smith will attend a ceremonial planting of an Oregon White Oak on the Community Development Department property at 695 Warner Parrott Road. Select representatives from Friends of Trees, Oregon City Natural Resources Committee and Oregon Community Trees, and city staff will attend this event which will be filmed and posted on the City's YouTube channel.
- On Saturday, April 10, 2020, Friends of Trees will be holding the annual neighborhood tree planting event which is planned to occur on Saturday April 10, 2021.

# PROCLAMATION

## *Arbor Day Proclamation*

**WHEREAS**, Governor Kate Brown has declared April 2021 to be Oregon Arbor Month; and

**WHEREAS**, Oregon lost millions of trees in forests and towns in the devastating Labor Day wildfires last year, which requires a vast tree-planting effort to restore the lost economic, environmental, social, and health benefits our forests provide; and

**WHEREAS**, Oregon City also lost countless trees to the recent ice storms; and

**WHEREAS**, during the pandemic, Oregonians have relied on tree-filled parks and natural areas as places of respite, joy, spiritual renewal, exercise, and social interaction because healthy trees have a positive impact on mental health and community resilience; and

**WHEREAS**, historic and ongoing inequities have kept lower-income people, people of color, and other vulnerable or marginalized groups from being able to share equally in the many benefits provided by trees. Planting and caring for trees in underserved areas will help us address this injustice; and

**WHEREAS**, the City and our Arbor Day partners Oregon Department of Forestry, Friends of Trees and Oregon Community Trees work together throughout the year to plant trees and educate the community about the importance of urban forestry; and

**Now, Therefore**, I, Rachel Lyles Smith, Mayor of the City of Oregon City, do proclaim

**April 10, 2021**

**as**

**Arbor Day in Oregon City**

And, urge all citizens to celebrate Arbor Day, support efforts to protect our trees and woodlands and to plant and care for trees to promote the well-being of this and future generations.

In Witness Whereof, I have hereunto set my hand this 7<sup>th</sup> day of April, 2021.

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RACHEL LYLES SMITH, Mayor



STATE OF OREGON  
**PROCLAMATION**

OFFICE OF THE GOVERNOR

- WHEREAS:** Oregon lost millions of trees in forests and towns in the devastating Labor Day wildfires last year, which requires a vast tree-planting effort to restore the lost economic, environmental, social, and health benefits our forests provide; and
- WHEREAS:** During the pandemic, Oregonians have relied on tree-filled parks and natural areas as places of respite, joy, spiritual renewal, exercise, and social interaction because healthy trees have a positive impact on mental health and community resilience; and
- WHEREAS:** Historic and ongoing inequities have kept lower-income people, people of color, and other vulnerable or marginalized groups from being able to share equally in the many benefits provided by trees. Planting and caring for trees in underserved areas will help us address this injustice; and
- WHEREAS:** Because trees are vital to our individual and communal well-being and future prosperity—and because all Oregonians have a stake in the future health and replenishment of our urban and rural forests—there should be more than just a single day or week to participate in tree-related activities, reflect on the vital contributions of trees to our individual and communal well-being, and honor and celebrate the tree stewardship of local leaders and volunteers in Oregon's more than 60 Tree Cities and Tree Campuses USA.

**NOW,  
 THEREFORE:** I, Kate Brown, Governor of the State of Oregon, hereby proclaim **April 2021** to be

**OREGON ARBOR MONTH**

in Oregon and encourage all Oregonians to join in this observance.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Great Seal of the State of Oregon to be affixed. Done at the Capitol in the City of Salem in the State of Oregon on this day, March 8, 2021.



*Kate Brown*

Kate Brown, Governor

*Shemia Fagan*

Shemia Fagan, Secretary of State





# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission  
**From:** City Recorder Kattie Riggs

**Agenda Date:** 04/07/2021

### SUBJECT:

Mayoral Appointments to City Boards and Commissions

### BACKGROUND:

1. Appointment of the following Oregon City residents to the Oregon City Budget Committee:
  - Christina “Emma” Lugo to fill a vacancy left by Joanne McCall with a term ending 12/31/2022
  - Kyle Arnhart to fill a vacancy left by Jeffrey Olivas with a term ending 12/31/2023
  - Casey Flesch to a 4-year term ending 12/31/2024
  - Mike Mitchell to a 4-year term ending 12/31/2024
2. Appointment of Laurie Wilson to the Enhancement Grant Program Committee for a 4-year term ending December 31, 2024.
3. Appointment of Heidi Blackwell to the Library Board to fill a vacancy left by Scott Edwards with a term ending 12/31/2023.



# CITY OF OREGON CITY

## Staff Report

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

Item 5b.

**To:** City Commission **Agenda Date:** 04/07/2021  
**From:** Community Development Director Laura Terway

### SUBJECT:

Citizen Involvement Committee Annual Report Presented by Chair Bob La Salle

### STAFF RECOMMENDATION:

Presentation of the 2020 Citizen Involvement Committee Accomplishments

### EXECUTIVE SUMMARY:

Bob La Salle, Chairperson of the [Citizen Involvement Committee](#) (CIC) will present the 2020 CIC accomplishments.

### BACKGROUND

The Citizen Involvement Committee (CIC) is made up of representatives from Oregon City's neighborhood associations who concentrate on ways to encourage greater public involvement and communication between the city and its residents. CIC members play an important role in two-way communication between the City and Neighborhood Associations, who are not public organizations. Members of the CIC are appointed to a two-year term by the Mayor.

Citizen Participation is Goal 1 of the city's planning process and as technology and society change, organization like the CIC work with the City to help adapt to how government communicates with and listens to the community on important city decisions .

**1. OCMC Chapter 2.30 changed**

- A. Allows both neighborhood representatives to participate and have votes on issues before the CIC. No more primary and alternate members.
- B. Returned the agenda responsibility to the CIC Chair.

**2. Reestablished bylaws for the CIC.**

**3. Organized the agenda so that quarterly reports will be given by:**

- A. Oregon City Public Works
- B. Oregon City Chamber of Commerce.
- C. Downtown Oregon City Association.

**4. Were active in getting crosswalks on Holcomb Blvd and crosswalk improvements in Barclay Hills.**

**5. We received presentations in regard to:**

- A. We received a presentation on the Comprehensive Plan update (OC2040).
- B. Chief Jim Band gave us information of the Police Department.
- C. Greg Williams, Library Director, gave us information on what the library can do to help neighborhoods.
- D. We received updates on the Molalla Avenue project and many other Public Works actions.
- E. We were presented several land use applications information for neighborhoods where the Neighborhood Associations are not active.
- F. We were presented information on the Water master Plan Amendment, water rates, and SDC's.
- G. We received information on the Park Place Urbanization studt.
- H. WES gave us a presentation on the Water Environmental Services Outfall Project which was passed by the voters.
- I. We received a presentation by Clackamas Heritage Partners on their operation of the End of the Oregon Trail Interpretive Center.
- J. We received an update on the Willamette Falls Legacy Project and the Riverwalk.
- K. We recently received a comprehensive update on the proposal to develop the old land fill site.
- L. There were many other issues and conversations too numerous to list.

We have several neighborhood associations that are no longer active but have people actively involved in getting them going again. The only exception is the Two Rivers N/A. Our recent letter of solicitation seems to have been effective.

I'd like to thank the City Commission for your support of the CIC and the changes made in the last year. Your open mindedness and willingness to listen have made a big difference in the CIC and, with your continued support, I expect good things in the future.

Thanks;

Bob La Salle, CIC Chair





# 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:** 04/07/2021

### **SUBJECT:**

Resolution No. 21-18, Establishing a Minimum Monthly Rate to be Charged for Stormwater Service Provided to Each Customer Served by Oregon City's Stormwater System

### **STAFF RECOMMENDATION:**

Adopt Resolution No. 21-18, increasing stormwater rates in accordance with the March 2021 FCS Group Final Model and Recommendations for the Stormwater Rate Study.

### **EXECUTIVE SUMMARY:**

As recently discussed with the Commission in March 2021, Stormwater rates are in place, in part, to support the City's Capital Improvement Plan (CIP) and maintenance needs. Three levels of services funded by cash or debt issuances were presented. The Commission unanimously favored to pursue the Level of Service 2, cash funded option.

The stormwater rate and SDC study is in alignment with Goal 5 from the City's 2019-2021 Goals, Priorities and Milestones. This goal addresses maintaining fiscal health and long-term stability and tasks the City with completing a rate study and SDC analysis and adopting appropriate charges to implement projects identified in the Stormwater Master Plan.

### **BACKGROUND:**

The citywide Stormwater Master Plan guides stormwater-related priorities and capital improvement projects (CIPs) over the next 15-20 years. The City is currently managing more than 174 miles of stormwater infrastructure, including significant areas of aging systems. The Master Plan was developed to address immediate capacity needs, replace aging infrastructure, and provide regional solutions to larger flooding and water quality challenges. The updated CIP list and selected programmatic approaches included in this plan will facilitate prioritization of the City's resources and support future resource and financial planning.

The City contracted with FCS Group in March 2020 to gather information from the Stormwater Master Plan, analyze customer revenue and expense data, and run rate analysis to support funding the improvements necessary to remedy system deficiencies and accommodate future growth. FCS Group has incorporated the findings included in the plan, reviewed current and expected operations cost, and incorporated base assumptions for financial targets.

At the March 11, 2021, City Commission Work Session, FCS Group presented three rate scenarios: baseline, moderate capital, and full capital. The scenarios are determined by the amount of annual revenue necessary to fund all financial obligations and is associated with differing rate increases and is evaluated with and without the use of debt.

- **Baseline Level of Service (LOS)** includes only critical maintenance needs and critical master plan projects at an average of \$1.7 million per year.
- **Moderate Capital LOS** includes the baseline of critical maintenance needs with some deferred maintenance and funds all master plan projects at an average of \$2.4 million per year.
- **Full capital LOS** is all-inclusive of funding all master plan projects and all known deferred maintenance needs at an average of \$3.2 million per year.

The Commission recommended staff to move forward with Moderate Capital LOS (LOS 2) cash funded.

The proposed stormwater rate charges are summarized below:

- Effective July 1, 2021, the proposed new rate per Equivalent Residential Unit (ERU) will be \$12.54.
- Effective July 1, 2022, the proposed new rate per ERU will be \$14.48.
- Effective July 1, 2023, the proposed new rate per ERU will be \$16.73.
- Effective July 1, 2024, and annually thereafter, the monthly rate shall increase by 3%.

Assignment of ERU's to classes of service shall be as follows:

- Residential Dwelling = 1 ERU
- Non-Residential = 1 ERU per storm unit

#### OPTIONS:

1. Approve Resolution No. 21-18.
2. Approve Resolution No. 21-18 with specific modifications.
3. Deny Resolution No. 21-18. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

## RESOLUTION NO. 21-18

### A RESOLUTION ESTABLISHING A MINIMUM MONTHLY RATE TO BE CHARGED FOR STORMWATER SERVICE PROVIDED TO EACH CUSTOMER SERVICED BY OREGON CITY'S STORMWATER SYSTEM

**WHEREAS**, the Oregon City Municipal Code establishes the setting of the City's stormwater charges; and

**WHEREAS**, the City provides stormwater service to nearly 36,000 people spread across an area of approximately 10.27 square miles; and

**WHEREAS**, the City commissioned Brown and Caldwell to prepare the "Stormwater Master Plan", dated July 2019; and

**WHEREAS**, the City Commission adopted the Stormwater Master Plan through the execution of Ordinance 19-1014 which became effective April 17, 2020; and

**WHEREAS**, the City determined the need to update the stormwater charges; and

**WHEREAS**, in March 2021, FCS Group Final Model and Recommendations for the Stormwater Rate Study was completed to determine stormwater charges needed to meet the maintenance and capital needs of the Stormwater Utility.

**NOW, THEREFORE, OREGON CITY RESOLVES** by the City Commission of Oregon City, a municipal corporation of the State of Oregon, that the monthly stormwater charges shall be as follows:

**Section 1.** The monthly stormwater service charge shall be the following and take effect July 1 of each year noted:

| Customer Type                          | 2021    | 2022    | 2023    |
|----------------------------------------|---------|---------|---------|
| Residential Dwelling Unit Charge       | \$12.54 | \$14.48 | \$16.73 |
| Non-Residential Equivalent Unit Charge | \$12.54 | \$14.48 | \$16.73 |

**Section 2.** Effective July 1, 2024, and annually thereafter, the monthly stormwater service charge adopted in Section 1 shall be adjusted to account for inflation in an amount of no more than 3 percent.

Approved and adopted at a regular meeting of the City Commission held on the 7<sup>th</sup> day of April 2021.

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ROCKY SMITH, JR.  
Commission President

Attested to this 7<sup>th</sup> day of April 2021:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney

# City of Oregon City

## STORMWATER UTILITY RATE STUDY

DRAFT REPORT  
March 2021

### **Washington**

7525 166th Avenue NE, Ste. D215  
Redmond, WA 98052  
425.867.1802

### **Oregon**

5335 Meadows Road, Ste. 330  
Lake Oswego, OR 97035  
503.841.6543

### **Colorado**

1320 Pearl St, Ste 120  
Boulder, CO 80302  
719.284.9168

[www.fcsgroup.com](http://www.fcsgroup.com)

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**FCS GROUP**  
Solutions-Oriented Consult



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## Section I. INTRODUCTION

### Utility Background

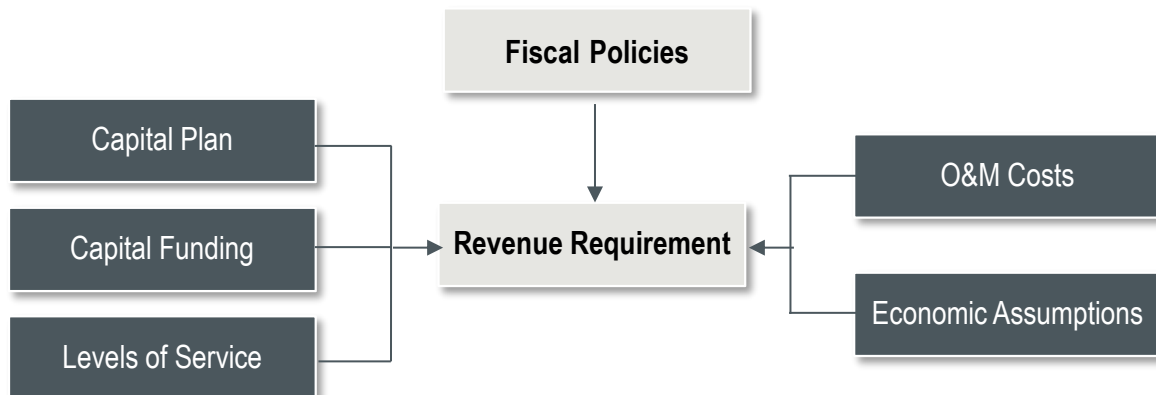
The City of Oregon City (City) stormwater utility prevents damage to people and property and maintains and enhances the City’s natural environment. Stormwater utility services include surface water development review and inspections, maintaining public stormwater systems, inspecting privately maintained stormwater systems, monitoring natural waterways, permit compliance, and providing stormwater education and outreach.

The City bills monthly fees to property owners within the City limits to provide resources needed to plan, manage, design, construct, maintain, revise, and upgrade the storm drainage and surface water runoff systems within the corporate limits of the City. The City contracted with FCS GROUP to perform a stormwater utility rate study, the main purpose of which is to ensure that the City has the resources to continue to provide these valuable services into the future.

### Rate Study

The main purpose of this rate study is to develop a funding plan (“revenue requirement”) for the City’s stormwater utility. The revenue requirement identifies the total revenue needed to fully fund the utility on a standalone basis considering operating and maintenance expenditures, fiscal policy achievement, and the capital project needs of the utility.

Exhibit 1: Revenue Requirement Overview



### Issue Papers

In support of the rate study, three issue papers were developed and have been included in **Appendix C** of this report: *Issue Paper #1: Fiscal Policies*, *Issue Paper #2: Rate Structures*, and *Issue Paper #3: Rate Credits*.

## Section II. FISCAL POLICIES

The basic framework for evaluating utility revenue needs includes sound fiscal policies. Several policy topics are important to consider as part of managing the finances of the stormwater utility, including: Cash Reserves, Capital Funding, and Rate Funded System Reinvestment. These policies were initially documented and reviewed with City staff in *Issue Paper #1*.

When evaluating fund reserve levels and objectives, it is important to recognize that the value of reserves lies in their potential use. A reserve strategy that deliberately avoids any use of reserves negates their purpose. The fluctuation of reserve levels may indicate that the system is working, while lack of variation over many years strongly suggests that the reserves are, in fact, unnecessary.

### Operating Reserves

An operating reserve is designed to provide a liquidity cushion; it protects the utility from the risk of short-term variation in the timing of revenue collection or payment of expenses. The most common operating reserve minimum balance target for stormwater utilities with monthly or bi-monthly billing is between 30 days to 45 days of operating expenses.

**Recommended Policy:** Achieve a year-end minimum balance target of **45 days** of total annual operating expenditures. This equates to a target of **\$350,000** in 2020 based on 2020 budgeted expenditures totaling \$2.85 million.

### Capital Reserve

This reserve provides a source of emergency funding for unexpected asset failures or other unanticipated capital needs. This capital reserve policy is not intended to guard against catastrophic system failure or extreme acts of nature. Minimum balances for capital reserves are often based on a percentage (commonly 1% to 2%) of the original cost of utility fixed assets or an amount determined sufficient to fund an emergency capital project or equipment failure.

**Recommended Policy:** Achieve a year-end minimum balance target of **1%** of the original cost of all plant-in-service. This equates to a target of **\$100,000** in 2020 based on a total original cost basis of \$9.80 million.

### Debt Related Policies

The City does not currently have any outstanding stormwater utility debt. Based on discussions with City staff, it is the City's preference that the stormwater utility continues to primarily cash-fund capital projects during the study period.

### Debt Reserve

A debt reserve is most often required as a condition of bond issuance, though some loan programs also require a reserve. The reserve intends to protect bondholders (or the agency issuing loans) from the risk of the borrower defaulting on their payments and is most often linked to either average annual debt service or maximum annual debt service.

**Recommended Policy:** The policy should be dictated by terms outlined in contracts for debt obligations if the stormwater utility chooses to utilize debt in the future.

## Debt Service Coverage

Debt service coverage is typically a requirement associated with revenue bonds, and it is an important benchmark to measure the riskiness of a utility's capital funding plans. Coverage is most easily understood as a factor applied to annual debt service. In such a case, if it issues revenue bonds, the stormwater utility agrees to collect enough revenue to meet operating expenses and not only pay debt service but to collect an additional 25% above bonded debt service. The extra revenue is a "cushion" that makes bondholders more confident that debt service will be paid on time.

**Recommended Policy:** While 1.25 is a common legal minimum coverage for revenue bonds, FCS GROUP recommends a more conservative internal policy coverage target of at least 1.50 to 2.00 should the stormwater utility choose to utilize debt in the future.

## Rate Funded System Reinvestment

Rate funded system reinvestment is the funding of long-term infrastructure replacement needs through a regular (annual) and predictable rate provision, which helps minimize reliance on debt.

**Recommended Policy:** The City desires to continue to cash-fund its capital program. Therefore, the utility should strive to generate revenues to cover both operating costs and the annual average capital program. The level of rate funded system reinvestment will depend on the Commission's selected level of service.

**Exhibit 2** provides a summary of the recommended fiscal policies for the stormwater utility.

**Exhibit 2: Summary of Fiscal Policies**

| Policy                          | Recommended Target                                                                     |
|---------------------------------|----------------------------------------------------------------------------------------|
| Operating Reserve               | 45 Days of O&M: \$350,000 based on the 2020 budget                                     |
| Capital Reserve                 | 1% of plant-in-service original cost: \$100,000 in 2020.                               |
| Debt Service Coverage           | If debt is issued, an internal policy target of at least 1.50 to 2.00 would be prudent |
| Rate Funded System Reinvestment | Set rates to allow the utility to cash fund its capital program                        |

## Section III. REVENUE REQUIREMENT

This section presents the revenue requirement results for the stormwater utility. The forecasts within this section generate the revenue needed under each level of service to fund the utility on a standalone basis, considering operating and maintenance expenditures, fiscal policy achievement, and a portion of the capital projects identified in the City's six-year capital plan for the stormwater utility.

### Levels of Service (Without Debt Issuances)

Three levels of service (LOS) have been developed for consideration: Baseline, Moderate Capital, and Full Capital. Each successive level of service introduced two new full time employee positions: a utility maintenance worker and a stormwater engineer, both to be introduced in 2022. Planned capital expenses were portrayed as a 'capital budget' for use on capital projects in the City's capital improvement program (CIP). The three levels of service incorporated annual capital budgets of approximately \$1,700,000 (Baseline), \$2,400,000 (Moderate Capital), and \$3,200,000 (Full Capital). The Baseline level of service will fund all critical master plan and critical capital maintenance needs projects, the Moderate Capital level of service will fund all master plan projects, critical capital maintenance needs, and some additional capital maintenance, and the Full Capital level of service will fund all master plan projects and known capital maintenance needs. **Exhibit 3** summarizes the programs that would be funded under each level of service as well as the monthly rate impacts if the City does not issue debt to fund the capital program.

**Exhibit 3: Levels of Service (Cash Funded)**

| Level of Service Matrix    | Single Family Monthly Rate |         |         |         | Capital Projects                                                                                                                                                 | Cash Funded / Debt Funded Capital           |
|----------------------------|----------------------------|---------|---------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
|                            | Existing                   | Year 1  | Year 2  | Year 3  |                                                                                                                                                                  |                                             |
| LOS 1:<br>Baseline         | \$10.86                    | \$11.95 | \$13.14 | \$14.45 | Avg. \$1,700,000 / year in Capital Expenditures<br>\$1.2M - critical master plan projects<br>\$500k - critical maintenance needs                                 | \$32,000,000 Cash Funded<br>\$0 Debt Funded |
|                            | \$ change:                 | \$1.09  | \$1.19  | \$1.31  |                                                                                                                                                                  |                                             |
| LOS 2:<br>Moderate Capital | \$10.86                    | \$12.54 | \$14.48 | \$16.73 | Avg. \$2,400,000 / year in Capital Expenditures<br>\$1.6M - Fund all master plan projects<br>\$800k - critical maintenance needs and some additional maintenance | \$46,000,000 Cash Funded<br>\$0 Debt Funded |
|                            | \$ change:                 | \$1.68  | \$1.94  | \$2.25  |                                                                                                                                                                  |                                             |
| LOS 3:<br>Full Capital     | \$10.86                    | \$13.14 | \$15.89 | \$19.24 | Avg. \$3,200,000 / year in Capital Expenditures<br>\$1.6M - Fund all master plan projects<br>\$1.6M - Fund all known maintenance needs projects                  | \$60,100,000 Cash Funded<br>\$0 Debt Funded |
|                            | \$ change:                 | \$2.28  | \$2.75  | \$3.35  |                                                                                                                                                                  |                                             |

## Economic & Inflation Factors

The operating and maintenance expenditure forecast largely relies on the City's 2020 adopted budget for the stormwater and SDC funds. The line items in the budget are then adjusted each year by utilizing one of the following factors:

- General Cost Inflation – assumed to be 2.0 percent per year based on the 20-City CPI index.
- Construction Cost Inflation – assumed to be 3.0 percent per year based on the historical Engineering News-Record's Construction Cost Index (20-City Average).
- Labor Cost Inflation – assumed to be 2.0 percent per year based on the Employment Cost Index – Wages and Salaries, as well as a discussion with City staff.
- Benefits Cost Inflation – assumed to be 5.0 percent per year based on the Employment Cost Index – Benefits, as well as a discussion with City staff.
- Taxes – City franchise fee rate of 6.0 percent.
- Fund Earnings – assumed to be 0.50 percent per year based on the Local Government Investment Pool (LGIP) for Oregon.
- Growth in Rate Revenue before Increases – the City is assumed to add approximately 120 new dwelling units per year, per the City's 2019 Housing Needs Assessment. This results in a growth rate of approximately 0.5 percent per year.

## Fund Balances

The stormwater utility has separate funds for tracking operating and capital activity. The combined beginning July 1, 2020 cash and investments balance was \$1,100,000. Of that total, City finance staff noted that \$739,000 was operating cash in Fund 410 and \$371,000 was reserved for capital expenditures in Fund 412, as shown in **Exhibit 4**.

**Exhibit 4: Stormwater Utility Fund Cash Balances**

| Description                          | Beginning 2020 Cash Balances |
|--------------------------------------|------------------------------|
| Operating Reserve                    | \$1,064,212                  |
| Capital Reserve                      | \$336,122                    |
| SDC Reserve – Reimbursement          | \$305,601                    |
| SDC Reserve – Improvement            | \$85,138                     |
| Total Beginning Cash January 1, 2020 | \$1,791,073                  |

## Existing Debt Obligations

As noted previously, the City does not have any existing stormwater-related debt obligations. In the following sections, no new debt issuances are assumed.



## Revenue Requirement Results – Baseline LOS

**Exhibit 5** graphically represents the revenue requirement forecast through 2029 for the Baseline Capital LOS scenario. Detailed observations are provided below:

- **Solid line:** Revenue at existing rates.

Total revenue is expected to be roughly \$3,150,000 in 2020 and is expected to increase 0.50 percent per year with customer growth, before future rate adjustments.

- **Dashed line:** Revenues with rate increases.

As the operating and capital costs associated with the Baseline LOS are incorporated into the forecast, rate revenue must increase to cover those obligations. Total revenues are expected to grow to just over \$5,050,000 per year by 2029.

- **Dark blue bar:** Operating and maintenance expense (O&M).

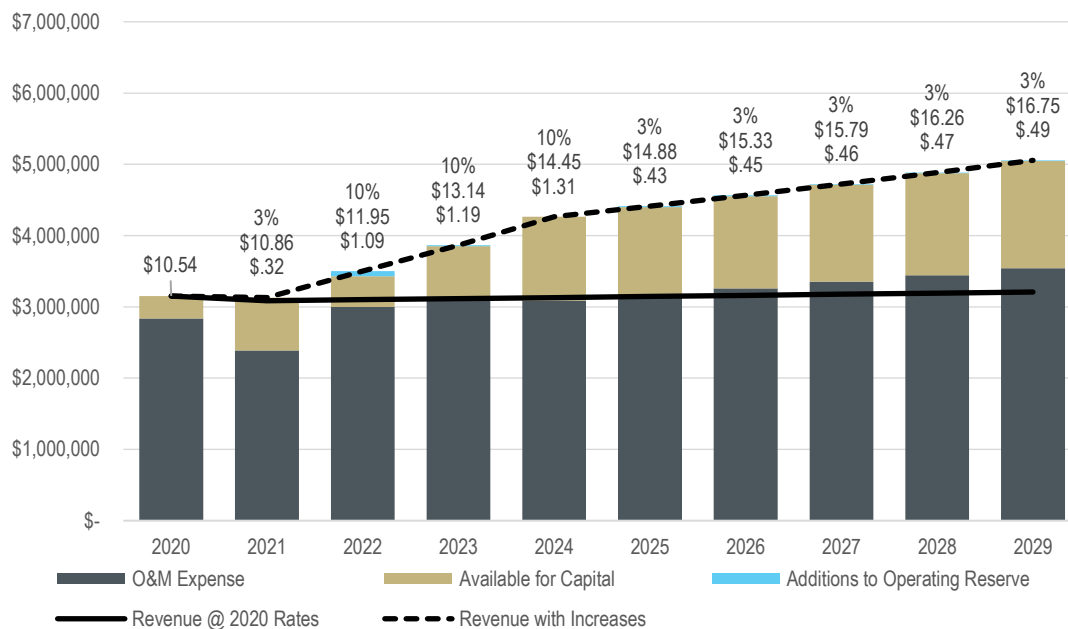
Operating expenses are based on the adopted 2020 budget plus the additional costs associated with the Baseline Capital LOS. Operating expenses are expected to grow to \$3,500,000 by 2029. The one-time 'drop' in operating expenses in 2021 is related to transfers out to other City funds.

- **Tan bar:** Available for capital.

This amount increases gradually after 2021 as revenues increase with rate increases. By 2029, \$1,500,000 per year would be available for capital projects.

- **Light blue bar:** Additions to the operating reserve to keep pace with escalating O&M.

**Exhibit 5: Monthly Stormwater Utility Revenue Requirement Forecast 2020-29\* (Baseline LOS)**



*\*The graph labels show the monthly revenue adjustment, the single-family monthly rate, and the monthly change to the single-family rate.*

## Revenue Requirement Results – Moderate Capital LOS

**Exhibit 6** graphically represents the revenue requirement forecast through 2029 for the Moderate Capital LOS scenario. Detailed observations are provided below:

- **Solid line:** Revenue at existing rates.

Total revenue is expected to be roughly \$3,150,000 in 2020 and is expected to increase 0.50 percent per year with customer growth, before future rate adjustments.

- **Dashed line:** Revenues with rate increases.

As the operating and capital costs associated with the Moderate Capital LOS are incorporated into the forecast, rate revenue must increase to cover those obligations. Total revenues are expected to grow to \$5,800,000 per year by 2029.

- **Dark blue bar:** Operating and maintenance expense (O&M).

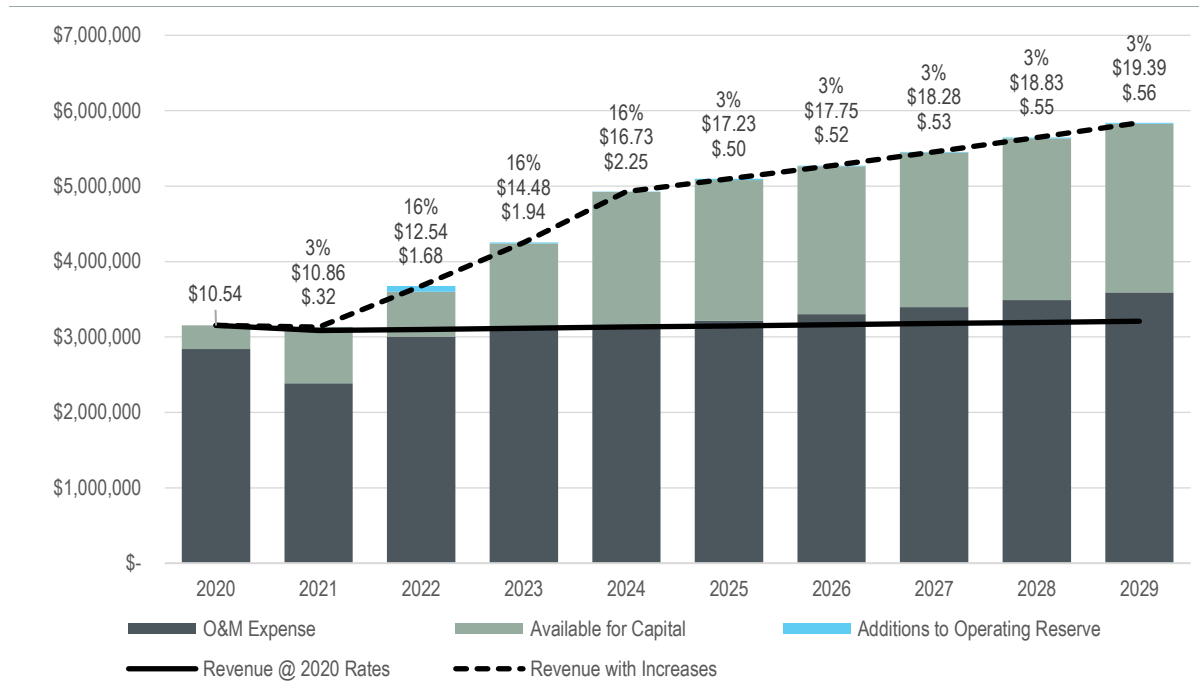
Operating expenses are based on the adopted 2020 budget plus the additional costs associated with the Moderate Capital LOS. Operating expenses are expected to grow to \$3,600,000 by 2029. The one-time ‘drop’ in operating expenses in 2021 is related to transfers out to other City funds.

- **Green bar:** Available for capital.

This amount increases gradually after 2021 as revenues increase with rate increases. By 2029, \$2,200,000 per year would be available for capital projects.

- **Light blue bar:** Additions to the operating reserve to keep pace with escalating O&M.

**Exhibit 6: Monthly Stormwater Utility Revenue Requirement Forecast 2020-29\* (Moderate Capital LOS)**



\*The graph labels show the monthly revenue adjustment, the single-family monthly rate, and the monthly change to the single-family rate.

## Revenue Requirement Results – Full Capital LOS

**Exhibit 7** graphically represents the revenue requirement forecast through 2029 for the Full Capital LOS scenario. Detailed observations are provided below:

- **Solid line:** Revenue at existing rates.

Total revenue is expected to be roughly \$3,150,000 in 2020 and is expected to increase 0.50 percent per year with customer growth, before future rate adjustments.

- **Dashed line:** Revenues with rate increases.

As the operating and capital costs associated with the Full Capital LOS are incorporated into the forecast, rate revenue must increase to cover those obligations. Total revenues are expected to grow to \$6,700,000 per year by 2029.

- **Dark blue bar:** Operating and maintenance expense (O&M).

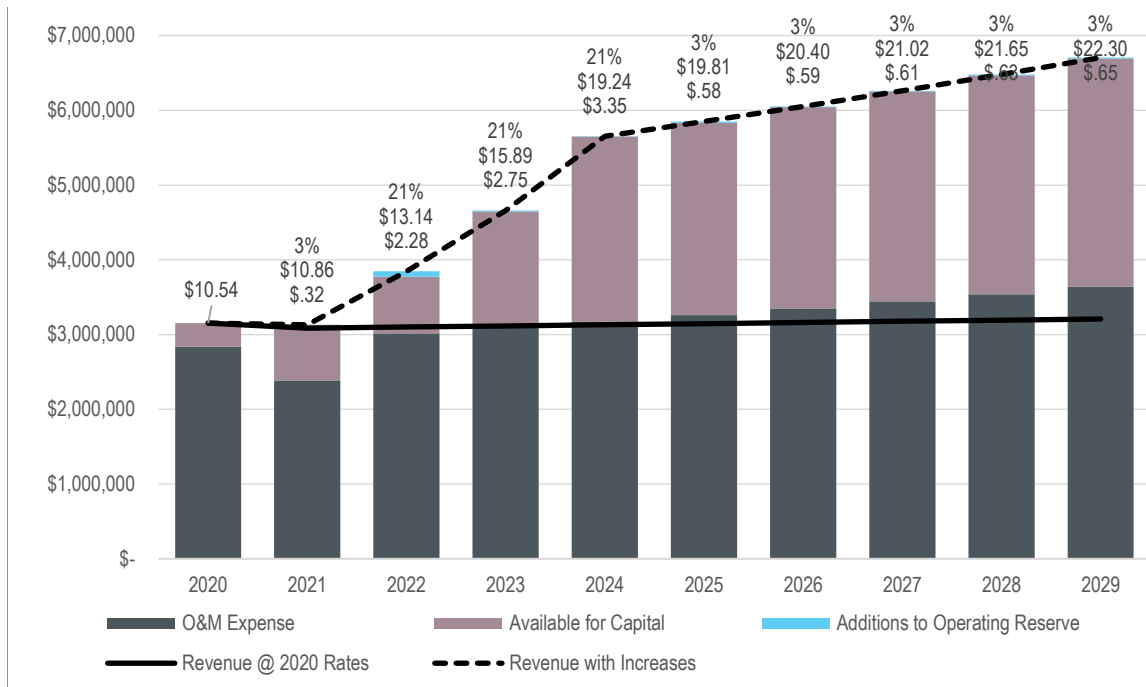
Operating expenses are based on the adopted 2020 budget plus the additional costs associated with the Full Capital LOS. Operating expenses are expected to grow to \$3,650,000 by 2029. The one-time ‘drop’ in operating expenses in 2021 is related to transfers out to other City funds.

- **Lavender bar:** Available for capital.

This amount increases gradually after 2021 as revenues increase with rate increases. By 2029, \$3,050,000 per year would be available for capital projects.

- **Light blue bar:** Additions to the operating reserve to keep pace with escalating O&M.

**Exhibit 7: Monthly Stormwater Utility Revenue Requirement Forecast 2020-29\* (Full Capital LOS)**



\*The graph labels show the monthly revenue adjustment, the single-family annual rate, and the monthly change to the single-family rate.

## Levels of Service (With Debt Issuances)

Alternative scenarios were prepared which assume the issuance of debt to fund some capital projects, rather than funding capital projects entirely through rates. The levels of service in these debt issuance scenarios are the same as assumed in the previous cash-funded scenarios. **Exhibit 8** summarizes the rate impacts if the City issues debt to fund the capital program; these rates may be directly compared to those in the previous section showing the impact of issuing debt.

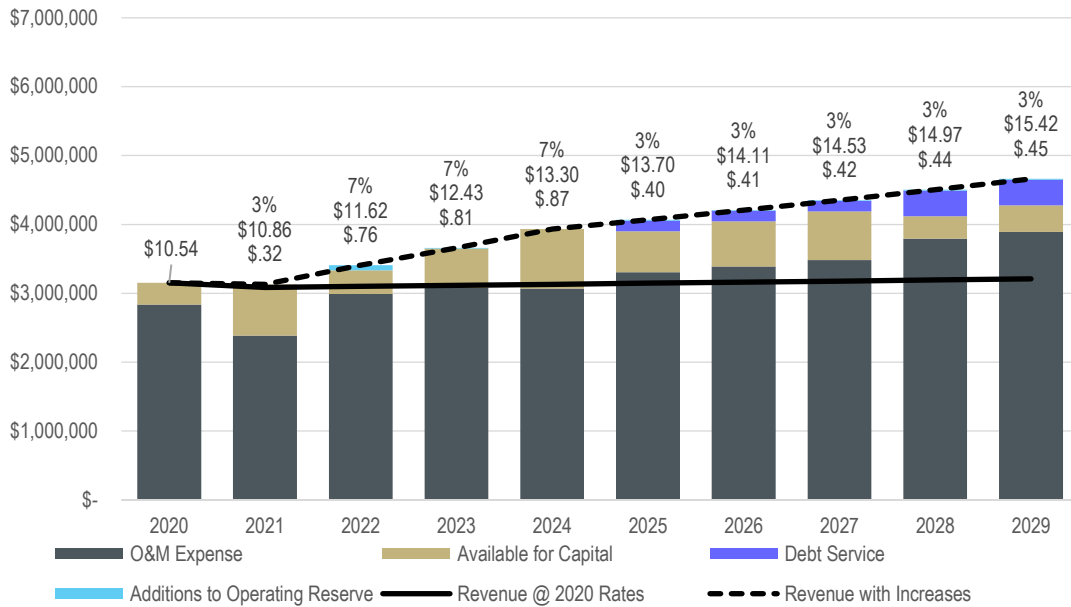
**Exhibit 8: Levels of Service (Debt Funded)**

| Level of Service Matrix    | Single Family Monthly Rate |         |         |         | Capital Projects                                                                                                                                                 | Cash Funded / Debt Funded Capital                                                         |
|----------------------------|----------------------------|---------|---------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
|                            | Existing                   | Year 1  | Year 2  | Year 3  |                                                                                                                                                                  |                                                                                           |
| LOS 1:<br>Baseline         | \$10.86                    | \$11.62 | \$12.43 | \$13.30 | Avg. \$1,700,000 / year in Capital Expenditures<br>\$1.2M - critical master plan projects<br>\$500k - critical maintenance needs                                 | \$14,200,000 Cash Funded<br><u>\$17,800,000 Debt Funded</u><br>\$32,000,000 Total Capital |
|                            | \$ change:                 | \$0.76  | \$0.81  | \$0.87  |                                                                                                                                                                  |                                                                                           |
| LOS 2:<br>Moderate Capital | \$10.86                    | \$12.16 | \$13.62 | \$15.25 | Avg. \$2,400,000 / year in Capital Expenditures<br>\$1.6M - Fund all master plan projects<br>\$800k - critical maintenance needs and some additional maintenance | \$21,300,000 Cash Funded<br><u>\$24,700,000 Debt Funded</u><br>\$46,000,000 Total Capital |
|                            | \$ change:                 | \$1.30  | \$1.46  | \$1.63  |                                                                                                                                                                  |                                                                                           |
| LOS 3:<br>Full Capital     | \$10.86                    | \$12.49 | \$14.36 | \$16.51 | Avg. \$3,200,000 / year in Capital Expenditures<br>\$1.6M - Fund all master plan projects<br>\$1.6M - Fund all known maintenance needs projects                  | \$24,500,000 Cash Funded<br><u>\$35,600,000 Debt Funded</u><br>\$60,100,000 Total Capital |
|                            | \$ change:                 | \$1.63  | \$1.87  | \$2.15  |                                                                                                                                                                  |                                                                                           |

## Revenue Requirement Results – With Debt Issuances

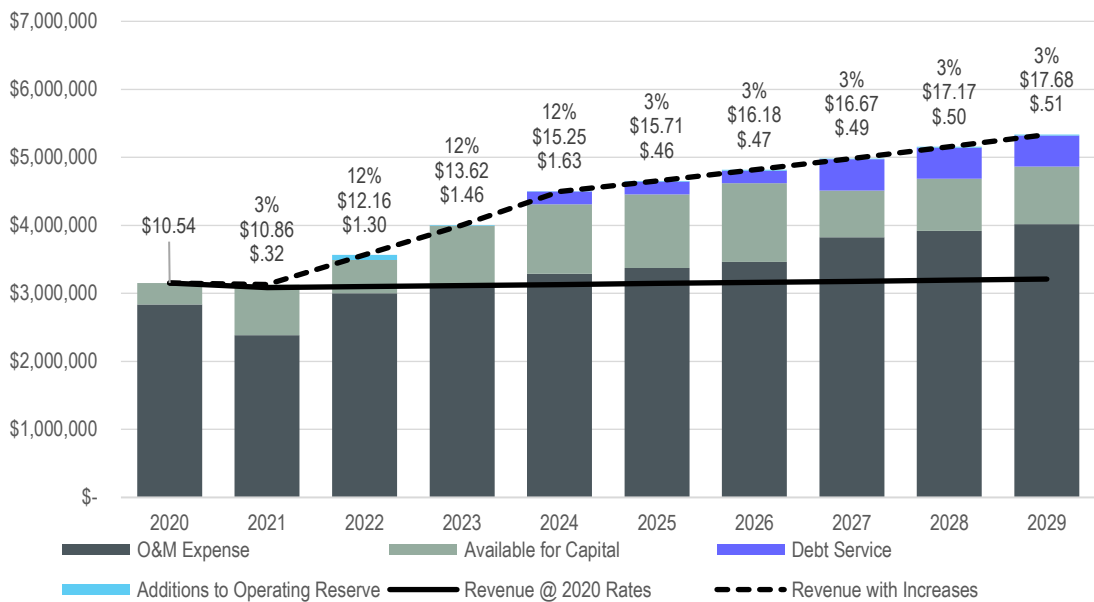
**Exhibits 9, 10, and 11** graphically represent the revenue requirement forecast through 2029 for the each of the previously discussed levels of service, assuming the City issues debt at the levels presented in each scenario.

**Exhibit 9: Monthly Stormwater Utility Revenue Requirement Forecast 2020-29\* (Baseline LOS)**



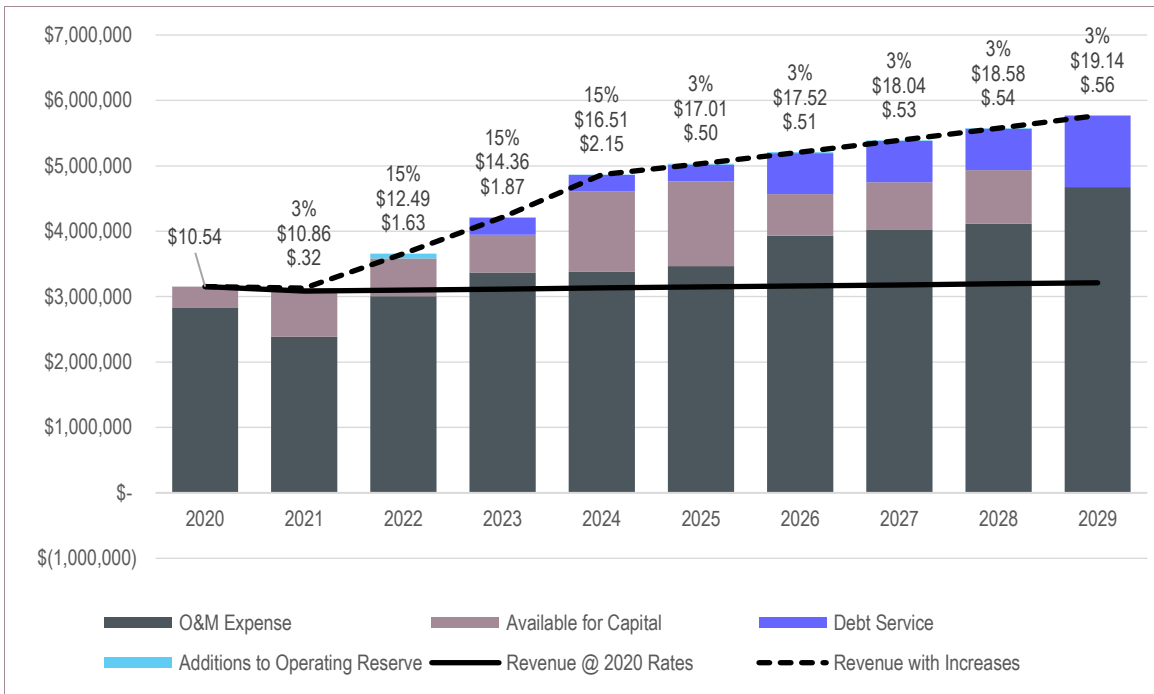
For the Baseline LOS, the total debt issuance is assumed to be \$17,800,000, resulting in annual debt service payments of \$375,000 by 2029.

**Exhibit 10: Monthly Stormwater Utility Revenue Requirement Forecast 2020-29\* (Moderate Capital LOS)**



For the Moderate Capital LOS, the total debt issuance is assumed to be \$24,700,000, resulting in annual debt service payments of \$450,000 by 2029.

**Exhibit 11: Monthly Stormwater Utility Revenue Requirement Forecast 2020-29\* (Full Capital LOS)**



For the Full Capital LOS, the total debt issuance is assumed to be \$35,600,000, resulting in annual debt service payments of \$1,100,000 by 2029.

## Section IV. RATE CREDITS

A stormwater customer who provides onsite mitigation that is over and above the City’s minimum requirements can reduce the utility’s costs. Providing a rate credit for this additional mitigation can therefore be an appropriate incentive. This section provides an analytically-based maximum rate credit that the City may offer (if it offers one at all). For administrative practicality, if the City does decide to offer rate credits, we recommend that only commercial properties should be considered eligible for credits.

After calculating the total revenue requirement for the utility, we determined the maximum rate credit using the following approach. Each category of stormwater program costs was allocated between base and use. “Base” costs are not avoidable even with universal onsite mitigation. “Use” costs are theoretically avoidable with sufficient onsite mitigation. Results are shown in **Exhibit 12** below.

**Exhibit 12: Base and Use Categorization**

| Expense Description    | % Base | % Use |
|------------------------|--------|-------|
| Personnel Services     | 92%    | 8%    |
| Materials and Services | 78%    | 22%   |
| Transfers Out          | 100%   | 0%    |
| Cash Funded Capital    | 33%    | 67%   |

These allocations of the FY 2021-22 projected costs resulted in approximately 71 percent of expenses classified as base costs 29 percent classified as use costs.

The maximum rate credit was determined by dividing each component cost by the expected number of ESUs to be charged. It was assumed that up to 10 percent of all ESUs would be lost to credits, or refinements to their chargeable area based on updated measurements. The calculation of the maximum credit amount is summarized in **Exhibit 13** below.

**Exhibit 13: Calculation of Maximum Credit**

|                                  | Base          | Use             | Total (\$)       |
|----------------------------------|---------------|-----------------|------------------|
| Total \$                         | 2,419,925     | \$ 1,018,774    | \$ 3,438,698     |
| Storm Units                      | 24,195        | 24,195          |                  |
| Credit Qualifying (10%)          |               | (1,379)         |                  |
| Chargeable Storm Units           | 24,195        | 22,816          |                  |
| <b>Annual Charge per Unit \$</b> | <b>100.02</b> | <b>\$ 44.65</b> | <b>\$ 144.67</b> |
| <i>Maximum Credit Provided</i>   |               | <b>31%</b>      |                  |

The result of the credit calculation is a maximum rate credit of 31 percent for qualifying on-site mitigation.



## Section V. SUMMARY

A review of the rates for each scenario (baseline, moderate capital, full capital, with and without debt) is provided as shown in **Exhibit 14**.

**Exhibit 14: Rate Increase Scenarios**

| LOS Matricies      | Existing       | Year 1         | Year 2         | Year 3         |
|--------------------|----------------|----------------|----------------|----------------|
| LOS 1: Cash funded | <b>\$10.86</b> | <b>\$11.95</b> | <b>\$13.14</b> | <b>\$14.45</b> |
| \$ change          |                | \$1.09         | \$1.19         | \$1.31         |
| LOS 2: Cash funded | <b>\$10.86</b> | <b>\$12.54</b> | <b>\$14.48</b> | <b>\$16.73</b> |
| \$ change          |                | \$1.68         | \$1.94         | \$2.25         |
| LOS 3: Cash funded | <b>\$10.86</b> | <b>\$13.14</b> | <b>\$15.89</b> | <b>\$19.24</b> |
| \$ change          |                | \$2.28         | \$2.75         | \$3.35         |
| LOS 1: Debt funded | <b>\$10.86</b> | <b>\$11.62</b> | <b>\$12.43</b> | <b>\$13.30</b> |
| \$ change          |                | \$0.76         | \$0.81         | \$0.87         |
| LOS 2: Debt funded | <b>\$10.86</b> | <b>\$12.16</b> | <b>\$13.62</b> | <b>\$15.25</b> |
| \$ change          |                | \$1.30         | \$1.46         | \$1.63         |
| LOS 3: Debt funded | <b>\$10.86</b> | <b>\$12.49</b> | <b>\$14.36</b> | <b>\$16.51</b> |
| \$ change          |                | \$1.63         | \$1.87         | \$2.15         |

### Commission Decision

Results of this study were presented to the City Commission on March 11<sup>th</sup>, 2021. The commission indicated a preference for the cash-funded LOS 2. **Exhibits 15, 16, and 17** show the forecasted rate increases and reserve balances in this scenario.

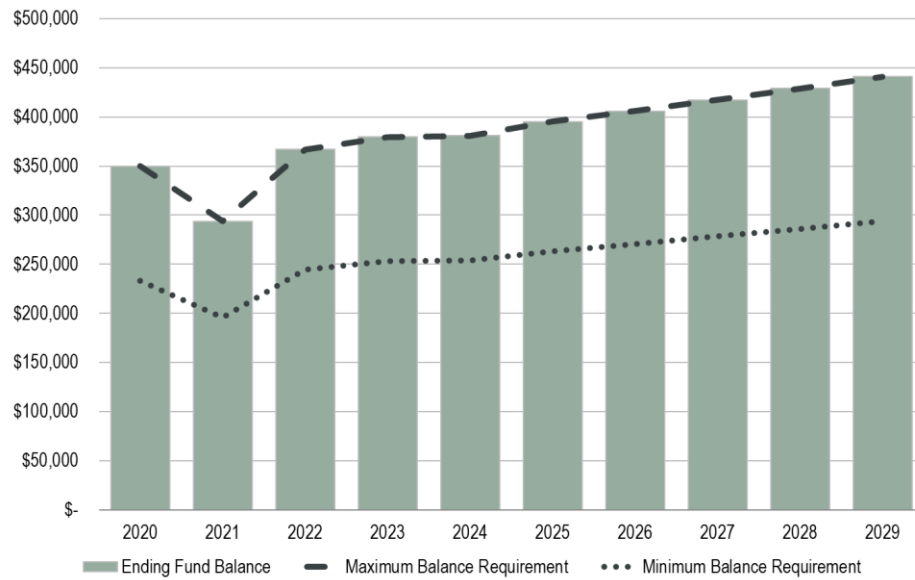
**Exhibit 15: Summary Results of the Revenue Requirement Forecast – Selected LOS**

| Summary of Rate Adjustments | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|-----------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Annual Rate Adjustments     | \$10.86 | \$12.54 | \$14.48 | \$16.73 | \$17.23 | \$17.75 | \$18.28 | \$18.83 | \$19.39 |

## Forecasted Reserves – LOS 2 Cash Funded

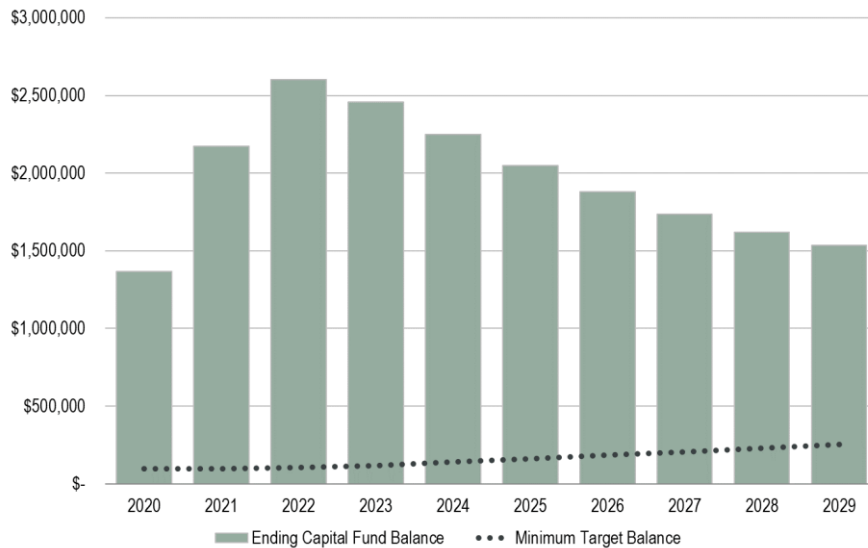
### Operating Reserve

**Exhibit 16: Operating Reserve Forecast**



### Capital Reserve

**Exhibit 17: Capital Reserve Forecast**



The rate strategy does forecast a drawing down of the capital reserve over the twenty-year timeline, as indicated in **Exhibit 17**. Depending on the timing associated with the execution of capital projects, this capital reserve will fluctuate from year-to-year but does not fall below the minimum target balance.

## Section VI. CONCLUSION

### Revenue Requirement & Rate Schedule

The recommended rate increases in **Exhibit 18** allow the stormwater utility to accomplish the following:

- Continue to fund existing and planned operating expenses, plus inflation;
- Allow the utility to fund \$15.6 million in capital projects 2020-2029 (escalated dollars);
- Generate nearly \$2.2 million per year for rate-funded capital by 2029; and
- Maintain utility reserves at a healthy level throughout the forecast.

**Exhibit 18** shows the recommended rate adjustments applied to the City's existing rate structure.

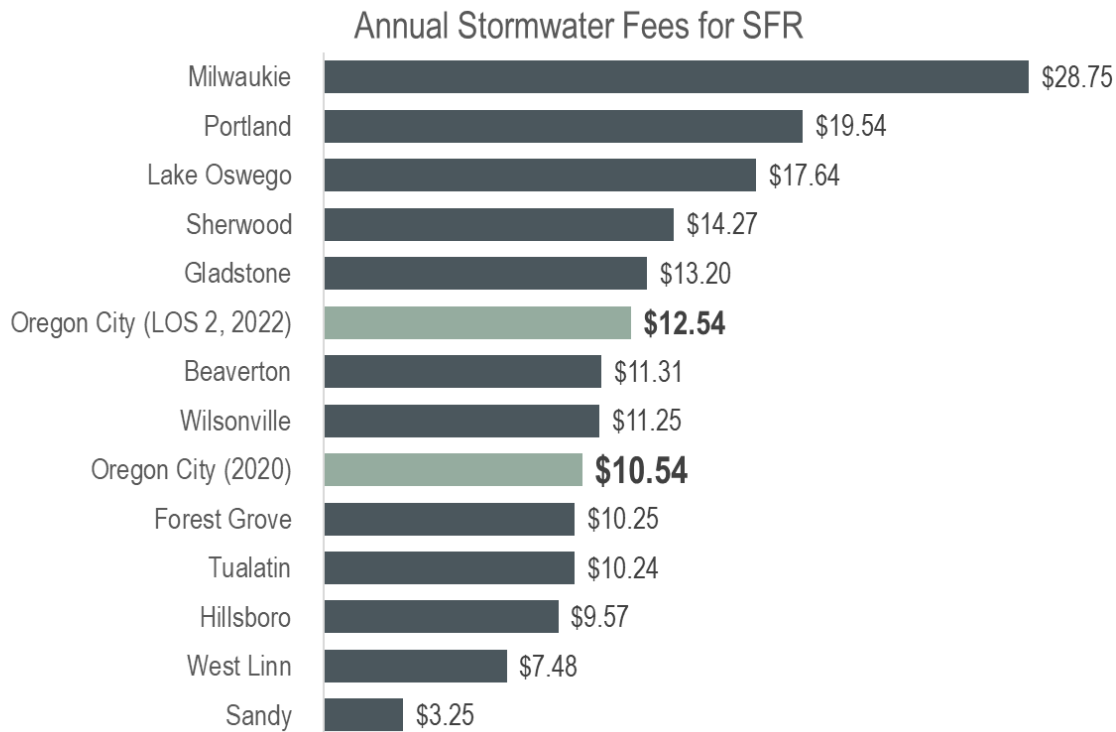
**Exhibit 18: Rate Schedule Forecasts**

| Existing Rate Structure                | FY 2020 | Existing FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|----------------------------------------|---------|------------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Annual Increases                       |         | \$0.32           | \$1.68  | \$1.94  | \$2.24  | \$0.50  | \$0.52  | \$0.53  | \$0.55  | \$0.56  |
| Single Family Residential (per parcel) | \$10.54 | \$10.86          | \$12.54 | \$14.48 | \$16.73 | \$17.23 | \$17.75 | \$18.28 | \$18.83 | \$19.39 |
| Multi-Family Residential (per ERU)     | \$10.54 | \$10.86          | \$12.54 | \$14.48 | \$16.73 | \$17.23 | \$17.75 | \$18.28 | \$18.83 | \$19.39 |
| Commercial Class 1 (per Storm Unit)    | \$10.54 | \$10.86          | \$12.54 | \$14.48 | \$16.73 | \$17.23 | \$17.75 | \$18.28 | \$18.83 | \$19.39 |

## Single-Family Residential Rate Comparison

As a resource to the City and its customers, a rate survey of regional stormwater utilities is provided below. **Exhibit 19** shows each jurisdiction's 2020 monthly single-family residential rate. Note that each jurisdiction has a unique set of geographic traits, customers, and system characteristics that can have a significant impact on rates.

**Exhibit 19: Monthly 2020 Single-Family Residential Stormwater Rates**



## Updating This Study's Findings

It is recommended that the City revisit the study findings during the forecast period to check that the assumptions used are still appropriate and that no significant changes have occurred that would alter the results of the study. The City should use the study findings as a living document, routinely comparing the study outcomes to actual revenues and expenses. Any significant or unexpected changes may require adjustments to the rate strategy recommended in this report.

## Section VII. APPENDICES

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### Appendix A - Issue Papers

# STORMWATER FISCAL POLICIES

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## BACKGROUND

The basic framework for evaluating utility revenue needs includes sound fiscal policies. Intended to promote long-term financial viability for the utility, these policies can address a variety of topics including cash management, a capital funding strategy, and financial performance.

There are several policy topics that can be important to consider further as part of managing the finances of the Oregon City Stormwater Division:

- Cash Reserves;
- Debt Management;
- Capital Funding; and
- Replacement Reserve Funding.

When evaluating fund reserve levels and objectives, it is important to recognize that the value of reserves lies in their potential use. A reserve strategy that deliberately avoids any use of reserves negates their purpose. Fluctuation of reserve levels may indicate that the system is working, while lack of variation over many years strongly suggests that the reserves are, in fact, unnecessary.

## CASH RESERVES

Reserves are a key component of any utility financial strategy, as they provide the flexibility to manage variations in costs and revenues that could otherwise have an adverse impact on ratepayers. For the purpose of rate and financial planning, resources are commonly separated into the following distinct accounts or funds:

- Operating Reserves,
- Capital Reserves,
- SDC Reserves, and
- Debt Reserves.

## Operating Reserves

An operating reserve is designed to provide a liquidity cushion; it protects the utility from the risk of short-term variation in the timing of revenue collection or payment of expenses. Like other types of reserves, operating reserves can help smooth rate increases over time.

Target balances for an operating reserve are generally expressed as a certain number of days of operating expenses (less transfers), with the minimum target varying with expected revenue volatility. Industry practice for utility operating reserves typically ranges from 30 days (8%) to 120 days (33%) of operating expenses, with the lower end more appropriate for utilities with stable revenue streams and the higher end of the range more appropriate for utilities with significant seasonal or consumption-based fluctuations.

The most common operating reserve target for stormwater management utilities with monthly billing schedules, like Oregon City, is between 30 days to 60 days of operating expenses (Table 1).

**Table 1. Operating Reserve Policy Recommendation**

| Policy            | Common Target        | Recommended Target   |
|-------------------|----------------------|----------------------|
| Operating Reserve | 30 to 60 Days of O&M | 30 to 60 Days of O&M |

In any year where operating reserves exceed the maximum days (i.e., 30-60 days) of operating expenses, it is assumed that the excess cash can be used to help pay for capital projects. This can be accomplished by calculating the target balance and comparing it against the actual existing cash balance. If the actual balance is greater than the target, the difference can be designated as a capital resource.

## Capital Reserves

The capital reserve consists of cash that has been set aside for capital purposes. Resources can include utility rate revenue, grants, and debt proceeds. This fund provides a source of emergency funding for unexpected asset failures or other unanticipated capital needs. It can also help the utility address cash flow issues related to capital projects. For example, grants that the utility may rely upon to meet its capital needs may have a local cash matching requirement.

Given these different purposes, there are a variety of potential benchmarks for setting a minimum balance for this reserve. Some potential options include:

- A percentage (commonly 1 to 2%) of the original cost of fixed assets (Table 2);
- A rolling multi-year average of capital improvement program (CIP) costs; or
- An amount determined sufficient to fund an equipment failure.

However, this capital reserve policy is not intended to guard against catastrophic system failure or extreme acts of nature.

**Table 2. Capital Reserve Policy Recommendation**

| Policy          | Common Target                      | Recommended Target                 |
|-----------------|------------------------------------|------------------------------------|
| Capital Reserve | 1 to 2% of Original Cost of Assets | 1 to 2% of Original Cost of Assets |

## System Development Charge Reserves

System development charge (SDC) revenue includes both reimbursement and improvement fee receipts. Revenue from each fee should be held in a separate reserve account. These funds are used to pay for capital projects, with the improvement fee balance to be used only for projects that expand the capacity of the system.

## DEBT MANAGEMENT

### Debt Reserve

The debt reserve is most often required as a condition of bond issuance, though some loan programs also require a reserve. The intent of the reserve is to protect bondholders (or the agency issuing loans) from the risk of the borrower defaulting on their payments.

The minimum balance for this reserve (typically specified in the bond/loan agreement) is most often linked to either average annual debt service, maximum annual debt service, or the amount issued (Table 3).

**Table 3. Debt Reserve Policy Recommendation**

| Policy       | Common Target                   | Recommended Target                                                                            |
|--------------|---------------------------------|-----------------------------------------------------------------------------------------------|
| Debt Reserve | Depends on type of debt issued. | Policy should be dictated by terms outlined in contracts for debt obligations, if applicable. |

### Debt Service Coverage

Debt service coverage is typically a requirement associated with revenue bonds and some state loans, and it is an important benchmark to measure the riskiness of the utility's capital funding plans. Coverage is most easily understood as a factor applied to annual debt service. In such a case, if it sells revenue bonds, the utility agrees to collect enough revenue to meet operating expenses and not only pay debt service, but collect an additional 25% increment above bonded debt service.

The extra revenue is a "cushion" that makes bondholders more confident that debt service will be paid on time. The extra revenue can be used for capital expenditures, to build reserves for future asset replacement, or for debt service on subordinate debt. Depending on the targeted rating level, some rating agencies suggest an annual debt service coverage target of 1.70 or greater (*Moody's Rating Methodology, US Municipal Utility Revenue Debt, October 2017*) (Table 4). Achieving a bonded debt service coverage level greater than the minimum required level is a positive signal that bond rating agencies notice, and can result in more favorable terms if the utility goes to the market for bonds.

**Table 4. Debt Service Coverage Policy Recommendation**

| Policy                | Common Target                                                                          | Recommended Target                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Debt Service Coverage | Depends on type of debt issued and targeted debt rating level (e.g., Aaa, Aa, A, etc.) | According to Moody's, a target range of between 1.25x and 1.70x might contribute towards an "A" rating. A range of 1.70x and 2.00x; an "Aa" rating. |



## CAPITAL FUNDING

Utilities can typically draw funds for capital improvement projects from a variety of sources, such as grants, system development charges, utility rates, and debt. While grants and developer contributions would logically be applied to project costs first, the next choice in the funding “hierarchy” is not necessarily apparent. A list of considerations is provided below.

### Debt Funding

Debt mitigates the financial impact of capital investment on ratepayers, but comes with issuance and interest costs. A utility’s ability to meet coverage and other debt-related requirements may limit the amount of additional debt that it can issue. Additionally, excessive amounts of outstanding debt can affect a utility’s credit rating (and its ability to secure low-interest debt).

### Cash Funding

Capital cash resources (e.g., system development charges, replacement reserve funding) can be applied to project costs directly, or they can be held in reserve or used toward annual debt service payments.

### Resulting Considerations

The specific decision regarding whether to fund projects by debt or by cash is an important policy decision that will likely be driven by a number of considerations. While cash funding will be cheaper in the long run because there is no interest cost, debt funding may be the more practical option since it allows for the payment of costs over an extended period of time. Using debt to spread the cost over time also promotes “generational equity,” ensuring that future customers pay for their fair share of system costs.

The overlay of other financial policies related to coverage and replacement reserve funding can implicitly define equity generation through rates and system development charges, automatically constraining the need for debt to reasonable levels. In this case, a new policy related to debt financing may not provide added value to financial planning or viability.

### Across the Industry

Drawing from a report from Black & Veatch, “*2018 Stormwater Utility Survey*”, of the 75 participants surveyed (from 21 states), the weighted funding profile for surface water and stormwater utility capital projects was approximately 87% cash versus 13% with debt. This result is up from 85% cash in 2014.

## REPLACEMENT RESERVE FUNDING (RRF)

The concept of replacement reserve funding is essentially funding long-term infrastructure replacement needs through a regular and predictable rate provision. An RRF program can be structured to take into account the defined funding source (rate revenue), accumulation of funds when funding exceeds near-term needs, and augmentation of funds (e.g., through debt) when replacement needs exceed available cash resources.

Specific benchmarks for annual funding might include any of the following:

- Original cost depreciation expense;
- Replacement cost depreciation expense;
- Asset management plan; and
- Directly budgeted replacement project expenditures.

Each of these benchmarks are described in more detail in the following subsections.

## Original Cost Depreciation Expense

This approach fully funds the decline in asset value attributable to the wear and tear from routine use, as measured by original construction costs. It avoids decline in system asset value (financial integrity) by replacing physical assets with cash assets.

However, as the General Finance Officers Association (GFOA) notes in their capital asset management recommendations, “Simply budgeting for the historical acquisition value of the asset may not take into account changes in price for a new asset or cases where the asset may not need full replacement based on the condition assessment,” (*Recommendation 7*).

## Replacement Cost Depreciation Expense

This approach estimates the replacement cost of the system, and bases the funding target on this higher cost. This approach more closely conforms to the true cost of replacing the system or asset.

## Asset Management Plan

This approach identifies a specific dollar amount of funding to be budgeted annually, ideally based on an asset management plan. An asset management plan is typically based on an accurate asset inventory, supplemented by routine asset condition assessments.

## Directly Budgeted Replacement Project Expenditures.

By budgeting replacement expenditures as they occur, this approach does not attempt to anticipate or accumulate toward replacement needs and is likely to provide highly variable annual requirements.

## Summary

Of these various approaches, only the Asset Management Plan approach is actually designed to ensure full funding of replacement needs, assuming the accuracy of assumptions used (Table 5). All of the others are intended to provide reasonable contributions toward meeting replacement needs, but do not ensure the adequacy of such funding.

Most commonly, utilities that have addressed replacement funding needs have used historical (original cost) depreciation expense as the basis for a reasonable level of reinvestment in the system. This strategy and level of funding satisfies several standards for reasonable rates:

- It avoids decline in system asset value (financial integrity);

- It charges customers commensurate with their consumption of facility useful lives and avoids the possibility of charging customers more than the current cost to provide service (rate equity); and
- It provides a substantial source of funding for replacement (capital funding adequacy).

**Table 5. Replacement Reserve Funding Recommendation**

| Policy                      | Common Target                                                                                                                                                                                                             | Recommended Target                                                                                                                                                          |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Replacement Reserve Funding | Based on original cost or replacement cost depreciation. Asset management plans are becoming more popular—and important—and would provide a more-detailed funding strategy beyond what annual depreciation would suggest. | Implement an asset management plan. Absent that, fund at least 100% of original cost depreciation. Consider building rates over time to fund replacement cost depreciation. |

## RECOMMENDATIONS

We recommend that the City consider the following fiscal policies for the Stormwater Management utility.

**Table 6. Summary of Recommendations**

| Policy                      | Common Target                                                                                                                         | Recommended Target                                                                         |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Operating Reserve           | 30 to 60 Days of O&M                                                                                                                  | 30 to 60 Days of O&M                                                                       |
| Capital Reserve             | 1 to 2% of Original Cost of Assets                                                                                                    | 1 to 2% of Original Cost of Assets                                                         |
| SDC Reserve                 | Account for reimbursement and improvement fees separately                                                                             |                                                                                            |
| Debt Service Coverage       | Minimum required: 1.25x                                                                                                               | If debt is issued, an internal policy target of 2.00x may be prudent.                      |
| Replacement Reserve Funding | Asset management plans are becoming more popular.<br><br>Otherwise, a percentage of depreciation (original cost or replacement cost). | Develop Asset Management Plan.<br><br>Or fund at least 100% of original cost depreciation. |

# STORMWATER RATE STRUCTURE ALTERNATIVES

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## ISSUE

The City of Oregon City imposes monthly storm drainage charges on properties within the City limits. The City has requested an evaluation to determine whether or not the current rate structure is optimal, given the City's policy objectives.

## RATE STRUCTURE ALTERNATIVES

There are a number of potential rate structure alternatives that can be considered for a stormwater utility, several of which are evaluated below. When evaluating these structures, it is important to balance equity and administrative feasibility. For example, if a rate structure is considered to be very equitable but is cost prohibitive to setup and maintain, a less "perfect" approach may be more desirable if it is less costly to administer.

### **Option 1: Impervious Surface Area / Equivalent Service Unit (Recommended for Consideration)**

The most common stormwater rate approach is to charge customers based on impervious surface area, the hard surface area that prevents or impedes the permeation of water into the ground. Impervious surface area is widely accepted as an appropriate measure of a property's contribution of runoff, providing a rational nexus to service received from a stormwater management utility. Given the diversity that exists among non-single-family residential properties, it is common to charge these customers based on actual measured impervious surface area. Because tracking parcel-specific measurements of impervious area for single-family customers would add considerable administrative effort and complexity to the rate structure, the more common practice is to impose a uniform rate on single-family residences based on an estimated average amount of impervious surface area. Though this approach may overcharge smaller residences and undercharge larger residences, it is widely considered to be an acceptable compromise between equity and practicality.

### **Option 2: Density of Development (City of Oregon City's Existing Rate Structure)**

An alternative measurement of runoff contribution involves applying "density factors" to gross parcel size, adjusting charges depending on the percentage of the parcel covered by hard surface. This approach can acknowledge that, for example, 3,000 square feet of impervious area on a 5,000 square foot lot more directly impacts the public system than an equivalent impervious area on a one-acre lot. As with the approach based on impervious surface area, this approach is an appropriate charge basis because it adequately quantifies the relationship between the rate paid and the level of service received.

### **Option 3: Runoff Coefficients**

This approach is similar to the "density of development" approach in that it can be used to adjust a parcel's charge based on its runoff characteristics; however, it is more closely associated with a parcel's physical properties. When applied to lot size, runoff coefficients are generally accepted as a measure of runoff contribution (and service received). Implementing this approach requires

information relating to the basic characteristics of land (e.g., slope and soil type), land use, and lot size. Depending on slope variables and soil characteristics, undeveloped parcels may also be subject to charges under this approach. In measuring runoff contributions by evaluating property-specific characteristics that may impact those contributions, this approach rationally recovers the costs of several aspects of the stormwater utility.

#### Option 4: Land Use

Alternatively, runoff characteristics can be linked to types of land use. For example, empirical analysis may find that industrial land use has a more significant contribution to water quality problems from surface water runoff than undeveloped land (justifying a proportionately higher industrial rate to equitably recover program costs).

#### Option 5: Trip Generation

While most rate structure options focus on runoff contribution, a structure based on trip generation relates automobile traffic to non-point-source pollution contributed by properties. The Institute of Transportation Engineers' *Trip Generation* Manual assigns a number of daily trips to specific categories of land use – this information could be used to recover the costs of water quality activities within the surface water management program. Customer land uses and floor area would also be required in order to calculate equitable rates.

## CITY OF OREGON CITY'S EXISTING RATE STRUCTURE

The City currently utilizes the Density of Development (Option 2) rate structure, as defined in Oregon City Municipal Code (OCMC) Section 13.16.020. The City's storm drainage rate is a fixed charge per equivalent residential unit (ERU). Each residential account is considered one ERU while ERUs for all non-residential accounts are determined by two factors:

- Area Range Number (ARN): ranges of gross area square footages are used to classify non-residential properties into groups of similar parcel size. For example, parcels with gross areas of one to two thousand five hundred square feet are assigned an area range number of 1. Parcels with gross areas of two thousand five hundred to five thousand square feet have an ARN of 2. These increments continue on so that each additional range of two thousand five hundred square feet is counted as an additional ARN of 1.
- Development Intensity Factor (DIF): this factor is indicative of the land use or assumed impervious coverage of each property.

Table 1 represents the DIFs for each of the existing land uses and zoning to be used in determination of non-residential ERUs.

**Table 1. Development Intensity Factors (DIFs)**

| Nonresidential Land Use or Zoning | Development Intensity Factor    |
|-----------------------------------|---------------------------------|
| LOC limited office conditional    | 0.70                            |
| LO limited office                 | 0.80                            |
| NC neighborhood commercial        | 0.80                            |
| HC historic commercial            | 0.70                            |
| LC limited commercial             | 0.70                            |
| C general commercial              | 0.90                            |
| CBD central business district     | 0.90                            |
| M1 light industrial               | 0.70                            |
| M2 heavy industrial               | 0.80                            |
| Conditional use or nonconforming  | Apply a composite runoff factor |

The equivalent residential units (ERUs) for a non-residential property are computed by the following formula:

$$\text{ERUs} = \text{ARN} \times \text{DIF}$$

As of January 1, 2020, the City charges \$10.54 per ERU on a monthly basis.

## CONSIDERATIONS FOR CITY

### Density of Development: Equity Issues at Edges of Non-Residential Area Ranges

While this structure charges more for properties with larger gross square footages with an applied development intensity factor, the structure can perpetuate inequities among customers at the extreme ends of each area range number.

For example, a non-residential property that is 4,900 gross square feet would pay significantly less than a similarly sized property that is 5,100 gross square feet, with the same development intensity factor, even though they have comparable amounts of gross square footage. Meanwhile, a non-residential property that is 7,400 gross square feet would pay the same as a property that is 5,100 gross square feet. Table 2 demonstrates this inequity with three hypothetical non-residential accounts.

**Table 2. Inequities for Accounts at Edge of Area Ranges**

| Gross Parcel Size | ARN | DIF  | Monthly Charge | \$ Per Gross Square Foot |
|-------------------|-----|------|----------------|--------------------------|
| 4,900 SF          | 2   | 0.80 | \$16.86        | \$.0034                  |
| 5,100 SF          | 3   | 0.80 | \$25.30        | \$.0050                  |
| 7,400 SF          | 3   | 0.80 | \$25.30        | \$.0034                  |

### Consideration of Other Rate Structures

While the Density of Development rate basis is generally supported and accepted, it is still worthwhile to consider alternatives that might address the equity issues that the Density of Development structure creates. The City could consider a fee structure that administers charges based on actual, **measured impervious surface area** (Option 1) rather than using ranges of gross square footages with a density factor applied. This impervious-based approach is also known as the equivalent service unit, or ESU approach).

The City could also incorporate a **runoff coefficient** (Option 3). This approach would require a relatively extensive data collection effort on the part of the City. It is also less defensible as a fee basis because it incorporates physical land characteristics over which the customer has minimal control.

While administratively simple compared to an impervious-area approach, an approach based on **land use** (Option 4) is typically used only when property-specific data is unavailable.

**Trip generation** (Option 5), while a supportable means of recovering costs related to water quality, provides little if any advantage over impervious surface area at greater administrative effort and associated cost. A trip generation rate structure should be reserved for communities that primarily deal with water quality issues (more so than water quantity issues).

## RECOMMENDATIONS

An ideal fee basis creates a standard of charging that quantifies how the amount of impervious surface area impacts the environment through flooding, changes in water quality, and habitat degradation. Therefore, the fee structure basis should proportionately charge customers their share of the system's cost burden and provide an equitable, defensible means of cost recovery. The City's current rate structure generally meets these criteria by charging more for a higher percentage of assumed impervious surface area to total surface area for non-residential parcels. However, to address previously noted equity issues at the edges of the area ranges, we recommend the City consider implementing an ESU rate structure, which is outlined below. As mentioned earlier in this discussion, the City will need to weigh the increase in equity achieved through a revised rate structure against the cost to compile the needed data and administer the charge.

### Equivalent Service Unit Approach (Option 1)

The rate itself is most commonly calculated as a dollar amount per ESU. This rate structure would improve the equity over that of the City’s existing rate structure by charging each non-residential property based on their actual measured impervious surface area.

#### Non-Residential Properties

The charge basis for all non-residential customer types is generally actual measured impervious surface area, expressed as a number of ESUs (a single ESU representing the average single-family residential customer). In order to implement this rate structure shift the City would need to gather data for measured impervious surface area on all non-residential properties.

As an example, assume that the average single-family parcel has 3,000 impervious square feet. If a commercial parcel had 12,000 impervious square feet, that parcel would be charged for 4 ESUs (12,000 divided by 3,000), as shown in **Figure 1** below.

#### Single Family Parcels

Rather than compute ESUs for every single-family parcel, as a simplification, it would be possible to group them into rate tiers. For example, single family parcels could be grouped into “Small”, “Medium”, “Large”, and “Measured” impervious footprints. Parcels with comparatively large impervious footprints, the “Measured” tier, would be charged like other developed property – based on the measured amount of impervious surface area. However, implementation of even a hybrid approach would require the same initial data collection to determine tier placement for each property, without significantly improving equity among rate payers.

To minimize administrative and data collection costs, it is recommended that the City continue to charge a uniform rate for single family residential customers.

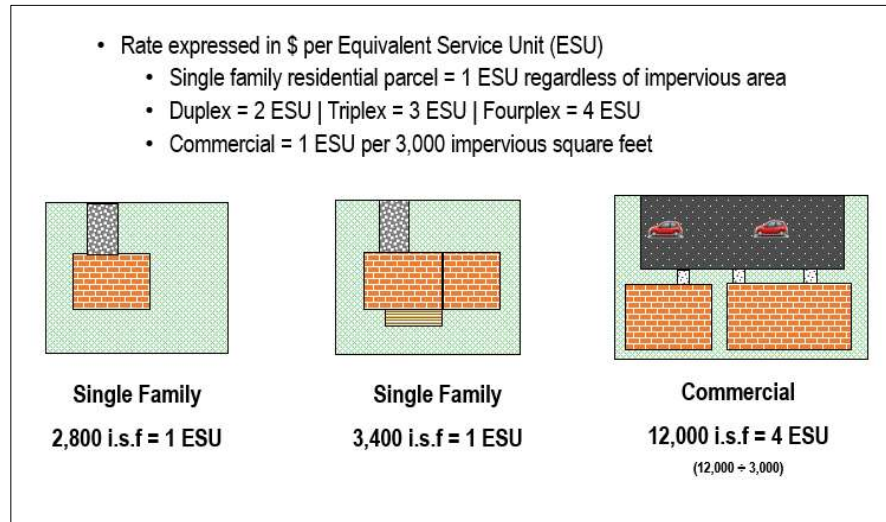
#### Summary

It is recommended that the City apply the ESU approach for non-residential properties and charge a uniform rate for single family residential customers. The ESU value to be incorporated into the non-residential properties (e.g., 3,000 impervious square feet) would be determined by using an average amount of assumed impervious surface area per developed residential property (based on a relevant sample size within the City). All single-family properties would have the same, flat charge.

It is important to note that the City could compile needed impervious data over a period of time, and schedule the transition to an ESU approach, if desired, for later years.



**Figure 1. ESU Rate Structure Example (Assuming 1 ESU = 3,000 impervious square feet)**



# STORMWATER RATE CREDITS & ADJUSTMENTS

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## ISSUE

This paper discusses when it may be reasonable (or required) to provide rate credits or adjustments for Stormwater Management utility customers who mitigate their stormwater impacts – and the rational basis for such credits.

## EXISTING OREGON CITY RATE CREDITS & ADJUSTMENTS

The City of Oregon City currently grants a couple types of rate credits and adjustments, as outlined in Oregon City Municipal Code (OCMC), Section 13.16.100 *Exemptions, reductions and appeal*. The code language is shown below.

### **(1) Vacant and unimproved properties.**

Vacant and unimproved properties within the city are exempt from the charges in Section 13.16.050;

### **(2) Stormwater retention.**

Any other person seeking an exemption or reduction in the storm drainage fee, or appealing therefrom, may do so pursuant to a demonstration to the city manager or the manager's designee that the public storm drain service does not receive stormwater from property used or occupied by that person. Such demonstration shall include evidence of legal disposal of stormwater to a private retention system, private storm drain system, public water body, or other receiving facility.

## RATE CREDIT METHODOLOGY

There are several elements to review when considering the implementation of a credit(s) program:

- “Should the City offer rate credits?” If yes, “How much should the credit(s) be?”
- “Should credits be offered to single family residential properties, or just non-single family properties?”
- “Should credits be given for meeting current development requirements?” Or, “Should rate credits only be given for exceeding current development requirements?”
- “What activities could warrant a rate credit?”

### **Should the City offer Rate Credits?**

When considering if, and how much to charge or credit different types of customers, it is important to remember that a storm drainage rate is a fee for service, not a tax. As such, the level of a customer's charge must somewhat relate to that customer's proportionate share of the utility's costs. Overly “generous” credit policies which provide credits that are not cost-based have the potential to move a utility away from the rational linkage between service delivered and the fee amount, so the utility

should bear in mind the financial ramifications, as well as the equity and legal defensibility of any existing or proposed credits.

### **How Much Should the Credit(s) Be?**

A Stormwater Management utility's service to its customers and the community can be analyzed in two functional categories: controlling and reducing stormwater runoff (i.e., water quantity), and controlling and managing pollutants (i.e., water quality). The broader questions to address in establishing credits are (1) whether a rate payer helps the utility reduce its costs, or to avoid additional costs, by providing certain mitigation measures in these two functional areas, and (2) if yes, how much of a cost savings is provided. Comparatively, properties with on-site mitigation have a reduced effect on the public system compared to similar properties lacking this mitigation. Therefore, it might be argued that to the extent that such facilities reduce costs to the utility, they may warrant a rate credit. In contrast, granting rate credits for on-site activities that do not reduce utility costs simply reduces the amount of resources available for basic services to the remainder of the customer base.

### **Should Credits be Offered to Single Family Properties, or Just Non-Single Family Properties?**

Stormwater Management utilities often exclude single family residential customers from a credit program (if credits are offered at all) due to the administrative burden needed to maintain such a system. The City currently offers credits to residential properties, with qualifying retention facilities. The City may wish to review the administrative time and cost associated with providing credits to all customers, even residential customers.

### **Should Credits be Given for Simply Meeting Current Development Requirements?**

Rate credits may be structured to reward customers who provide mitigation that meets or exceeds current development standards, while offering lesser or no credits for mitigation that does not meet or exceed current development standards. Currently, the OCMC does not offer credits for properties that develop stormwater facilities that meet or exceed development standards.

It could be argued that the cost of meeting current City standards and constructing on-site mitigation should be considered a cost of developing within the service area, with no offsetting credits or assistance, since on-site mitigation only partially neutralizes the impact of developing the property in the first place.

### **What Activities Could Warrant a Rate Credit?**

Once it has been determined if credits will be provided for, and if qualifying applicants must meet and or exceed development standards, the next logical question is, "What activities could warrant a rate credit?" We recommend that the City evaluate the overall amount of revenue forgone by offering credits and compare that to the cumulative cost savings associated with the credit programs. Rate credits for on-site mitigation are not required but are discussed in the following sections.

## ACROSS THE INDUSTRY

A review of potential credit approaches reveals a number of alternatives used across the industry.

### On-site Retention and / or Detention

Many jurisdictions allow credits for developments that provide on-site retention and or detention facilities as a condition of development, often maintaining such facilities as well.

### Low Impact Development, Green Building, and Rainwater Harvesting

Low impact development (LID) best management practices (BMPs), such as rainwater harvesting, permeable pavement, bioretention swales and rain gardens could also be worthy of credits. Other LID BMPs, such as vegetated roofs, may change the effective impervious area of a development or home if properly maintained because they reduce and filter runoff.

Green building techniques include site planning to take greater advantage of natural site features, achieving Leadership in Energy and Environmental Design (LEED) or Built Green certification, planting drought-resistant native landscaping, amending soils with compost, reducing impervious surface area, minimizing site disturbance during development, and previously noted LID features. Implementing these techniques will result in increased natural resource conservation, lower home operating costs, and better stewardship of the City's natural environment. Other than its LID aspects, green building techniques are not strongly linked to a reduction in Stormwater Management utility costs. Aspects that could be directly related to smaller service requirements are the minimization of impervious surface area and improved water quality.

A credit for LID would recognize the fact that effective impervious area can be much smaller than the impervious surface area that is measured from aerial photographs (due to roof rainwater collection systems, permeable paving, vegetated roofs, etc.).

### Dedicated Open Space

Developments may incorporate design techniques that concentrate residences or other buildings in a compact area of the development site (lot clustering) and provide open space and natural areas elsewhere, protected by an easement. Such techniques can reduce runoff and mitigate surface water quality issues.

Open space developments have many benefits in comparison to the conventional subdivisions that they replace: they can reduce impervious surface area, surface water pollutants, construction costs, grading, and the loss of natural areas. In addition to the minimization of impervious surface area, the preserved natural areas and tree canopy can significantly mitigate the surface water runoff created by the buildings onsite. Therefore, although affected by the slope characteristics of the property, the preserved portion of the site acts to reduce the effective impervious area of the development and provides a meaningful benefit to the public system when runoff is adequately dispersed.

### Rate Penalties

Rate penalties have been considered in other agencies to address private surface water management facilities that are not being properly maintained to City standards. In those locations, it has been concluded that simply offering a rate credit is not effective at encouraging a majority of customers to comply with utility design and maintenance standards.

A basic rationale for a rate penalty may be that when a property does not maintain its on-site infrastructure to a minimum standard, it can create additional inspection, maintenance, and or capital costs that must be borne by the City. If no action is taken to correct deficient infrastructure, that could create a higher risk of localized flooding or water contamination events, which can also create additional costs.

## POLICY CHOICES

### Rate Credit Framework

Table 1 summarizes the key policy items that City stakeholders should agree on, before revisiting which activities should qualify for a rate credit.

**Table 1. General Rate Credit Policy Items for Discussion**

| Policy Items for Discussion |                                                        |                                                                                                                                                                                |
|-----------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                           | Should the City offer rate credits?                    | Should rate credits be offered at all?                                                                                                                                         |
| 2                           | Should credits be offered to single family properties? | In our experience, rate credits are rarely offered to single family properties due to the administrative burden. The exception would be low-income, senior citizen exemptions. |
| 3                           | How much should the rate credit(s) be?                 | Maximum credit (typically expressed as a percentage) should be analytically based, but be simple enough that it is feasible to implement.                                      |
| 4                           | What level of achievement qualifies for a rate credit? | Are credits offered for meeting regulations? Or only offered for properties that exceed regulations?                                                                           |
| 5                           | What activities could warrant a rate credit?           | In our experience, rate credits are typically related to one of the following: onsite retention / detention; dedicated open spaces; or occasionally LID.                       |

## Qualifying Activities within the Rate Credit Framework

Table 2 summarizes the activities within the service area that the City currently provides credits for. The City should review and consider whether these credit programs align with current Stormwater Management utility goals and priorities.

**Table 2. Activities Currently Qualifying for a Rate Credit or Penalty**

| # | Program                       | Currently Offered by the City? | Amount of Current Credit |
|---|-------------------------------|--------------------------------|--------------------------|
| 1 | Vacant, unimproved properties | Yes                            | 100%                     |
| 2 | Onsite Retention              | Yes                            | 100%                     |

## RECOMMENDATIONS

### Develop Maximum Rate Credit Percentage to Offer for Qualifying Activities

Many of the Stormwater Management utility's costs are essentially "fixed" and do not decrease no matter what services customers provide on-site. As a first step, we recommend that the City determine the portion of program costs which can be reduced by the on-site activities of the customer base. Once an allocation of program revenue requirements between fixed, or "base," program costs, and variable, or "use," program costs has been made, these component shares of the Stormwater Management utility charge can be determined.

The utility will then be able to determine a theoretical maximum credit to be provided for qualifying on-site mitigation. The above recommendations ensure that properties eligible for rate credits would be reducing the average cost of Stormwater Management utility operations, as well as possibly allowing the City to delay capital projects. As a result, the utility would be able to reduce its costs by implementing the recommended credit policies. The maximum credit approach is more easily applied to an ESU-based rate structure (see Issue Paper #2), but could be considered under the City's existing approach as well.

This maximum credit approach could apply to any or some of the following activities, and should not be "stackable":

- Onsite Retention / Detention Facilities;
- Drainage Basis Plans; and
- Water Treatment / Individual NPDES Permit Holders.

An impervious-based approach is philosophically charging for the impact of developed area on increased runoff. As such, it is not consistent with that approach to charge undeveloped land. Vacant developed property should be charged, as it does generate runoff.

A credit approach based on on-site mitigation would not preclude the City from fully exempting low-income, senior customers.

## Kattie Riggs

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**From:** Craig T Danielson <ctd@danielsons.net>  
**Sent:** Friday, April 2, 2021 12:03 PM  
**To:** Kattie Riggs  
**Cc:** ctd@danielsons.net  
**Subject:** City of Oregon City Commission meeting of April 7, 2021 consent agenda Item 7a.

Hi Kattie:  
 Please share the below comment with the Oregon City Commissioner  
 Thank you  
 Craig

Dear City of Oregon City President and Commissioners:

Please consider not approving the suggested 54% increase (over 3 years) in Resolution No 21-18 to the Stormwater Service. The large increase in the base will negative affect our tenants' operations during this time of crisis where, due to COVID-19 Governor policies, some of our tenants are either closed or allowed limited services (revenues). A 54% increase in stormwater fee is difficult for a business or citizen to adjust their budget when inflations is around 2.5 to 3 percent.

The citizens and some businesses in Oregon City have supported 3% increase in the past and it seems reasonable to have a Commission policy of limiting staff to a 3% cap on increases to fees and services.

Thank you for considering the needs of City of Oregon City Citizens and Businesses and not approving a 54% increase in Stormwater Management fees. For us this amounts to over 500.00 dollars a month increase starting July 1, 2024.

Please select option 3, Deny Resolution No. 21-18. and provide direction to the staff to process with living within a maximum annual 3% increase.

Since this is one of many fees and rates the staff is recommending the Commissioners approve, I suggest you ask your financial staff to prepare a spread sheet of all the current and projected fee increases so you see the complete picture of increase costs to City of Oregon City citizens and businesses. Many of us are on a "fixed" income/revenue and you force us to decide what is eliminated to pay for our utilities.

Thank you,  
 Craig

Craig T Danielson  
 Danielsons .....since 1909  
 PO Box 2200 Oregon City, OR 97045-5200  
 Cell 503 320-8274

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## CITY OF OREGON CITY

### Staff Report

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

**To:** City Commission  
**From:** City Manager Tony Konkol

**Agenda Date:** 04/07/2021

#### **SUBJECT:**

Settlement Agreement Between the McLoughlin Neighborhood Association and the City of Oregon City

#### **STAFF RECOMMENDATION:**

Staff recommends that the City Commission review and approve the proposed settlement agreement.

#### **EXECUTIVE SUMMARY:**

The City Commission met in Executive Session and provide staff direction to work with the McLoughlin Neighborhood Association's attorney to reach a Settlement Agreement that could come back to the Commission in a public meeting for discussion.

#### **BACKGROUND:**

This settlement resolves certain elements of the litigation between the McLoughlin Neighborhood Association (MNA) and the City of Oregon City (the City). The Plaintiff filed complaints against the City of Oregon City in Clackamas County Circuit Court (No. 16-CV-24270 and No. 16-CV-04184). The Clackamas County Circuit Court resolved the matter, and the Plaintiff appealed the Circuit Court's decision to the Oregon Court of Appeals (A169714 and A169266) in which they are currently pending.

The purpose of this Settlement Agreement is to facilitate the end of litigation between these parties. It is the intent of the parties to this Agreement to settle and resolve all matters, whether known or unknown, related to the matters at issue in the cases.

The parties will file joint motions to dismiss the cases, or joint dismissal notices, with the Oregon Court of Appeals. In consideration of this Settlement Agreement, upon the dismissal of both cases, the City will pay to Plaintiff the amount of \$1,051.99, representing the return of those litigation costs and disbursements paid to the City by the MNA in April 2019.



**OPTIONS:**

1. Approve the Settlement Agreement as presented.
2. Approve the Settlement Agreement with changes.
3. Deny the Settlement Agreement and provide staff direction.

**BUDGET IMPACT:**

Amount: \$1,051.99

FY(s): 2020-2021

Funding Source(s): General Fund

## SETTLEMENT AGREEMENT

### 1. Parties.

The parties to this Settlement Agreement are the McLoughlin Neighborhood Association (“MNA”) and the City of Oregon City (“the City”).

### 2. Purpose.

The purpose of this Settlement Agreement is to facilitate the end of litigation between the parties in the following cases: 16CV24270/A169714 and 16CV04184/A169266 (“the cases”).

### 3. Settlement Terms.

The following are the material terms of this Settlement Agreement:

3.1 The parties will file joint motions to dismiss the cases, or joint dismissal notices, with the Oregon Court of Appeals within 14 days of the execution of this Agreement. Unless otherwise agreed by the parties in writing, said motions or notices will state that the parties have resolved their dispute, that the parties no longer require a decision from the court, that there is no prevailing party, and that each party will bear their own costs and disbursements.

3.2 Upon the dismissal of both cases, the City will pay to the MNA the amount of \$1,051.99, representing the return of those litigation costs and disbursements paid to the City by the MNA in April 2019. Payment shall be made within 30 days after both cases are dismissed pursuant to section 3.1, and shall be made via check issued to “McLoughlin Neighborhood Association,” c/o Jesse Buss, 411 5th St., Oregon City OR 97045.

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DATED this \_\_\_\_ day of April 2021.

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Rachel Lyles Smith  
Oregon City Mayor

DATED this \_\_\_\_ day of April 2021.

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Jesse Buss  
McLoughlin Neighborhood Association Chair



## 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:** 04/07/2021

#### **SUBJECT:**

Personal Services Agreement with PacificWRO for the Furniture Contract for the Oregon City Operations Complex (CI 18-009)

#### **STAFF RECOMMENDATION:**

Award the contract and authorize the City Manager to execute the Personal Services Agreement with PacificWRO in the amount of \$301,470.09 for furniture at the Oregon City Operations Complex (CI 18-009).

#### **EXECUTIVE SUMMARY:**

Staff received four proposals for the Oregon City Operations Complex Furniture Package. The four providers responded with qualified government contract pricing and staff toured the four providers' showrooms. Staff used a scoring method, and a decision was made to use PacificWRO as the furniture vendor.

#### **BACKGROUND:**

The Oregon City Public Works Department has been planning and budgeting for a new Operations Complex for years. In 2018, the City acquired the Fir Street site for a new Operations Complex. Since site acquisition, the project has continued to gain momentum and is scheduled for substantial completion on October 12, 2021. Move in would follow shortly thereafter.

In 2019, the City completed a variety of important tasks necessary to bring on the project team including hiring Plan B Consultancy, Inc. as our owner representative, Scott Edwards Architecture as our project Architect, and Emerick Construction as our Construction Manager/General Contractor. The project team, including City staff, spent most of 2020 in the design and land use approval phases. On August 19, 2020, the City issued a notice to proceed with construction and the construction phase is nearly 50 percent complete.

In determining which furnishing company to work with key city staff and interior designers from Scott Edwards Architects and PlanB toured all four of the proposing company show rooms, and interviewed representatives from each company, as well as looked over showroom inventory options. Staff rated the four proposers based on the written proposal content, design services, furnishing warranty, product selection, and explanation of pricing. Ultimately the ranking was unanimous for PacificWRO. The past experience with Pacific WRO on furnishing services at City Hall and the Police Department also were a pivotal factor in selecting PacificWRO.

Throughout the design phase the project team has been balancing budget together with the desire to end up with an environment that suits the needs and demands of the administrative and field operations work environment. Accommodating professional conference rooms and work cubicles and in other areas selecting wearable surfaces that can stand up to the daily needs of staff who may be in the filed all day but closing work orders at the end of the day.

Several cost saving measures have been implemented in our final furnishing plan, including reuse of lockers taken form the Oregon City policy facility on Warner Milne Road. This decision to uninstall, refurbish and re-install the used lockers saved the project roughly \$60,000.

Other cost savings measures include reuse of some existing and surplus furnishings from City Hall and Operations, working with other vendors on reception area furnishings, limiting the number of furnishings in spare cubicles, limiting computer monitor arms, outsourcing white boards to a different vendor, and locally sourced wood tables and benches for the outdoor seating area.

In addition, the final pricing included qualified government contract pricing, and because the order is over \$100,000 tier one pricing (discounted).

#### **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: \$301,470.09

FY(s): 2021/2022

Funding Source(s): Community Facility Fund

**CITY OF OREGON CITY  
PERSONAL SERVICES AGREEMENT**

**PUBLIC WORKS OPERATIONS COMPLEX – FURNITURE CONTRACT (CI 18-009)**

This PERSONAL SERVICES AGREEMENT (“Agreement”) is entered into between the CITY OF OREGON CITY (“City”) and **PACIFICWRO** (“Consultant”).

**RECITALS**

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

B. Consultant 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 Consultant’s performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **three hundred one thousand, four-hundred seventy and 09/100 dollars (\$301,470.09)**.

3. Scope of Services. Consultant’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 Consultant:

**PacificWRO**  
**825 NE Multnomah, Suite 270**  
**Portland , OR 97232**  
**Attention: Meagan Ekerson**

Consultant 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

**PACIFICWRO**

By: \_\_\_\_\_

Anthony J. Konkol III

Title: City Manager

DATED: \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

Title: \_\_\_\_\_

DATED: \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

John M. Lewis, P.E.

Title: Public Works Director

DATED: \_\_\_\_\_, 20\_\_\_\_.

APPROVED AS TO LEGAL SUFFICIENCY:

By: \_\_\_\_\_ City Attorney

\\depot\Departments\PublicWorks\CIP\_PS\_RFQ\_RFP\CIP\_Open\CI 18-009 2018 Operations Center\COMMISSION REPORTS\April 7, 2021 Meeting\CI 18-009 PacificWRO Furniture Contract.docx



## Proposal

Item 7c.

|              |                    |
|--------------|--------------------|
| Order Number | 31407              |
| Date         | 03/30/2021         |
| Salesperson  | Meagan Ekerson     |
| Terms        | 50% DEPOSIT NET 15 |
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825 NE Multnomah St.  
STE 270  
Portland, OR 97232  
Phone: 503.238.1590  
Email: [accounting@pacificwro.com](mailto:accounting@pacificwro.com)

T Oregon City Public Works  
O 122 Center Street  
Oregon City, OR 97045  
  
ATTN: Vance Walker

S Oregon City Public Works  
H 13895 Fir Street  
I Oregon Cityu, OR 97045  
P  
  
T ATTN: Vance Walker  
O

Quote Description: Oregon City Public Works - 1st and 2nd Floor

Project Team:  
Sales, Meagan Ekerson, [meagan\\_ekerson@pacificwro.com](mailto:meagan_ekerson@pacificwro.com), 503-475-2202  
Project Coordinator, Baby Rivas, [baby\\_rivas@pacificWRO.com](mailto:baby_rivas@pacificWRO.com), 503-238-1590

| Group             | Quantity | Description | Unit Price | Extended Amount |
|-------------------|----------|-------------|------------|-----------------|
| CONF 160          | 0.0      |             | 0.00       | 9,943.61        |
| CONF 209          | 0.0      |             | 0.00       | 14,460.47       |
| CONF 236          | 0.0      |             | 0.00       | 8,450.51        |
| DESIGN / PM       | 0.0      |             | 0.00       | 10,725.00       |
| FORMAT LAYOUT 213 | 0.0      |             | 0.00       | 4,221.63        |
| KITCHENETTE 225   | 0.0      |             | 0.00       | 1,703.26        |
| LAB 210           | 0.0      |             | 0.00       | 2,659.41        |
| LABOR             | 0.0      |             | 0.00       | 52,209.64       |
| OFFICE 111        | 0.0      |             | 0.00       | 2,820.50        |
| OFFICE 112        | 0.0      |             | 0.00       | 2,820.50        |
| OFFICE 114        | 0.0      |             | 0.00       | 2,904.96        |
| OFFICE 115        | 0.0      |             | 0.00       | 3,606.62        |
| OFFICE 117        | 0.0      |             | 0.00       | 2,913.32        |
| OFFICE 118        | 0.0      |             | 0.00       | 3,019.52        |
| OFFICE 120        | 0.0      |             | 0.00       | 2,923.09        |





## Proposal

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Item 7c.

825 NE Multnomah St.  
STE 270  
Portland, OR 97232  
Phone: 503.238.1590  
Email: [accounting@pacificwro.com](mailto:accounting@pacificwro.com)

|                     |     |  |      |           |
|---------------------|-----|--|------|-----------|
| OFFICE 121          | 0.0 |  | 0.00 | 2,562.87  |
| OFFICE 154          | 0.0 |  | 0.00 | 2,850.48  |
| OFFICE 155          | 0.0 |  | 0.00 | 9,364.56  |
| OFFICE 156          | 0.0 |  | 0.00 | 3,124.41  |
| OFFICE 157          | 0.0 |  | 0.00 | 3,069.41  |
| OFFICE 158          | 0.0 |  | 0.00 | 4,096.38  |
| OFFICE 211          | 0.0 |  | 0.00 | 7,770.99  |
| OFFICE 212          | 0.0 |  | 0.00 | 2,646.07  |
| OFFICE 230          | 0.0 |  | 0.00 | 4,667.01  |
| OFFICE 231          | 0.0 |  | 0.00 | 8,001.57  |
| OFFICE 232          | 0.0 |  | 0.00 | 2,731.15  |
| OFFICE 233          | 0.0 |  | 0.00 | 3,039.75  |
| OFFICE 312          | 0.0 |  | 0.00 | 5,123.05  |
| OPEN<br>OFFICE 152  | 0.0 |  | 0.00 | 19,240.50 |
| OPEN<br>OFFICE 159  | 0.0 |  | 0.00 | 9,897.70  |
| OPEN<br>OFFICE 224  | 0.0 |  | 0.00 | 8,097.89  |
| OPEN<br>OFFICE 228  | 0.0 |  | 0.00 | 17,452.58 |
| OPEN<br>OFFICE 234  | 0.0 |  | 0.00 | 30,009.93 |
| STAFF 144           | 0.0 |  | 0.00 | 14,957.71 |
| WASTE/<br>STORM 110 | 0.0 |  | 0.00 | 3,929.14  |
| WASTE/<br>STORM 113 | 0.0 |  | 0.00 | 4,733.56  |



825 NE Multnomah St.  
 STE 270  
 Portland, OR 97232  
 Phone: 503.238.1590  
 Email: [accounting@pacificwro.com](mailto:accounting@pacificwro.com)

**Proposal**

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|                     |     |  |      |                     |
|---------------------|-----|--|------|---------------------|
| WASTE/<br>STORM 116 | 0.0 |  | 0.00 | 3,927.56            |
| WASTE/<br>STORM 119 | 0.0 |  | 0.00 | 4,543.06            |
| WORKSHOP<br>311     | 0.0 |  | 0.00 | 250.72              |
| TOTAL :             |     |  |      | \$301,470.09        |
| GRAND TOTAL :       |     |  |      | <b>\$301,470.09</b> |



## Proposal

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825 NE Multnomah St.  
STE 270  
Portland, OR 97232  
Phone: 503.238.1590  
Email: [accounting@pacificwro.com](mailto:accounting@pacificwro.com)

### Terms & Conditions of Sale

**Quotation** - Quotations set forth above shall be effective for 30 days from the date of this quotation.

**Order Processing** – PacificWRO (Seller) will place Buyer's order for products and services after approval of Buyer's credit, receipt of signed contract, purchase order, or quote and deposit check. Seller will make every effort to deliver and install the product as quickly as possible; however, any delivery and/or installation dates quoted are approximate.

**Deposits and Credit Cards** - Orders less than \$1,000, require payment with the order. Orders greater than \$1,000, require a 50% deposit with the order, 20% upon delivery, 20% upon installation and the balance is due 15 days from the date of invoice. The amount of the deposit is determined by prior business relationships, credit checks, and other pertinent information and may be changed at the sole discretion of the Seller. If payment for deposit is to be paid by MasterCard, Visa or American Express, a 3% processing fee will be added to the total.

**Payment Terms - Buyer agrees to pay invoices net 15 days from date of invoice.** The invoice will begin upon receipt of product in our warehouse or location. In no case is payment to be withheld for acceptable products should any portion of the job be unacceptable or undelivered. If any products are unacceptable or undelivered, Buyer may pay 90% of the invoice amount for those products delivered and acceptable and withhold 10% until completion of the job. Balance is payable 15 days after final delivery.

In the event Buyer defaults in the payment of any sum due Seller, or in the event Buyer's financial condition becomes unsatisfactory to Seller, Seller shall have the right at its option, upon notice to the Buyer, to defer or discontinue shipment of any goods until such time as the default is cleared or the Buyer provides assurances of payment to Seller, in such form, content, and/or amounts as Seller, at its sole discretion deems adequate.

A service fee of 1.5 % per month (18 % per annum) will be added to all delinquent invoices.

**Custom Manufactured Products** - Custom manufactured product orders require payment in full at the time of order placement. The Buyer accepts that custom product is ordered as an accommodation by Seller, and that in the case of dispute, the Manufacturer shall have full and final authority.

**Storage** - In the event Seller must store the Products due to installation delays, Seller shall invoice Buyer for the purchase price of the product at time of arrival in Seller's warehouse. Seller shall store all Products until installation can be resumed. Delays will incur storage and/or double handling charges. Seller shall invoice Buyer for the installation of the product upon completion of the installation.

**Delivery and Installation** - Delivery and installation will take place during normal working hours. If the Buyer requires expedited installation, Seller shall charge Buyer for additional costs for such expedited installation. If special packaging or handling is required, Buyer will be charged for this added cost. Buyer shall be responsible for final hardwire electrical connection of electrified furniture and furniture systems.

Seller shall install Products in conformance with specifications and plans agreed to by Buyer. Buyer shall provide safe and adequate storage for the Products upon delivery to the building site. In the event Buyer fails to provide adequate storage facilities, Seller shall be entitled to store the Products and to receive reimbursement for the cost of such storage. In the event Buyer provides storage space which is not conveniently located to the installation site, Seller shall be entitled to charge Buyer for the extra cost of transporting Products to the installation site after initial delivery. The delivery site is to be clean and clear of debris prior to installation. Buyer shall provide electric, heat, protective flooring, elevator access, and adequate facilities for offloading, staging, moving and handling of all Products. All furniture will have clear and easy access to final placement site. Buyer shall provide secure overnight tool storage, and ready access to telephones during installation.

**Freight** - Prices do not include freight charges unless specified. Buyer will be invoiced for freight and handling when the Seller is invoiced.

**Specifications and Plans** - Buyer or Seller shall prepare at Buyer's expense specifications and plans for installation of the Products. The accuracy of all drawings, floor plans, quantities and specifications provided to Seller is warranted by preparer.

**Change Orders** - Changes or modifications to this contract or to any specifications or plans shall be stated in a Change Order and signed by the Buyer's representative. Change orders signed by Buyer's representative will be binding upon Buyer.

**Inspection and Acceptance** - Buyer shall inspect the Products upon completion of installation. Buyer shall be deemed to have accepted the Products if: (a) Buyer signs a work order accepting the Products; or (b) Buyer fails to reject or claim material nonconformity in the manner provided below. In the event Buyer rejects or claims material nonconformity of the Products, Buyer shall give immediate written notice to Seller of such rejection or claim of nonconformity. If the Buyer rejects the Products or claims material nonconformity, Buyer's sole remedy under this purchase order shall be for replacement and repair of the Products. Seller shall replace or repair said products within a reasonable time of receiving notification of rejection or nonconformity from the Buyer. Buyer shall not have the right to procure substitute Products as a remedy under this



## Proposal

Item 7c.

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| Salesperson  | Meagan Ekerson     |
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825 NE Multnomah St.  
STE 270  
Portland, OR 97232  
Phone: 503.238.1590  
Email: [accounting@pacificwro.com](mailto:accounting@pacificwro.com)

purchase order.

**Delays** - Seller shall not be responsible for delay, non-delivery or default in shipment or installation if occasioned by strike, act of God or event beyond the control of Seller.

**Warranty** - Seller warrants goods to be free of defects in materials and workmanship at time of acceptance by Buyer. Seller will represent buyer with defect or warranty issues and direct those issues for timely resolution with the manufacturer. In the event Buyer requests a variance from the manufacturer's standard installation procedures for the Products in Buyer's environment, such Products installed pursuant to the variance shall automatically be excluded from the warranty provisions.

**Risk of Loss** - Risk of loss shall pass to Buyer upon delivery of the Products or upon completion of installation if included in the price to Buyer.

**Cancellation** - Buyer acknowledges the Products described in this Purchase Agreement will be specially manufactured to meet Buyer's particular specifications. Buyer shall not, therefore, have the right to cancel this Purchase agreement or any part of it absent Seller's written agreement pursuant to a change order. Buyer shall pay any restocking charge imposed by a manufacturer in the event Seller and/or manufacturer agrees to a cancellation.

**Waiver** - Waiver or modification of any term of these terms and conditions shall not be a waiver or modification of the remaining terms and conditions.

**Remedies** - In the event legal proceedings are instituted to enforce any of the terms of this Agreement, the prevailing party shall be entitled to recover reasonable attorney fees at trial, upon arbitration and on appeal, as determined by the respective court or the arbitrator. Oregon law shall be applied in construing this Agreement. All suits to enforce this Agreement shall be brought in the Circuit Court for Multnomah County, State of Oregon.

**Merger** - This Agreement is the final agreement between the parties. No prior agreement written or oral, shall be binding upon the parties.

**In acknowledgment and agreement of these goods, services, terms, and conditions as referenced in this proposal, below are the signatures of the duly authorized officers:**

**BUYER:**

---

Name and Title (print)

---

Signature and Date



825 NE Multnomah St.  
STE 270  
Portland, OR 97232  
Phone: 503.238.1590  
Email: [accounting@pacificwro.com](mailto:accounting@pacificwro.com)

## Proposal

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| Salesperson  | Meagan Ekerson     |          |
| Terms        | 50% DEPOSIT NET 15 |          |
| Page         | 6 of 6             |          |

Signature is acceptance of PacificWRO goods, services, terms, and conditions as referenced in this proposal.

Invoice Contact Name: Vance Walker

REMIT TO:  
PACIFICWRO  
825 NE MULTNOMAH ST.  
STE 270  
PORTLAND, OR 97232

ACH/WIRE INFORMATION AVAILABLE UPON REQUEST

## STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7c.

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

2. Payment.

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

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

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

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

3. Independent Consultant Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

5. No Third-Party Beneficiaries. City and

## STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7c.

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

### 6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

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

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

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

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

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

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

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

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

### 7. Subconsultants and Assignment.

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

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

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

### 10. Compliance With Applicable Law.

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

Page 2 of 5

## STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7c.

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

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

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

13. Indemnity and Insurance.

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

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

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

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

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

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



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

Item 7c.

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

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

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

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

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

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

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

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

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

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

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

24. Arbitration.

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

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

(b) The party desiring such arbitration shall give written notice to that effect to the other party

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

Item 7c.

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

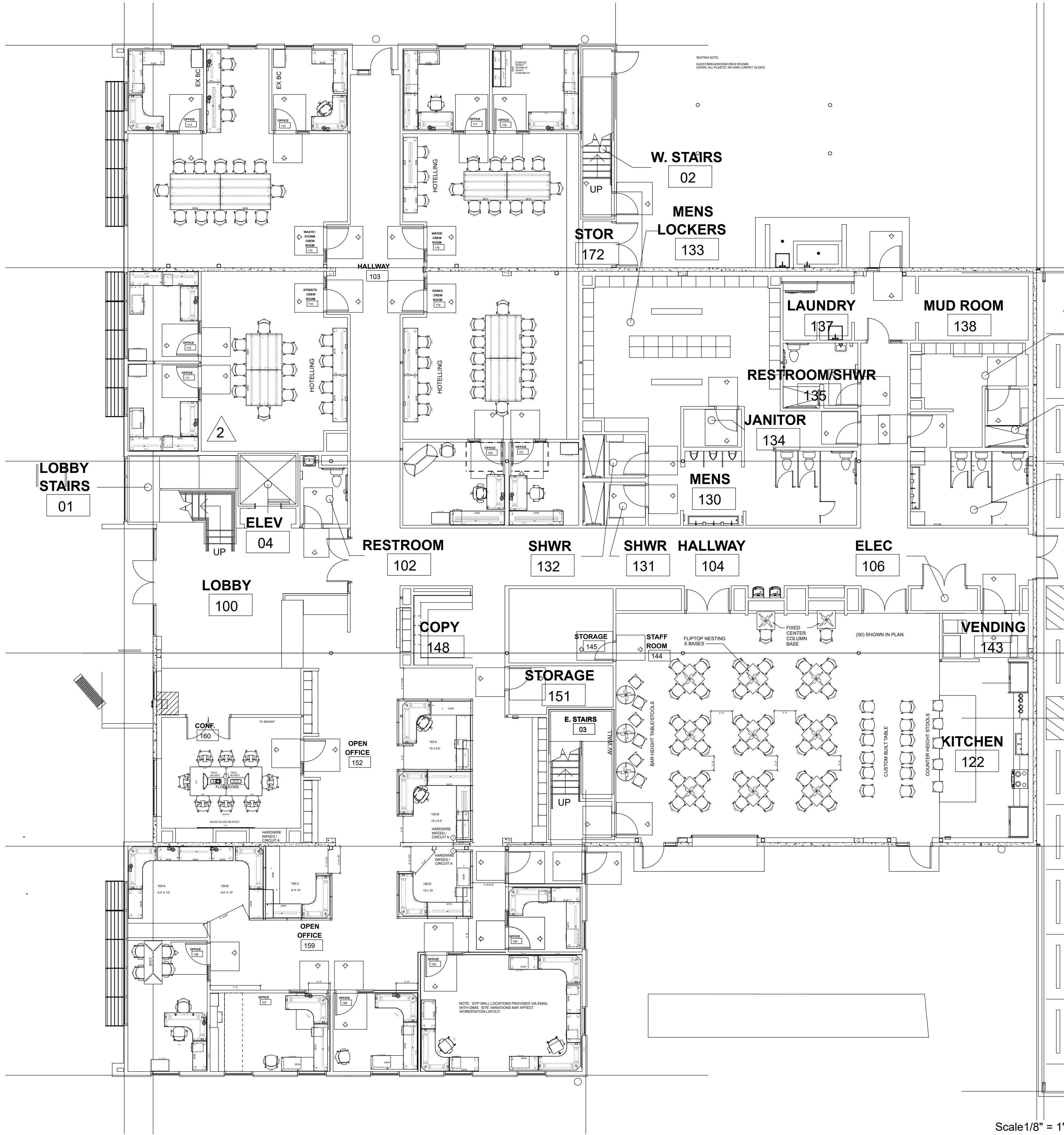
(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection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

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

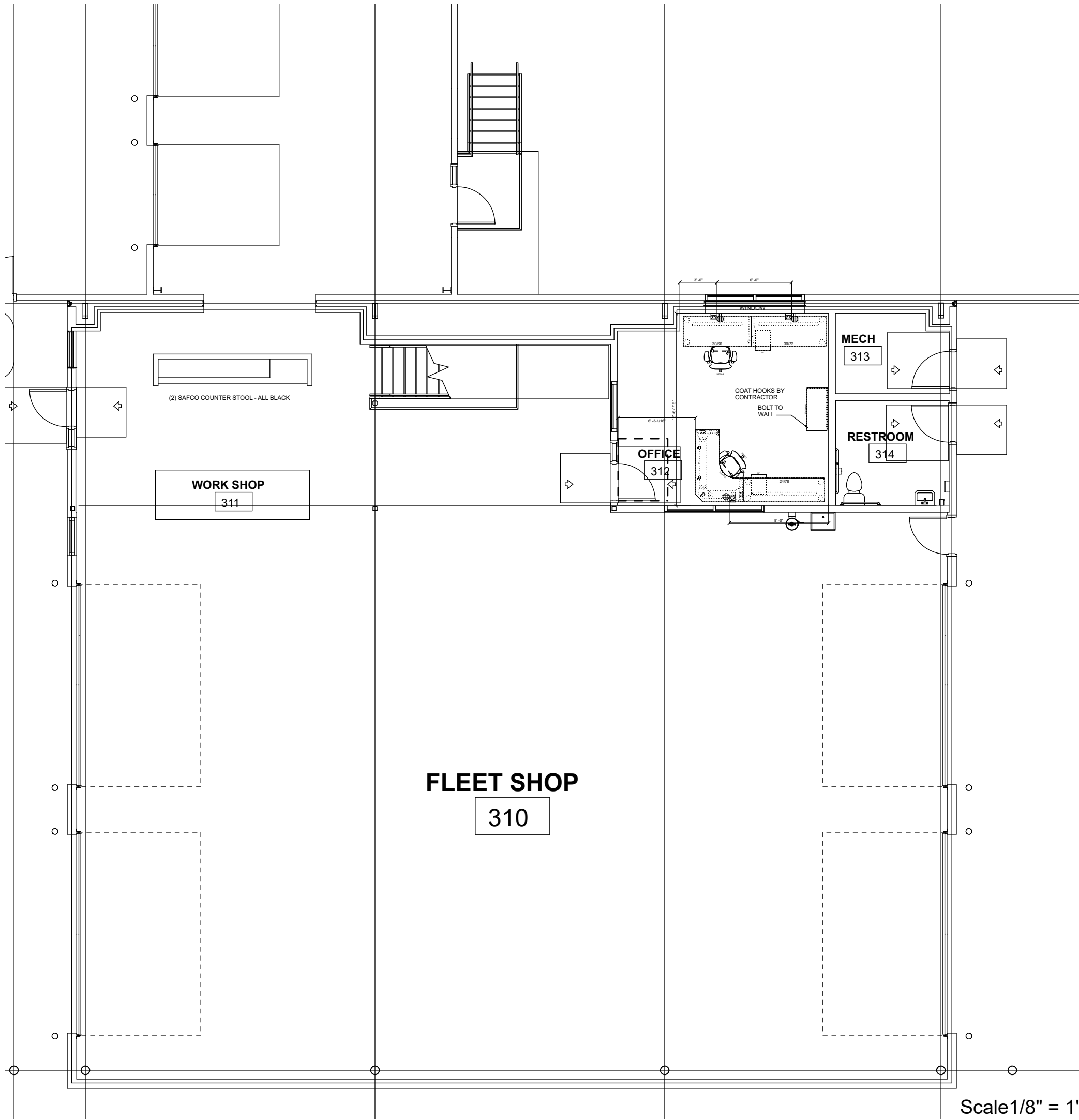
signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

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

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



Scale 1/8" = 1'



Scale 1/8" = 1'

LEGEND

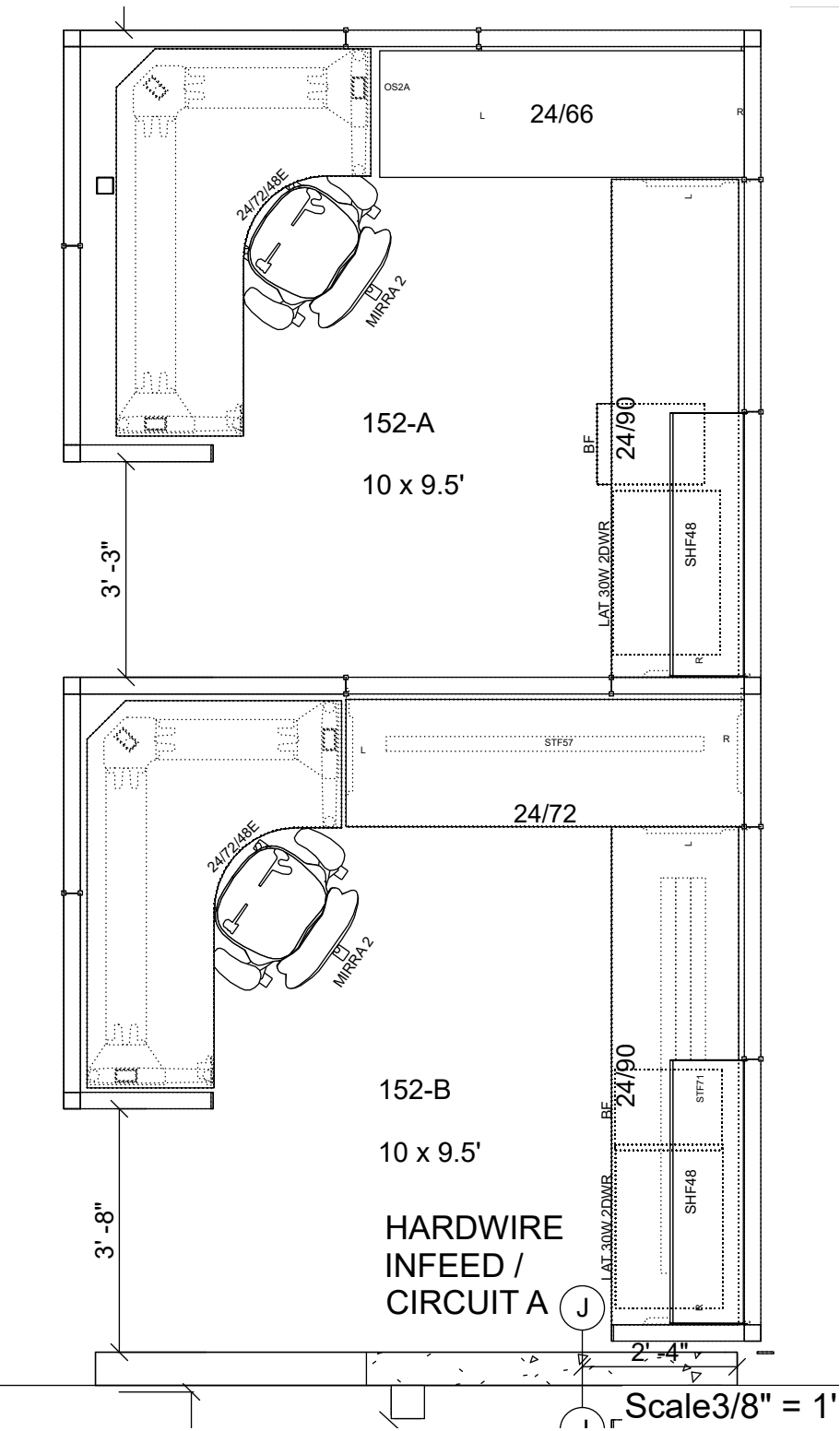
POWER INFEED AND DATA LOCATION @ WALL

FLOOR CORE

(4) SIMPLEX AND DATA LOCATION @ WALL

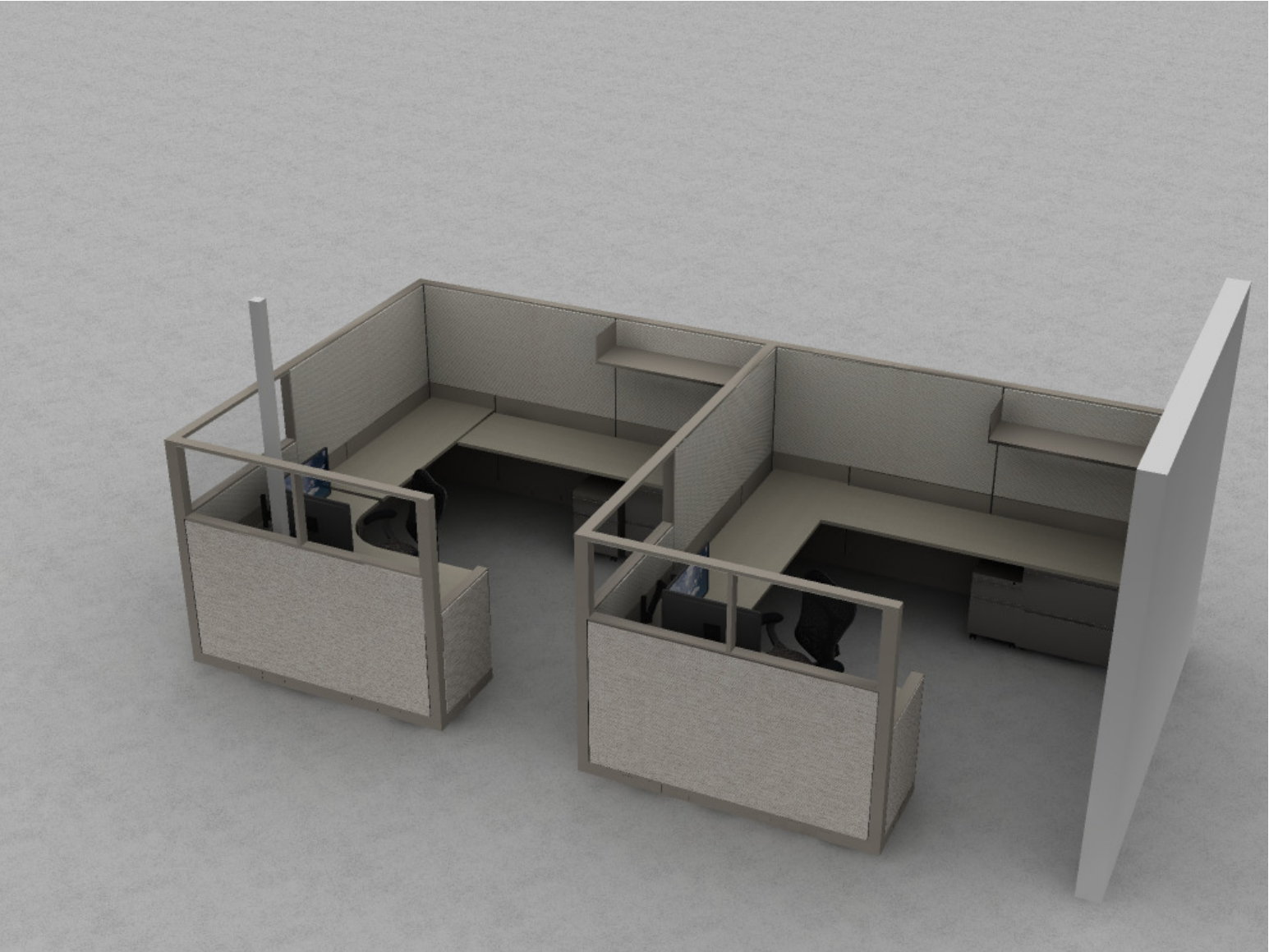
- NOTES:
1. EACH WORKSTATION WILL RECIEVE 3 DUPLEXES; CIRCUITS ARE LABELED BASED ON THIS QUANTITY.
  2. POWER LOCATIONS AT PRIVATE OFFICES ARE NOTED AS (4) SIMPLEX; SEA TO CONFIRM QUANTITY.
  3. POWER / DATA LOCATIONS NOTED AT PRIVATE OFFICES ONLY SHOW PREFERRED LOCATION TO SUPPORT PRIMARY HEIGH ADJ WORKSURFACE. ADDITIONAL POWER AND DATA LOCATIONS WILL BE REQUIRED AND PROVIDED BY SEA.
  4. SEA TO CONFIRM TYPE OF FLOOR CORE POWER SUPPLIED - DUPLEXES OR CONDUIT INFEED.





FINISHES:

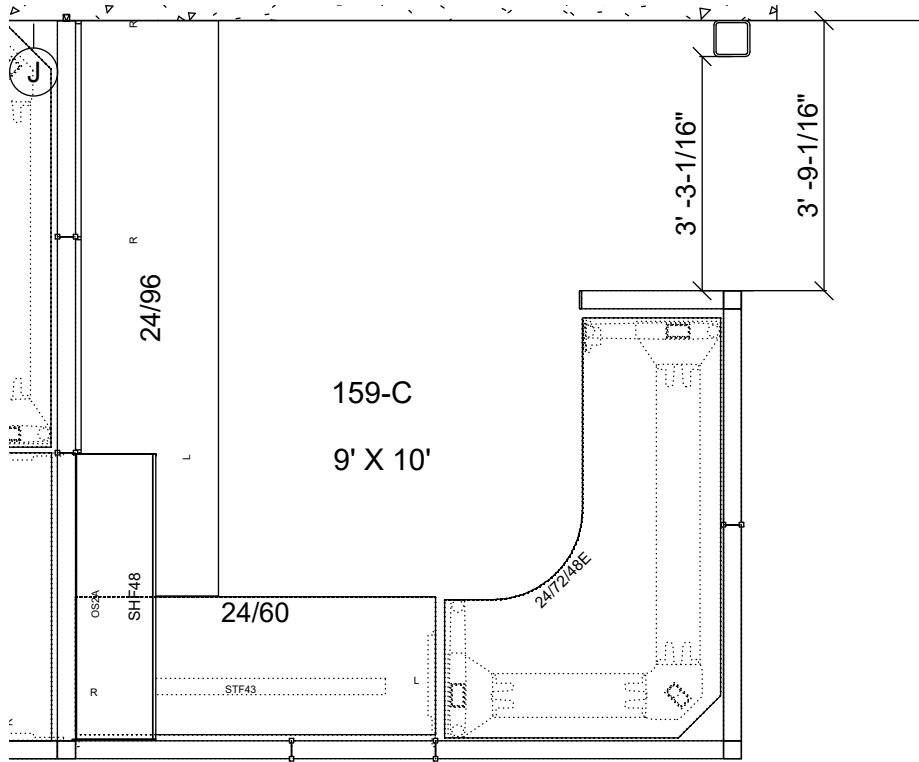
- EXTERIOR PANEL TILE: FABRIC; DEX COLOR STONE
  - INTERIOR PANEL TILE UPPER: FABRIC; HORIZON COLOR SPRING WOOD
  - INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
  - PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
  - PANEL SHELF: WARM GREY NEUTRAL
  - GLASS: CLEAR
- 
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
  - PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
  - MONITOR ARM: BLACK
  - SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): WHITE 91
  - STORAGE: METALLIC BRONZE
  - NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
  - TASK CHAIR: IF REQUESTED; NOTED ON PLAN



Page 71







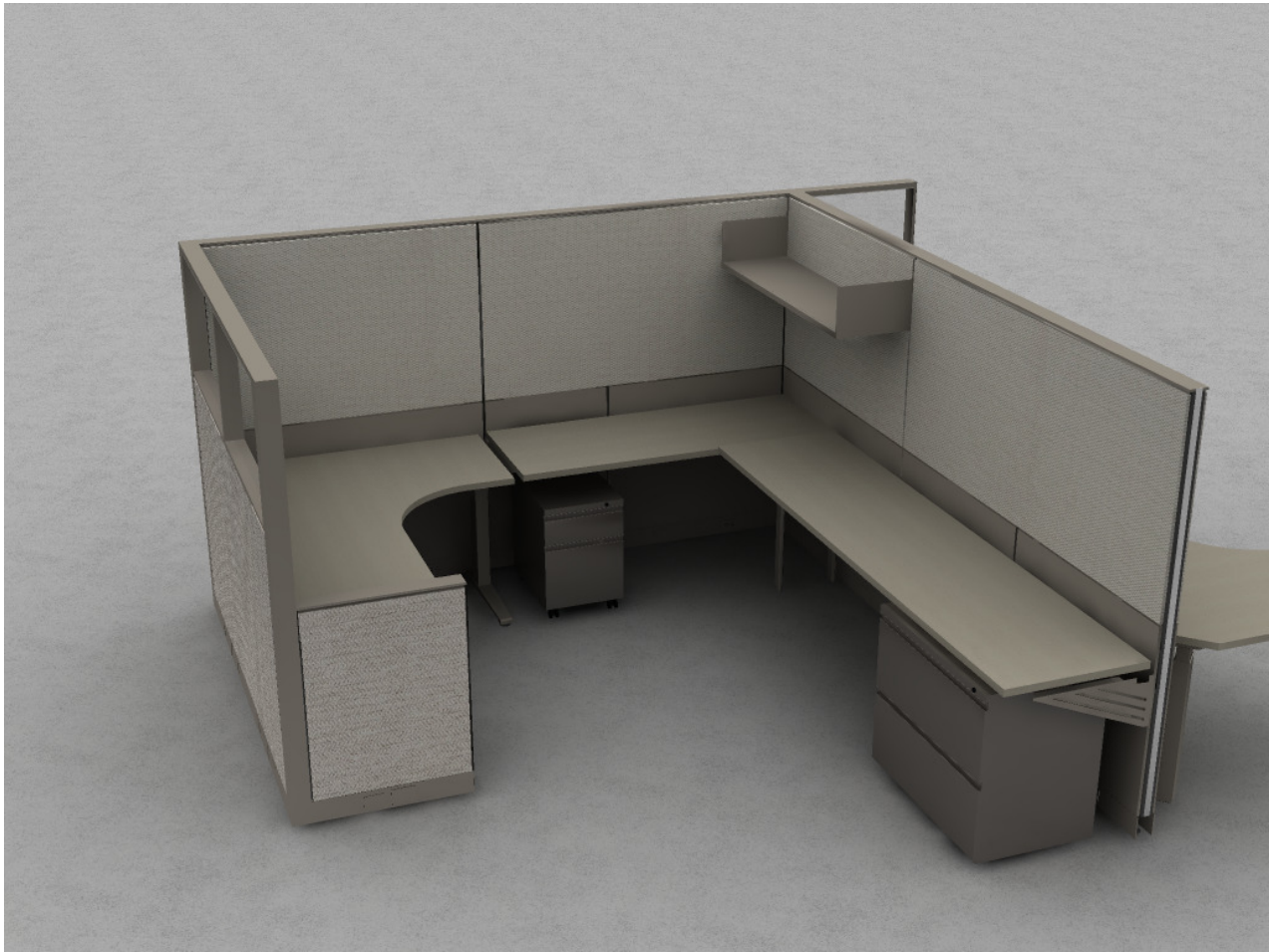
OPEN  
OFFICE

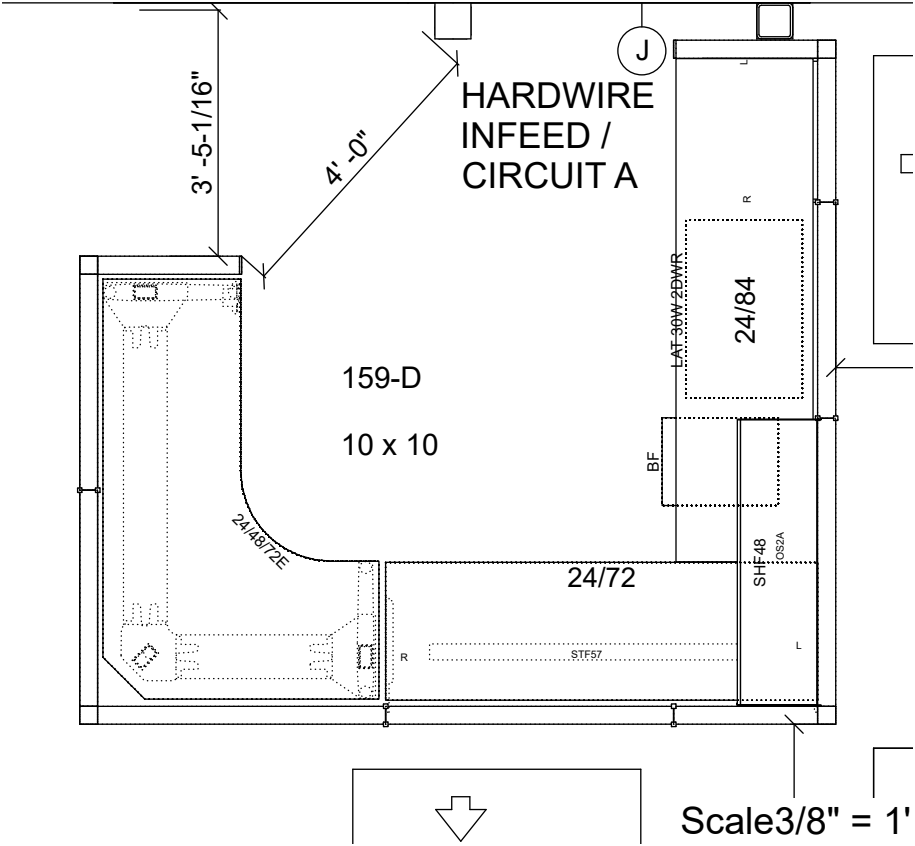
Scale 3/8" = 1'

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  - INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
  - PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
  - PANEL SHELF: WARM GREY NEUTRAL
  - GLASS: CLEAR
- 
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
  - PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
  - STORAGE: METALLIC BRONZE
  - NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
  - TASK CHAIR: IF REQUESTED; NOTED ON PLAN

NO MONITOR ARMS OR SURFACE POWER

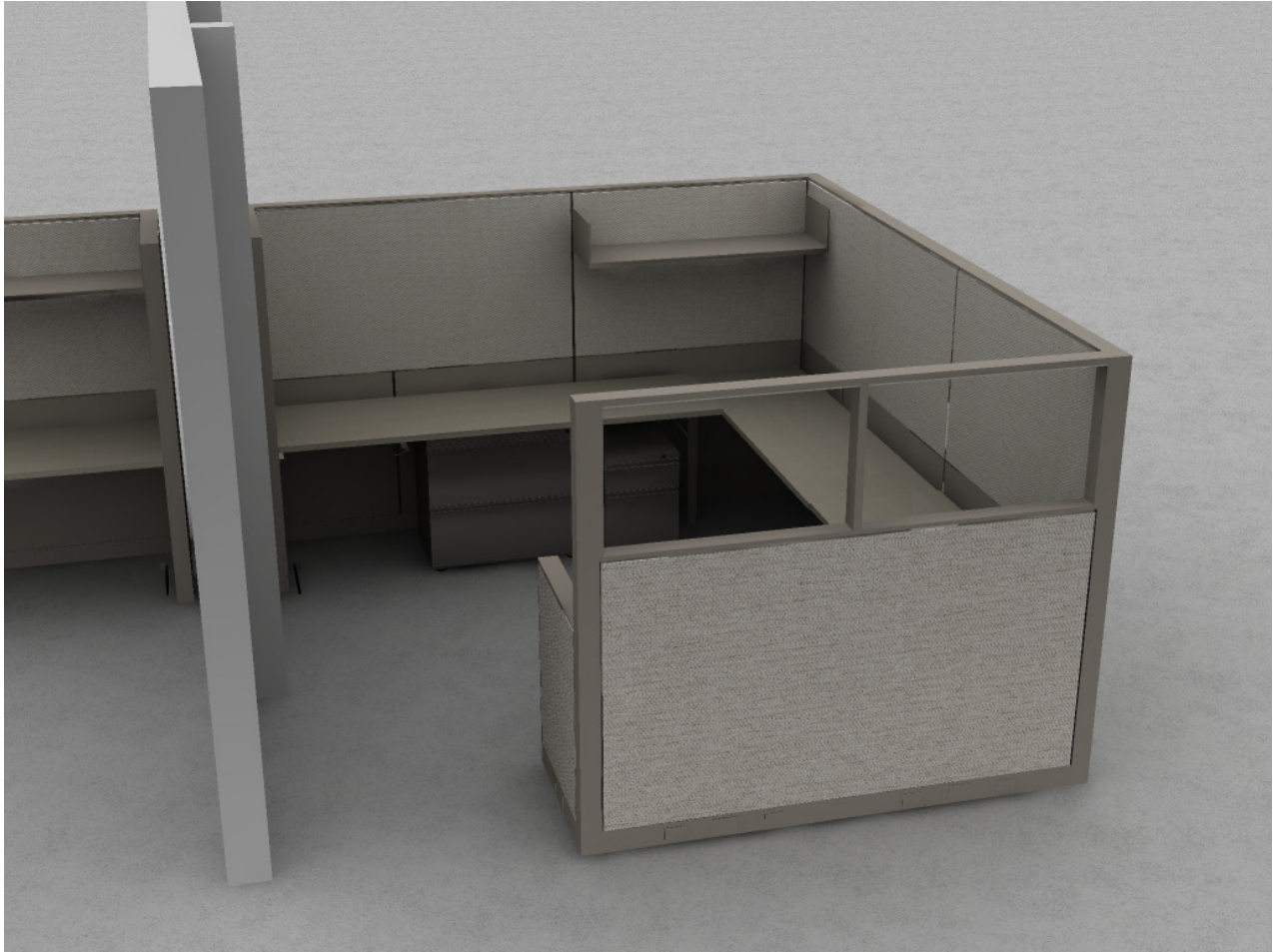




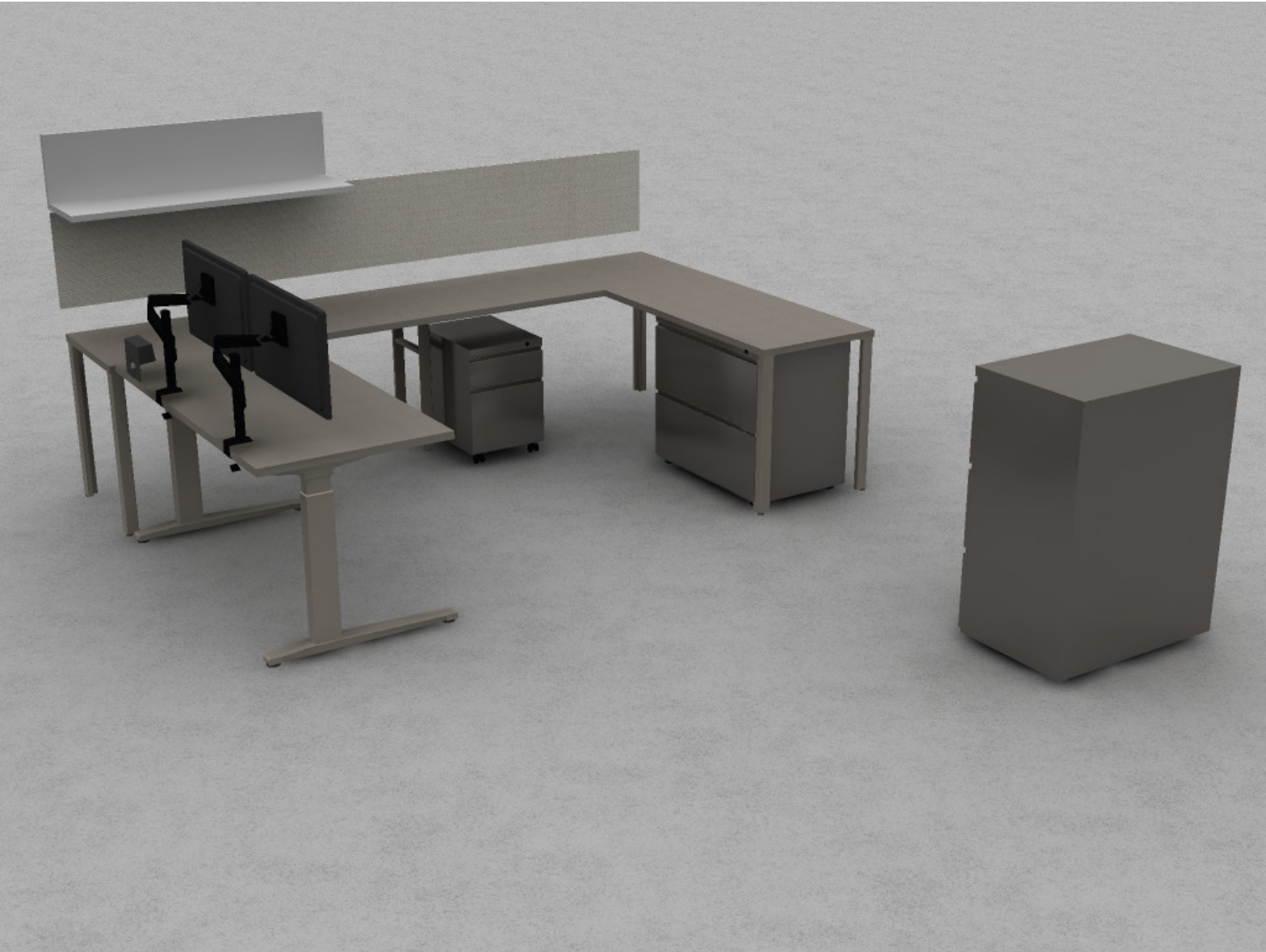
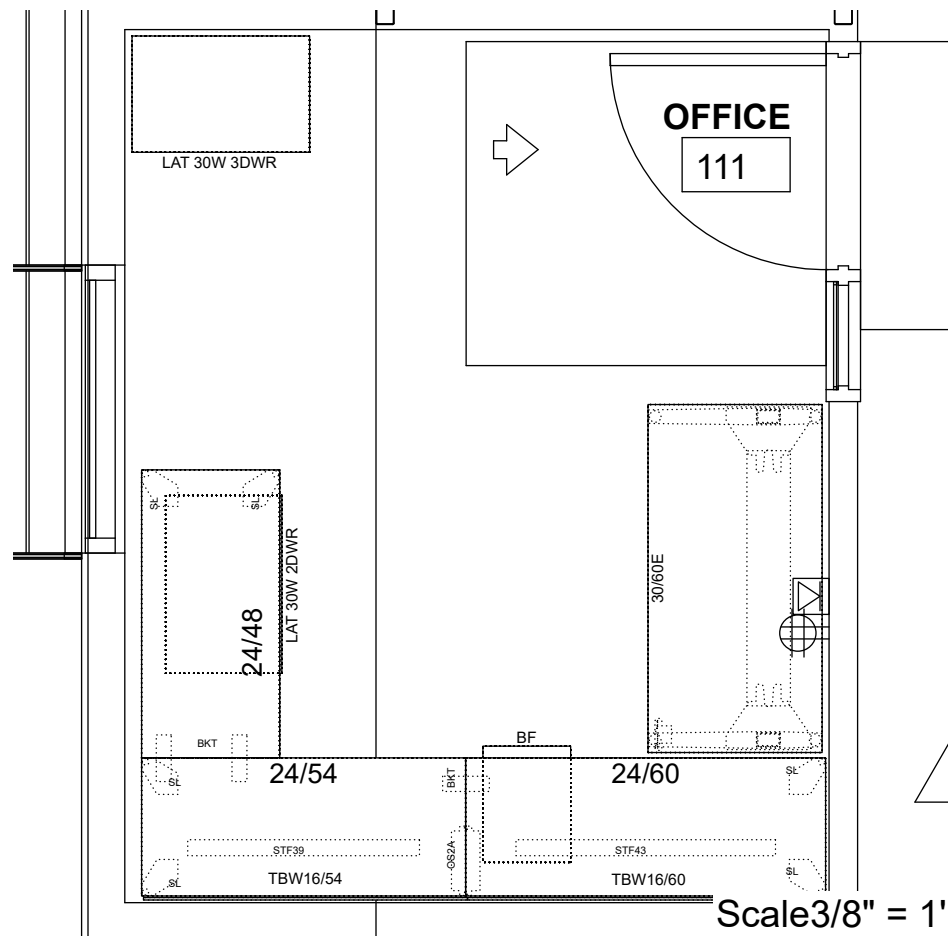
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  - INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
  - PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
  - PANEL SHELF: WARM GREY NEUTRAL
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- 
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
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  - NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
  - TASK CHAIR: IF REQUESTED; NOTED ON PLAN

NO MONITOR ARMS OR SURFACE POWER



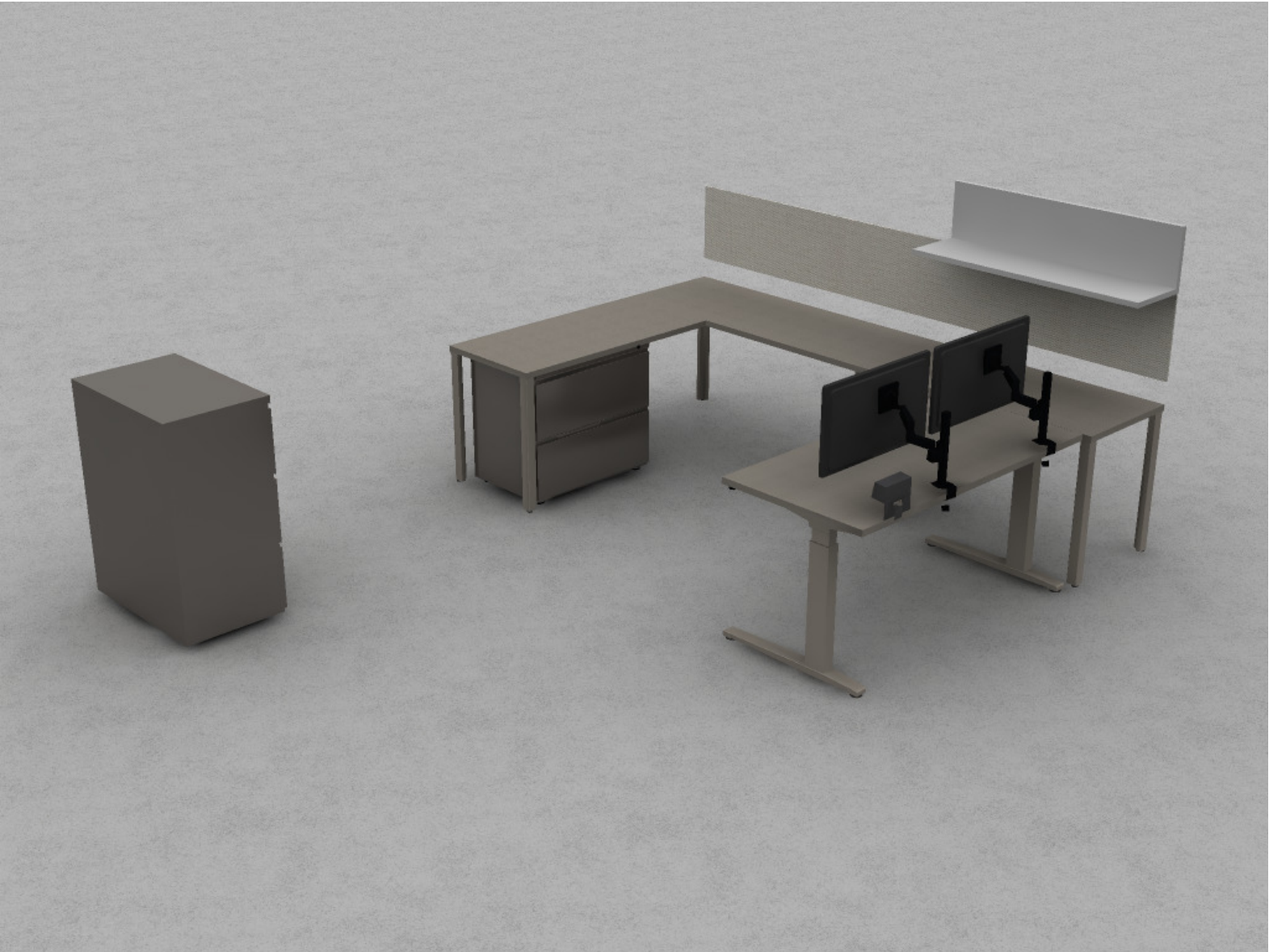
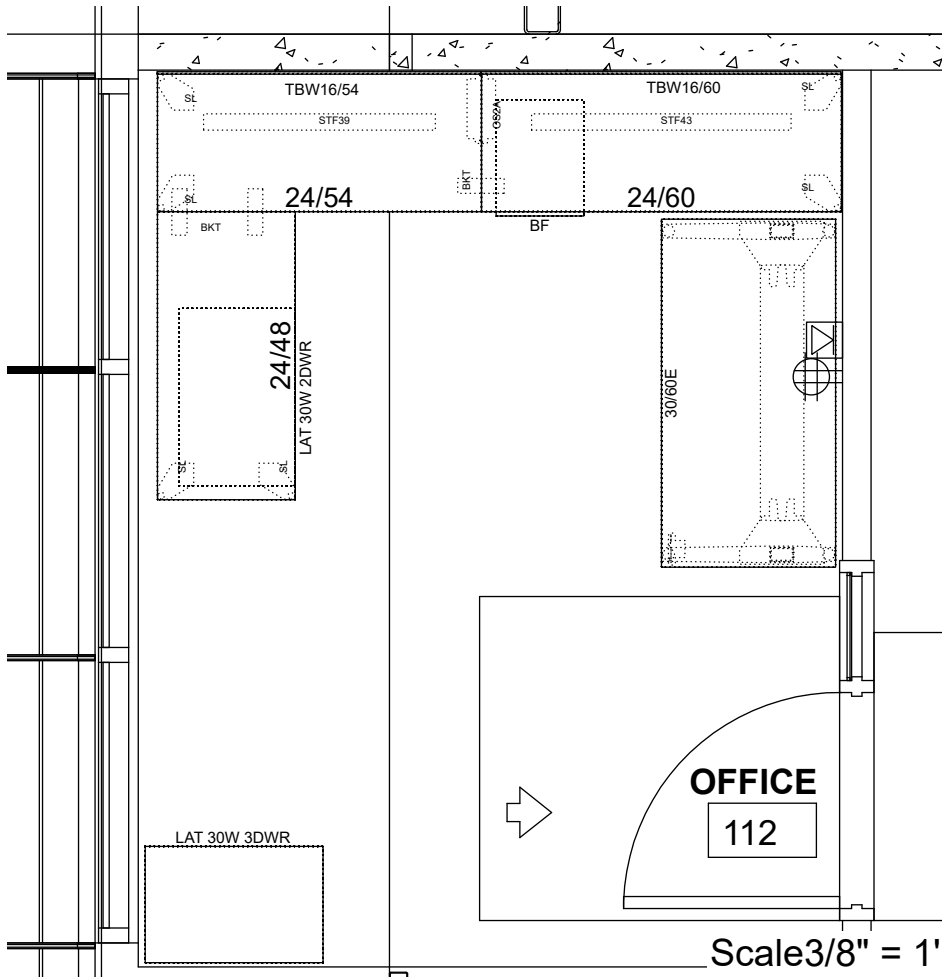




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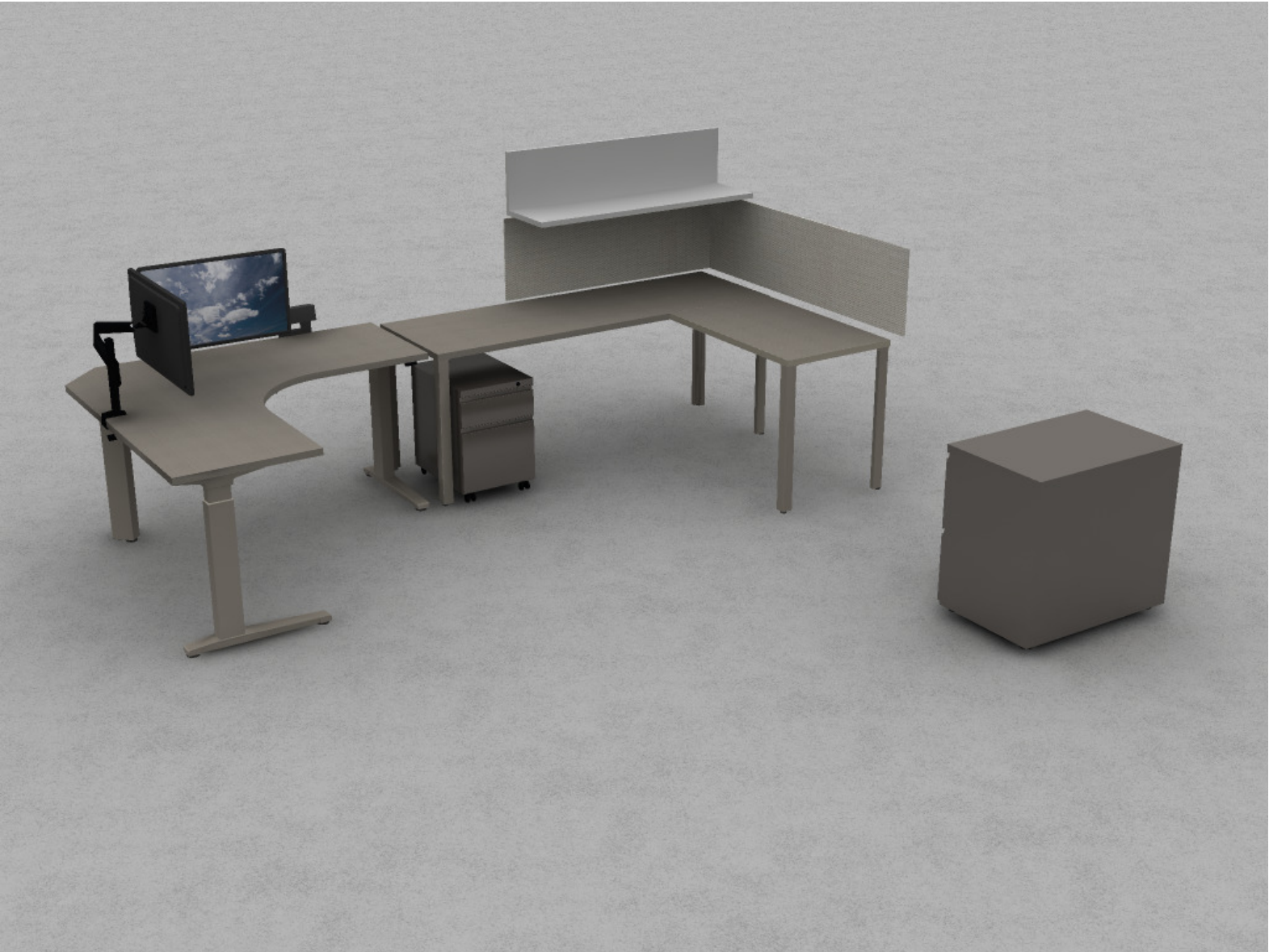
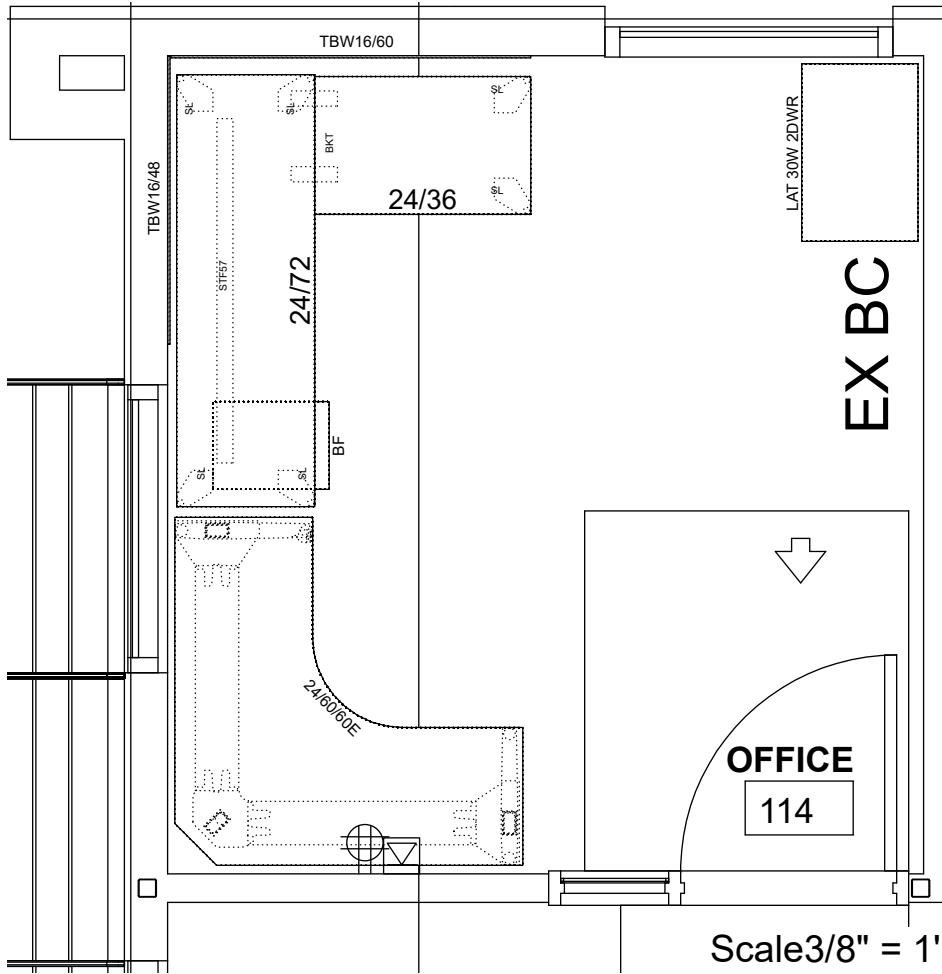
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- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- WALL SHELF: GREY
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN





FINISHES:

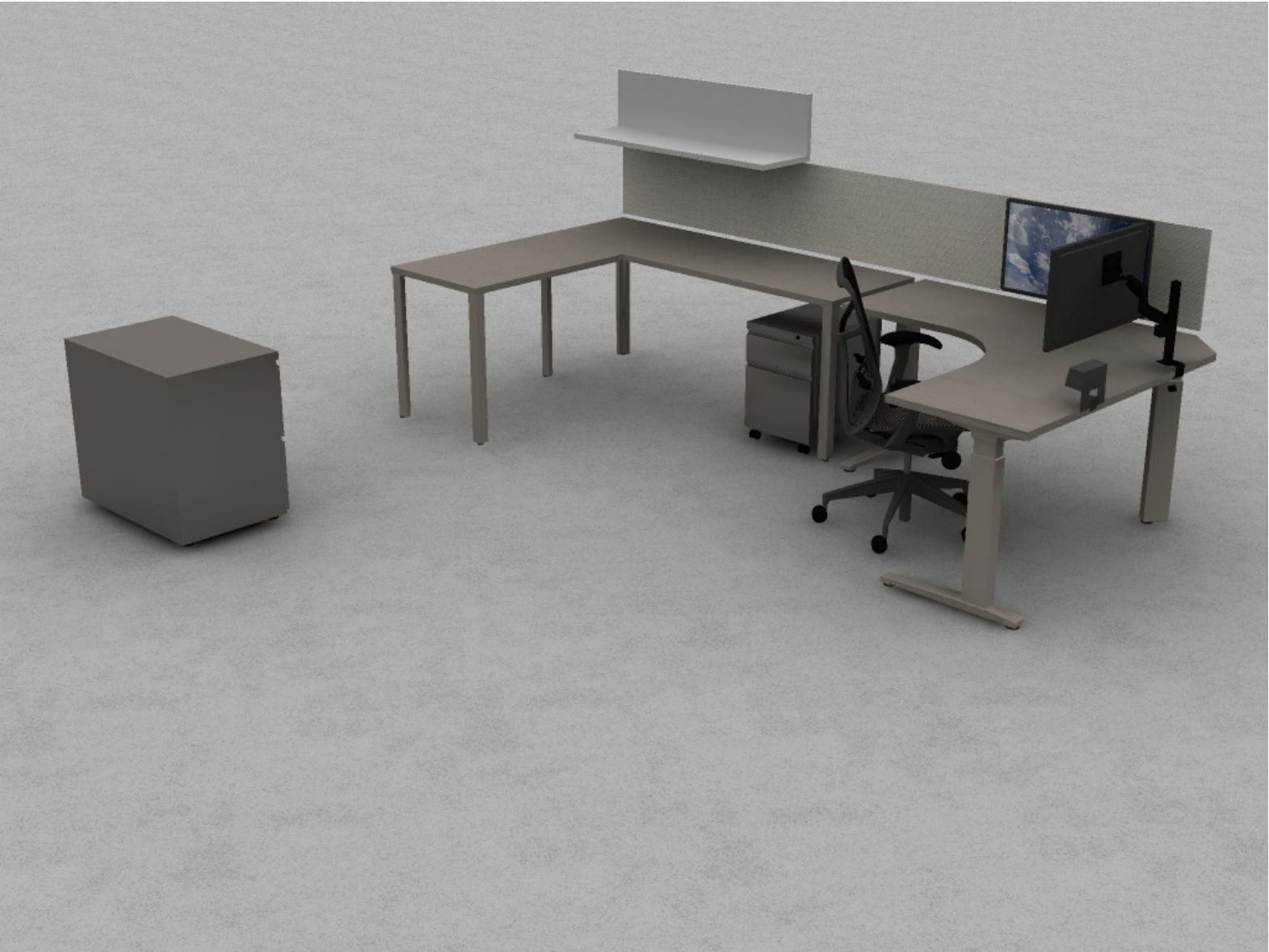
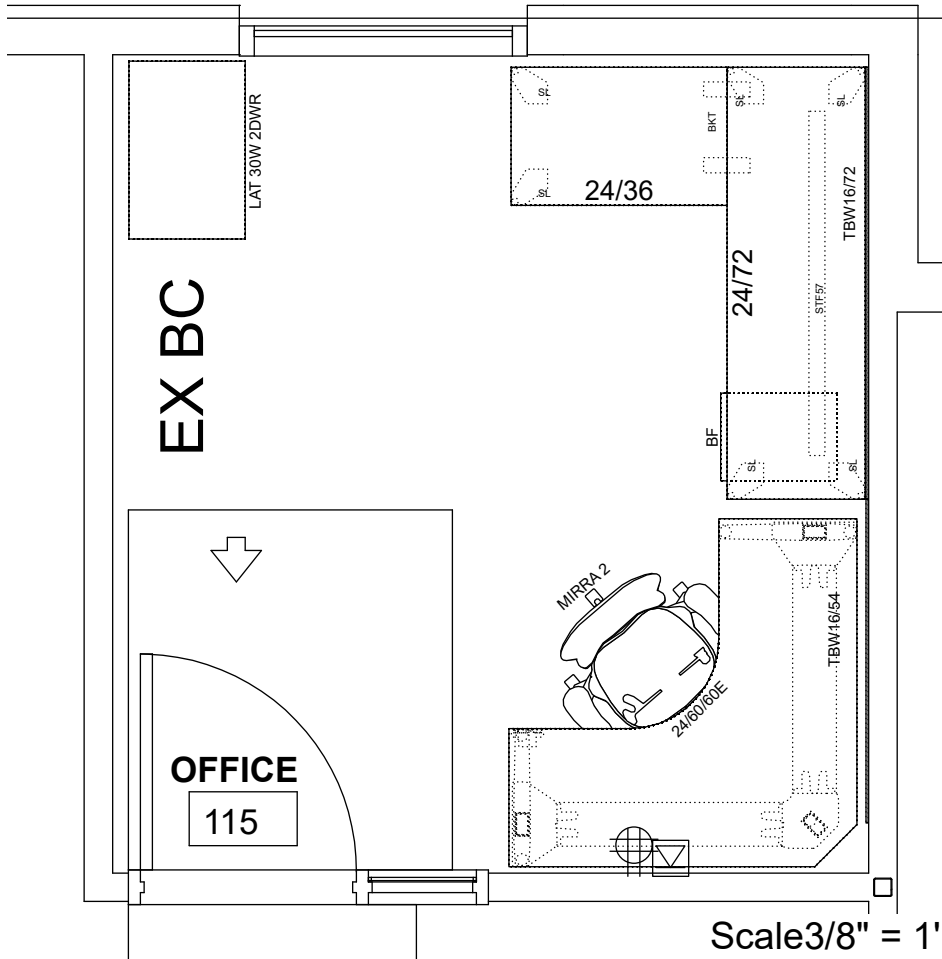
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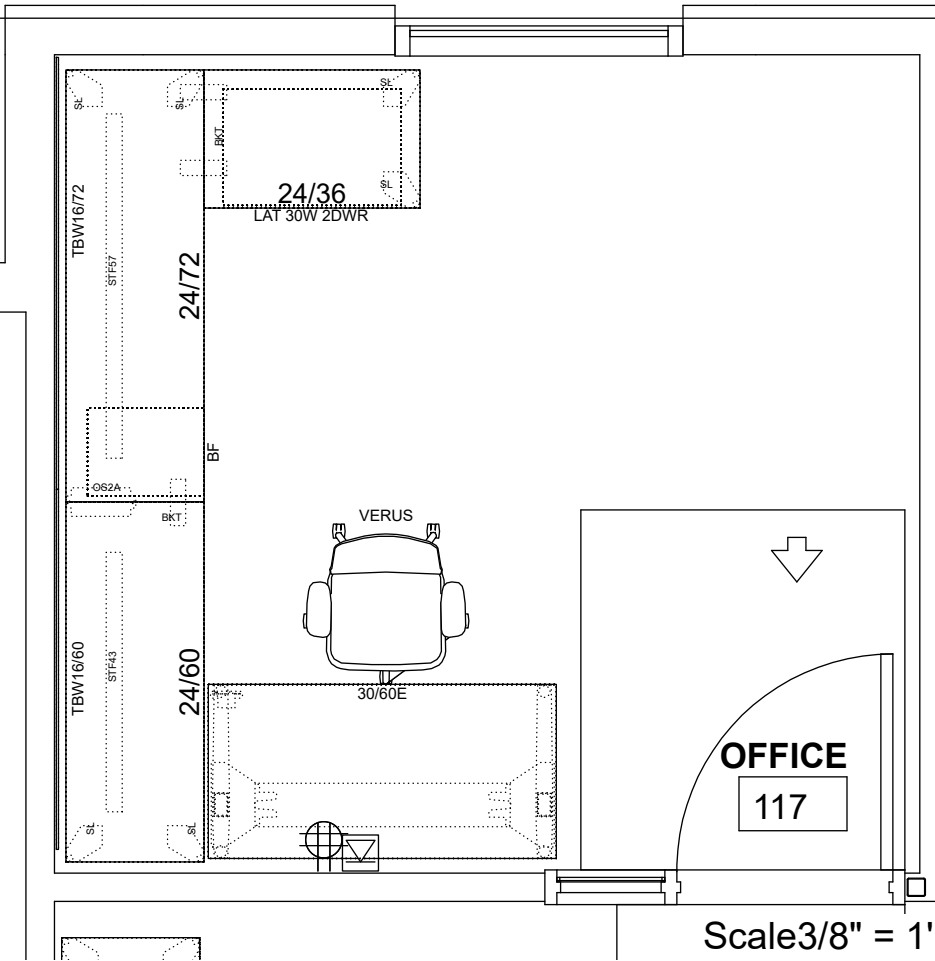
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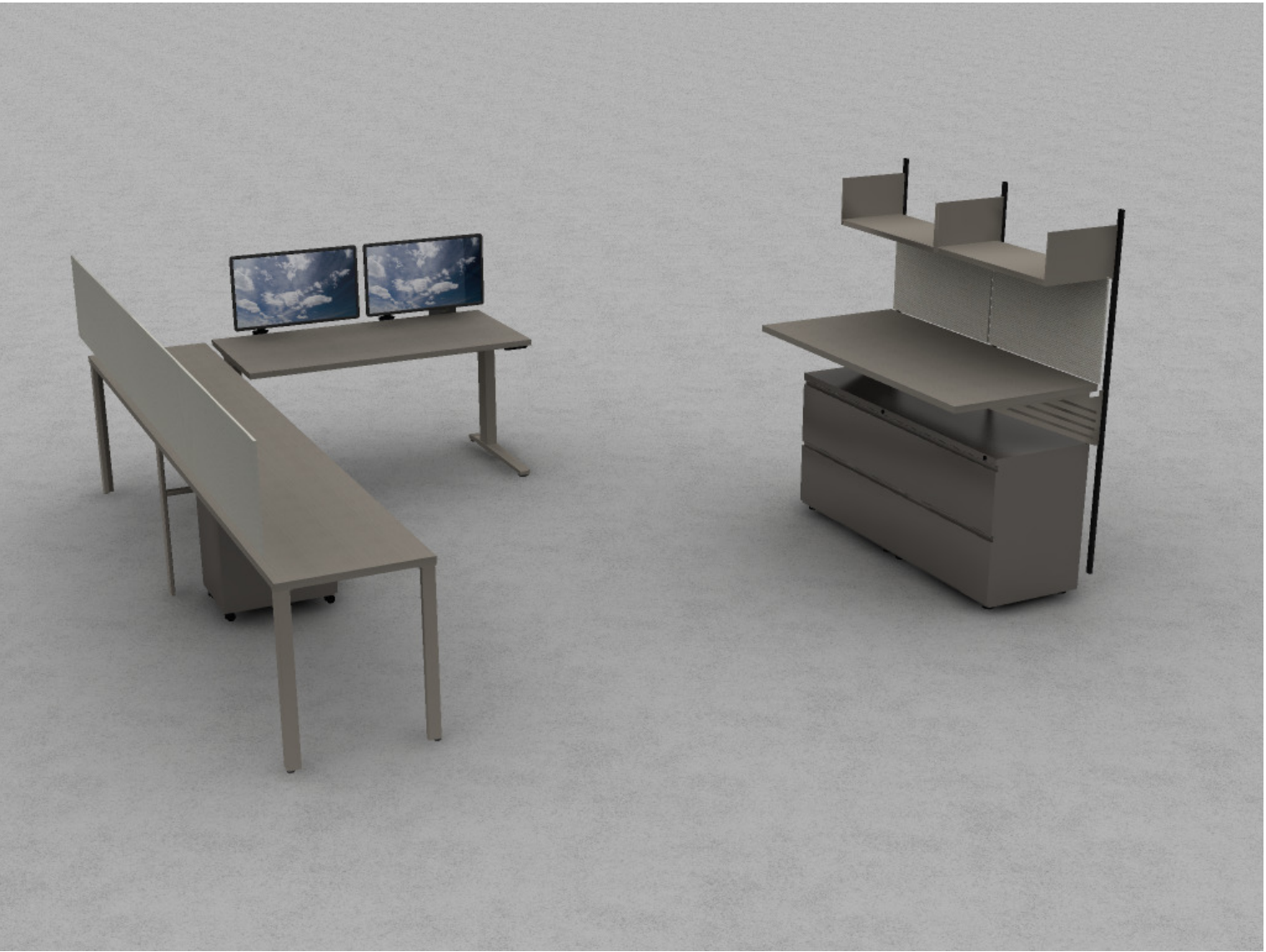
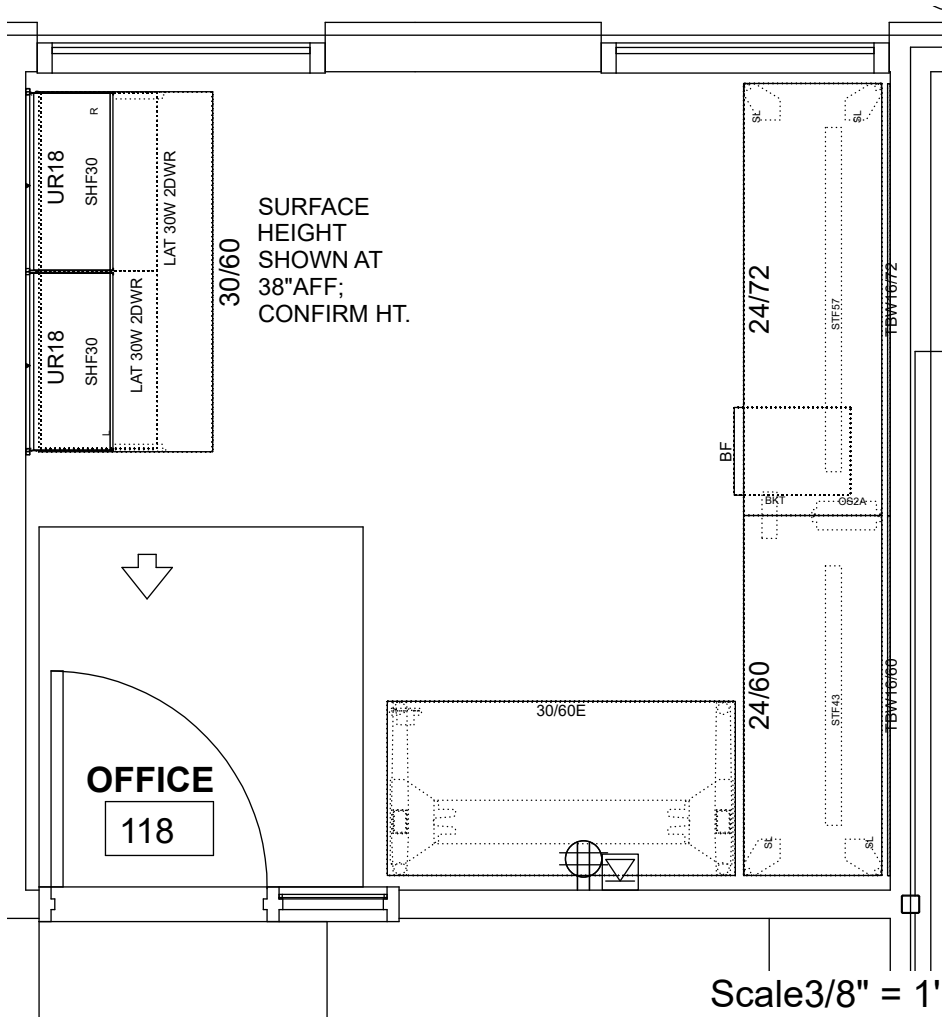
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FINISHES:

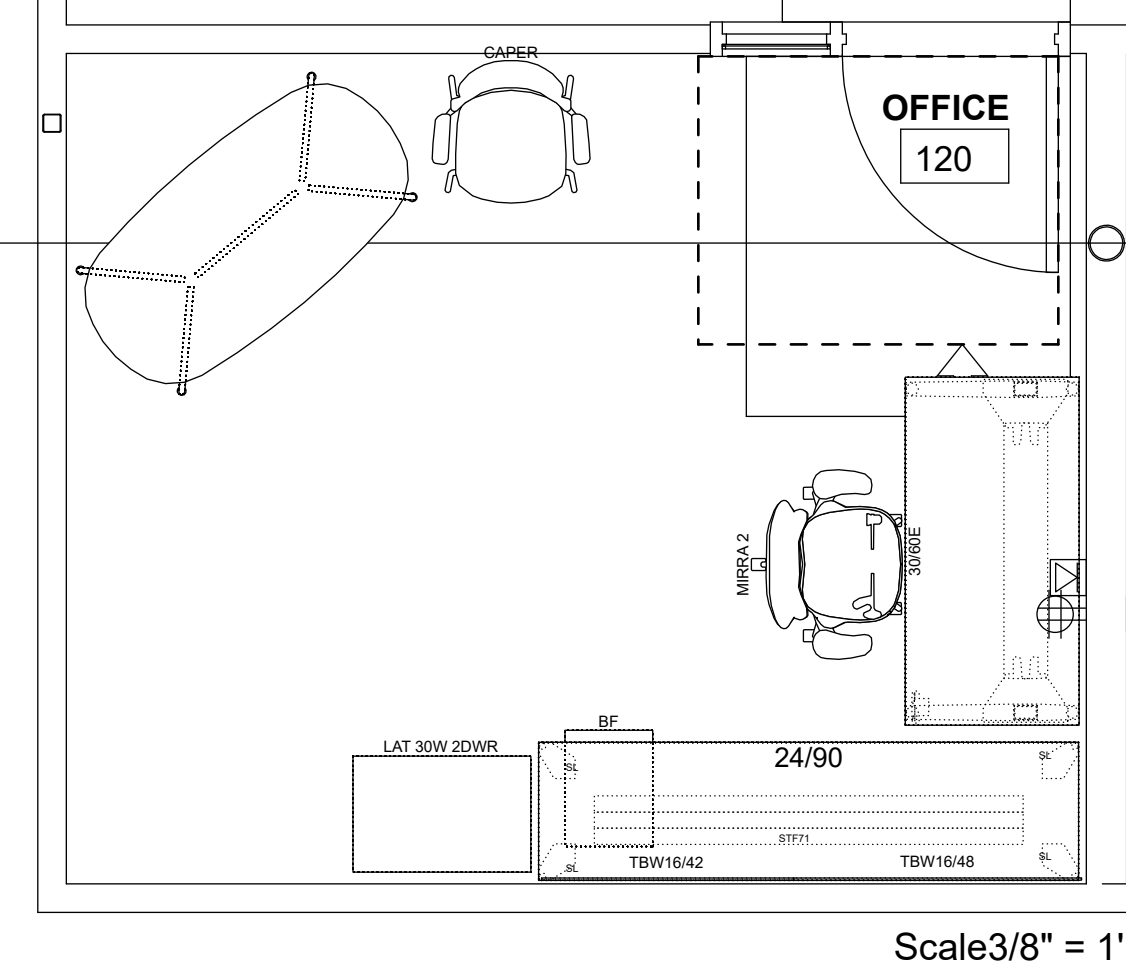
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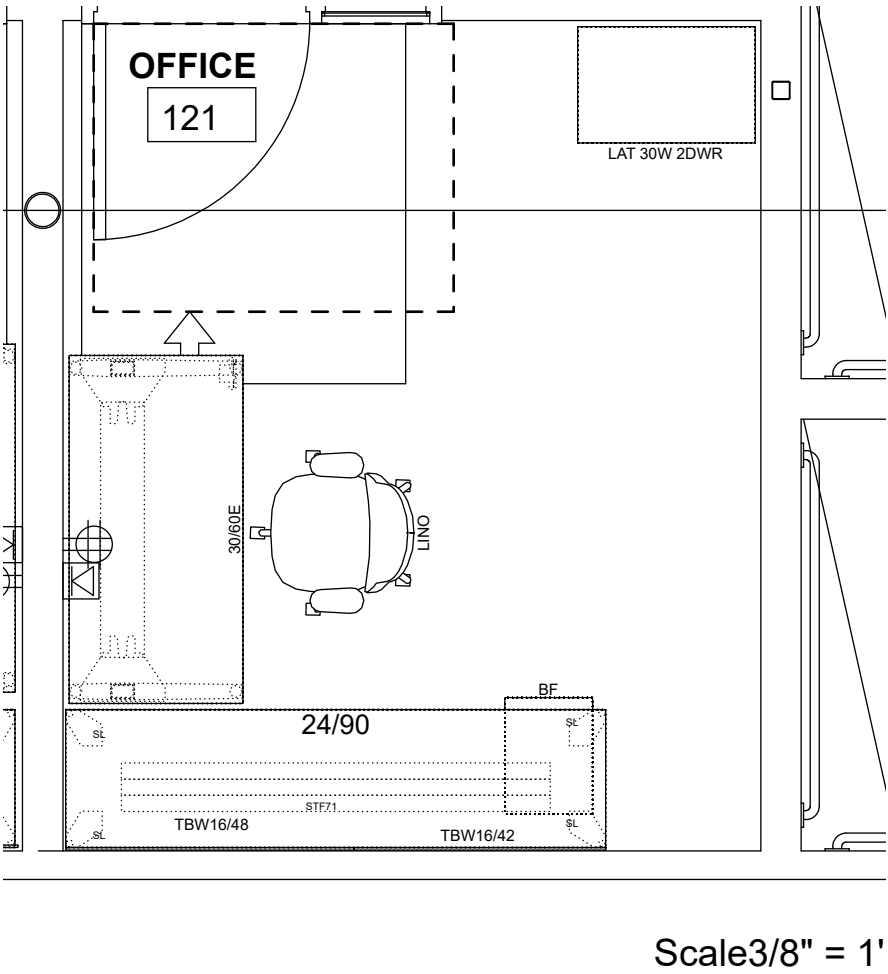
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- WALL SHELF: GREY
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE SHELL; SILVER GREY ARMS; GLIDE

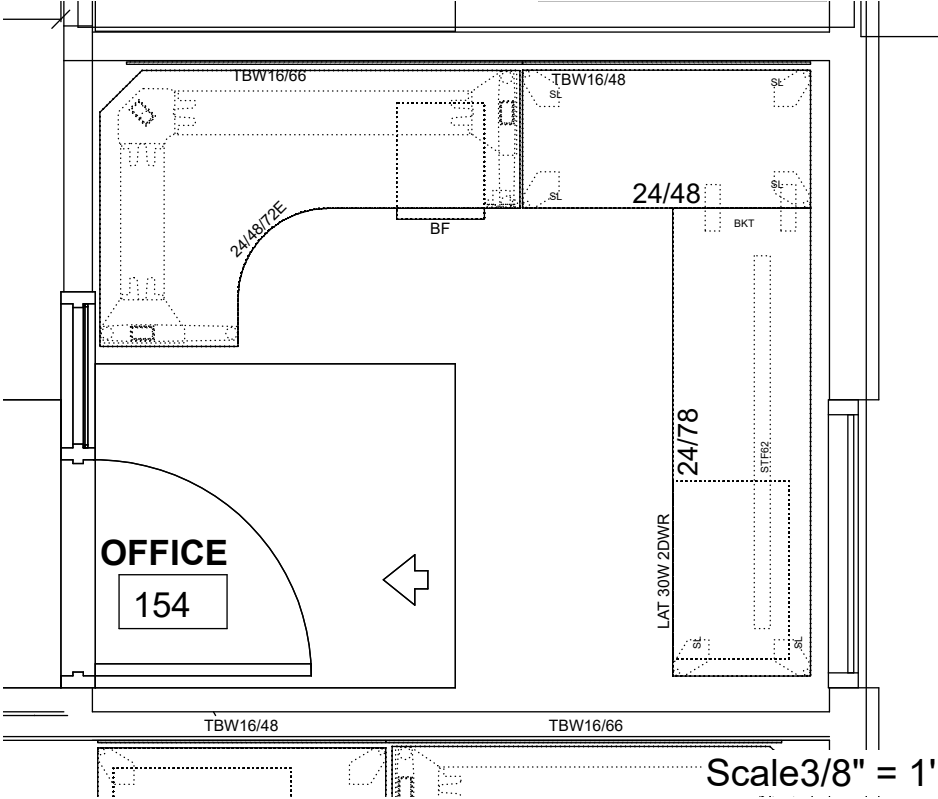




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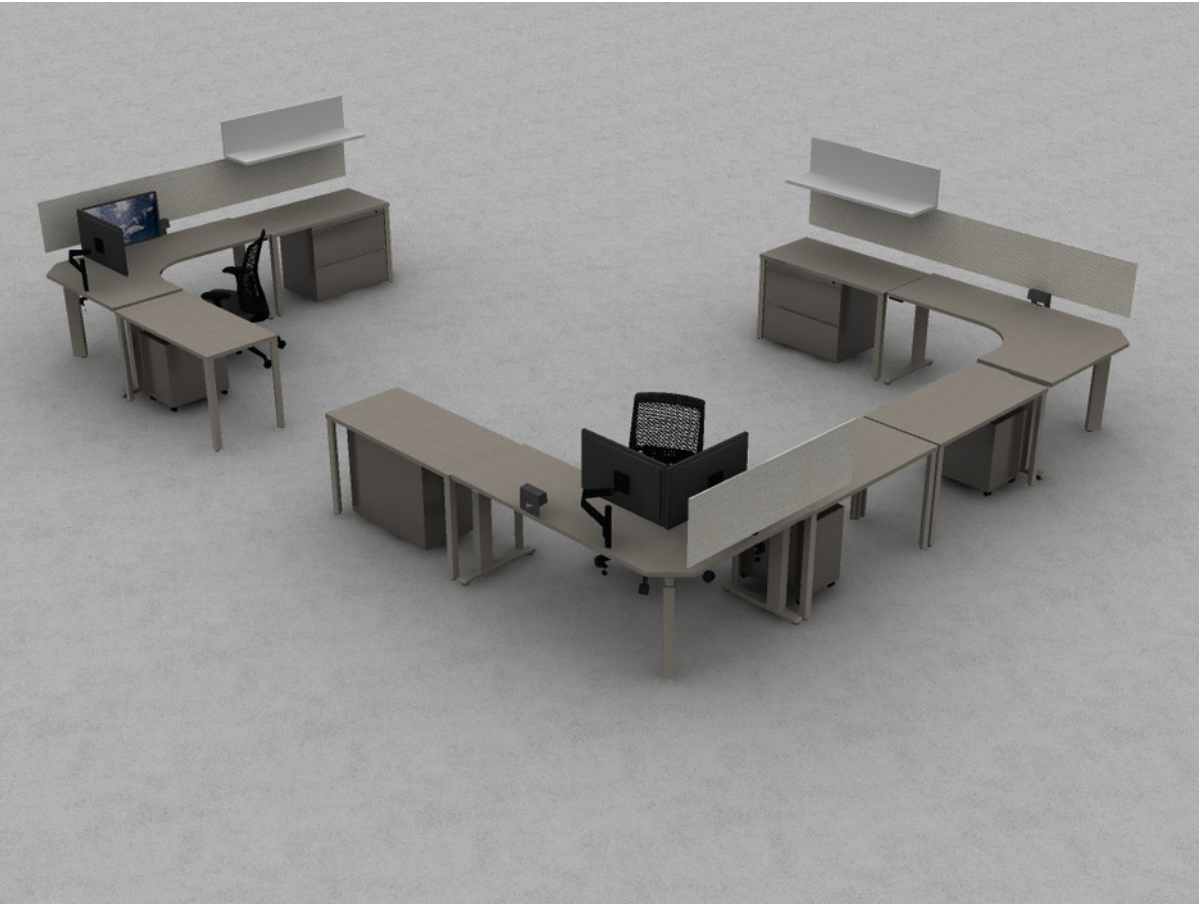
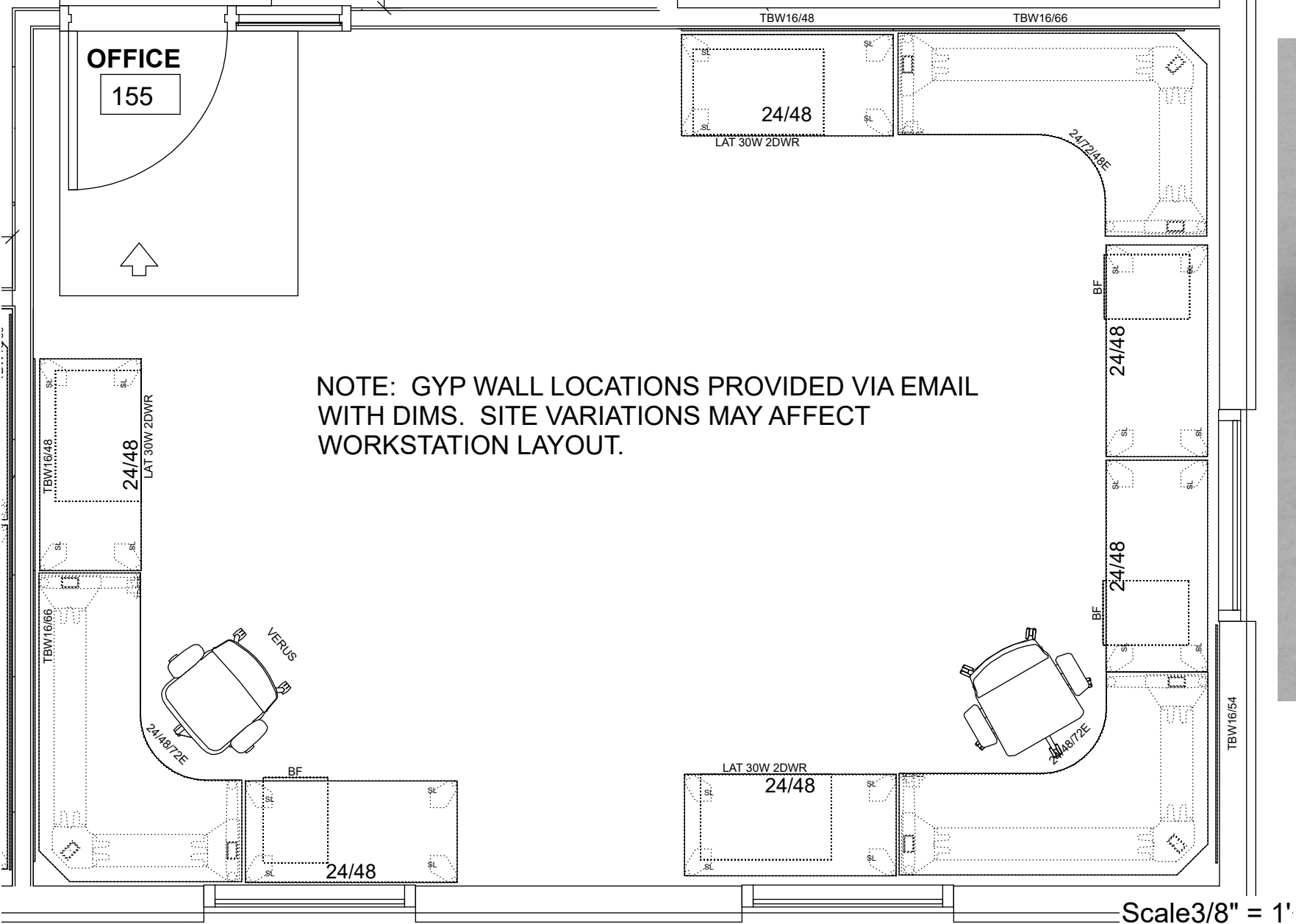
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- WALL SHELF: GREY
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN

MONITOR ARMS INCLUDED FOR 2 DESKS ONLY

PROJECT #:  
der

WORKSPACE  
OCPW  
OCPW.JFL.mdw

DESIGNER:  
JEN PUCILLO

MANAGER:  
MEAGAN

APPROVED:  
\_\_\_\_\_  
DATE: \_\_\_\_\_

APPROVED AS NOTED:  
\_\_\_\_\_  
DATE: \_\_\_\_\_

REVISIONS:  
XX/XX/XXXX

SHEET:  
15/28

SCALE:  
AS SHOWN

DATE:  
3/26/2021

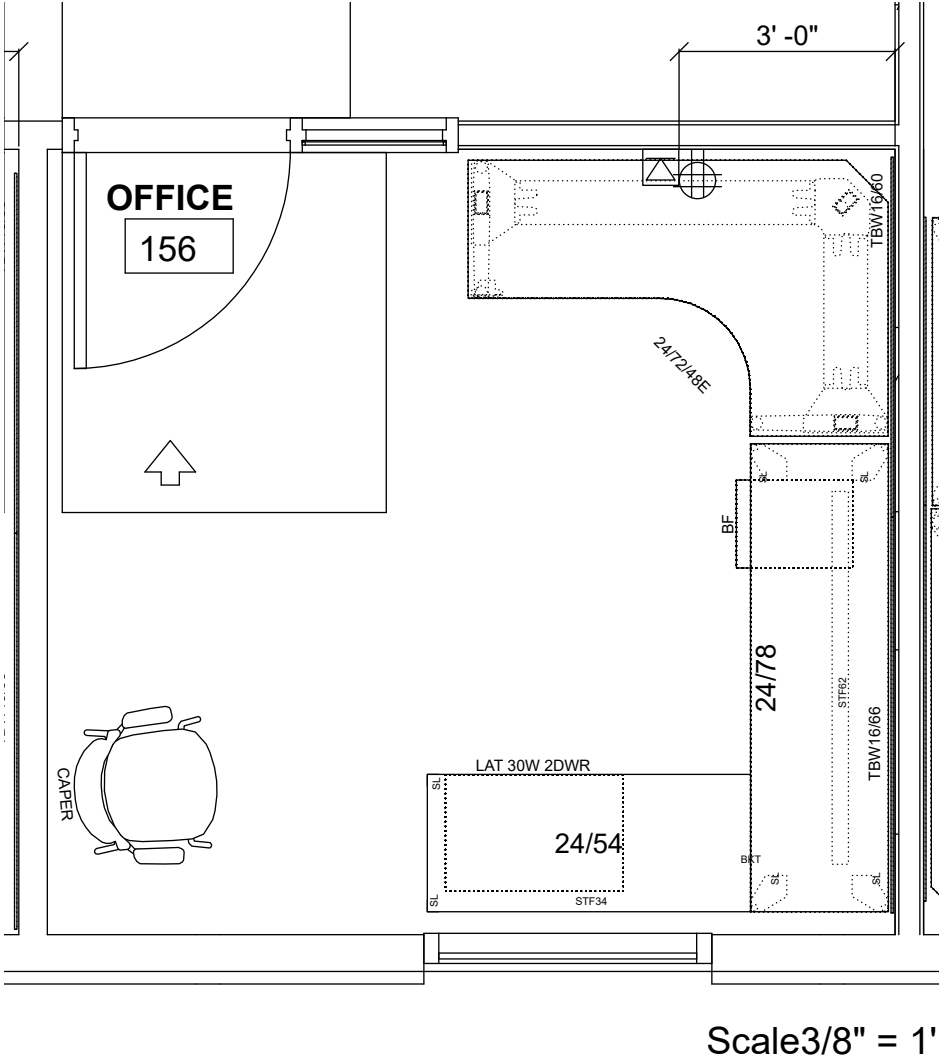
Item 7c.



pacificwro

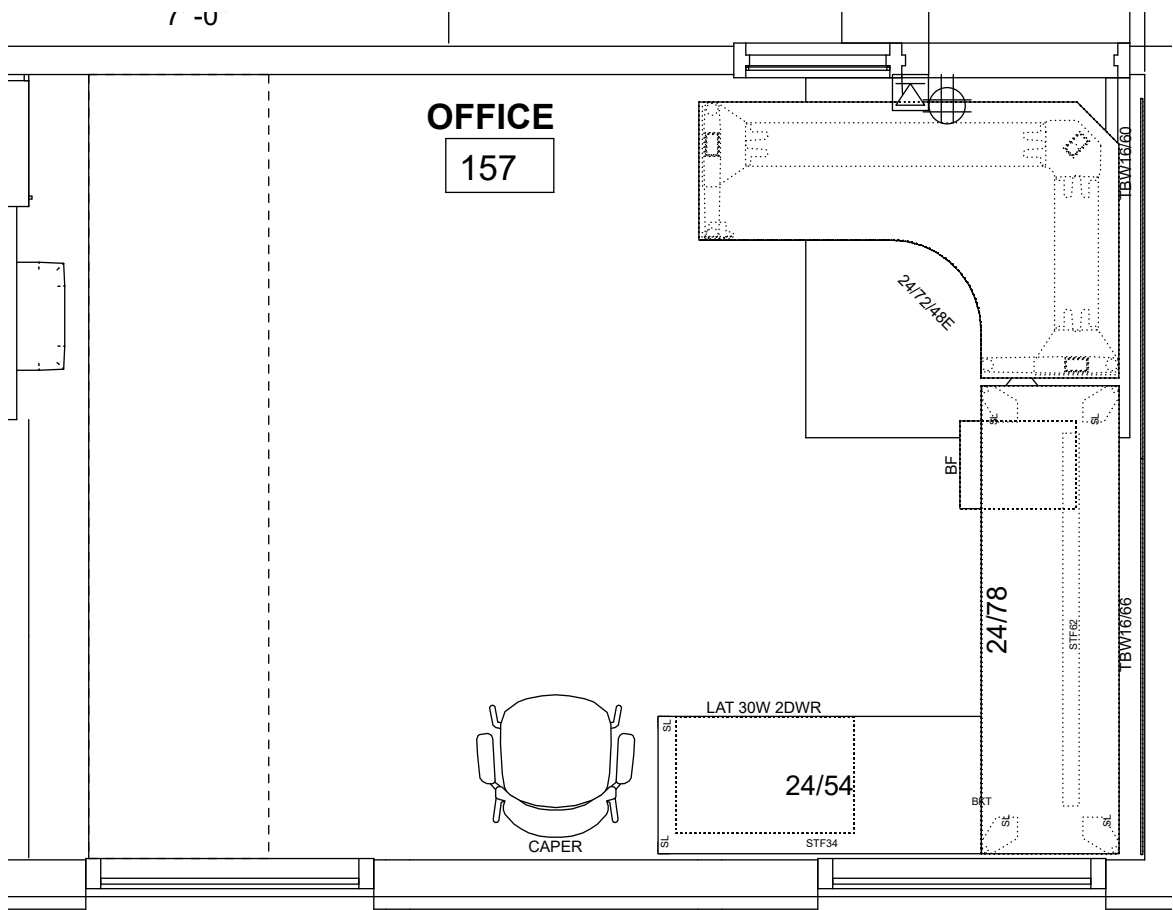
This drawing including the specifications, concepts, designs and arrangements represented here by or on behalf of Pacific WRO, is the property of Pacific WRO and shall remain the property of Pacific WRO. It is to be used only for the specific project for which it was prepared. Without the prior written authorization of Pacific WRO, these documents shall not be copied, reproduced, or used in conjunction with any work or other than the specific project for which it was prepared.



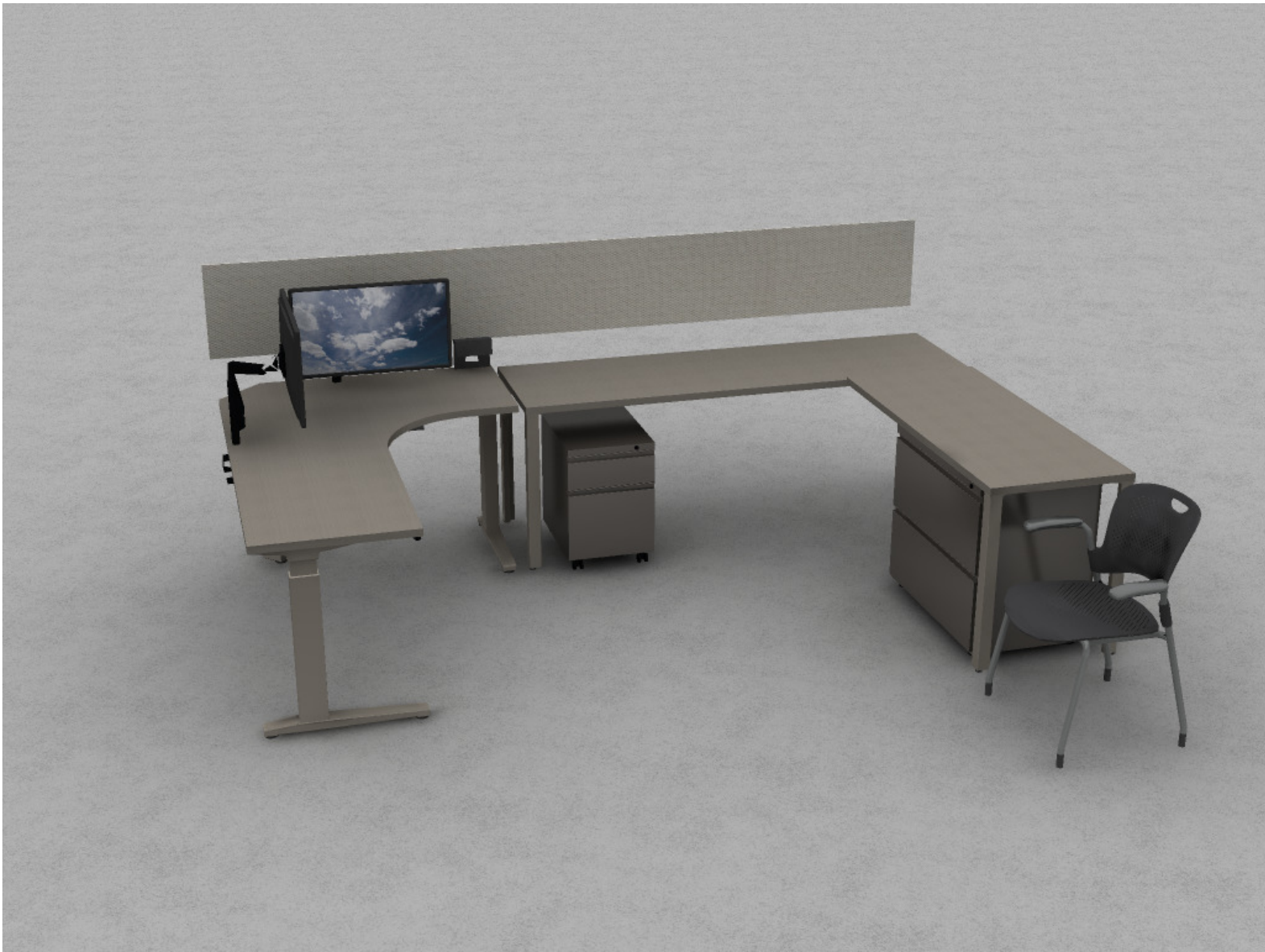


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- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- WALL SHELF: GREY
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE SHELL; SILVER GREY ARMS; GLIDE



Scale 3/8" = 1'

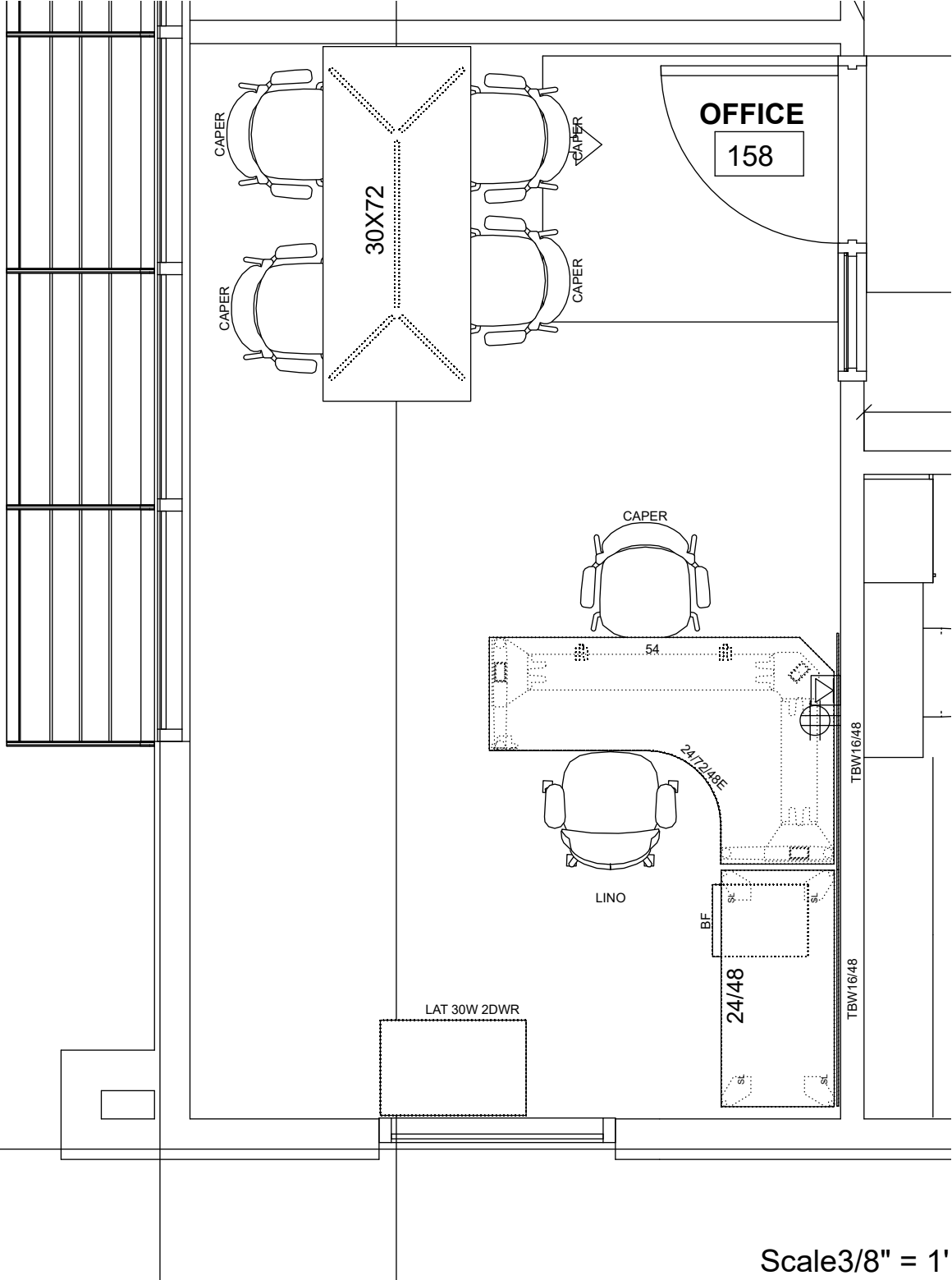


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- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- 2 MONITOR ARMS: BLACK
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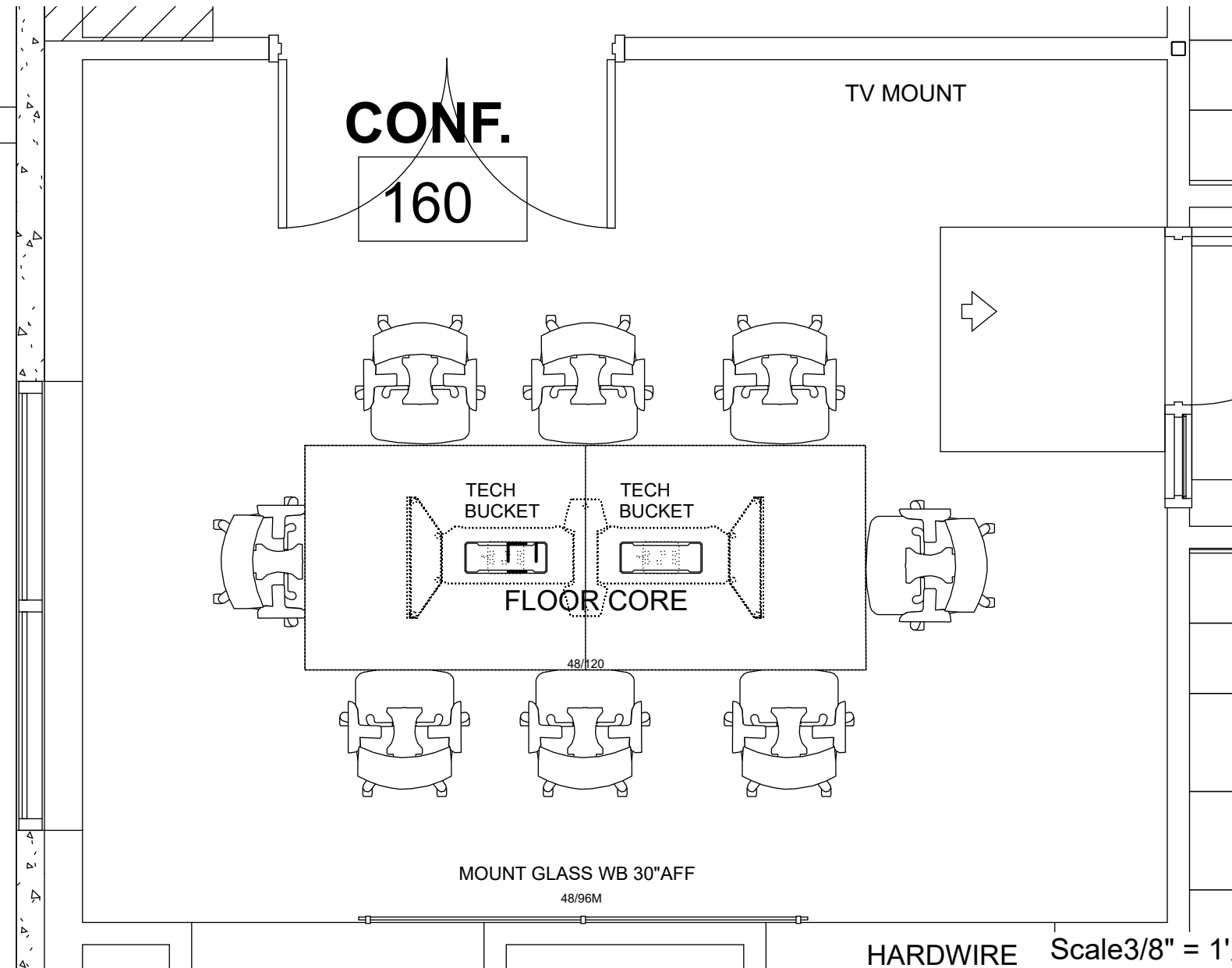
NO WALL SHELF





FINISHES:

- SURFACES: SARUM TWILL TOP AND EDGE
- MODESTY PANEL: SARUM TWILL
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- WALL SHELF: GREY
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- CAPER: MET. SILVER FRAME; GRAPHITE SHELL; SILVER GREY ARMS; GLIDE



FINISHES:

- SURFACES: OAK ON ASH LAMINATE TOP, EDGE, EXTERIOR FACING LEG PANEL
- PAINTED INTERIOR LEG FINISH: WARM GREY NEUTRAL
- ELECTRICAL COMPONENTS: GRAPHITE; 4SIMPLEX + 4USB PER TECH BUCKET
- GLASS WHITEBOARD
- OFS REPOSE CONF CHAIR: MAHARAM LARIAT COLOR ZINC; POLISHED ALU FRAME/BASE FINISH



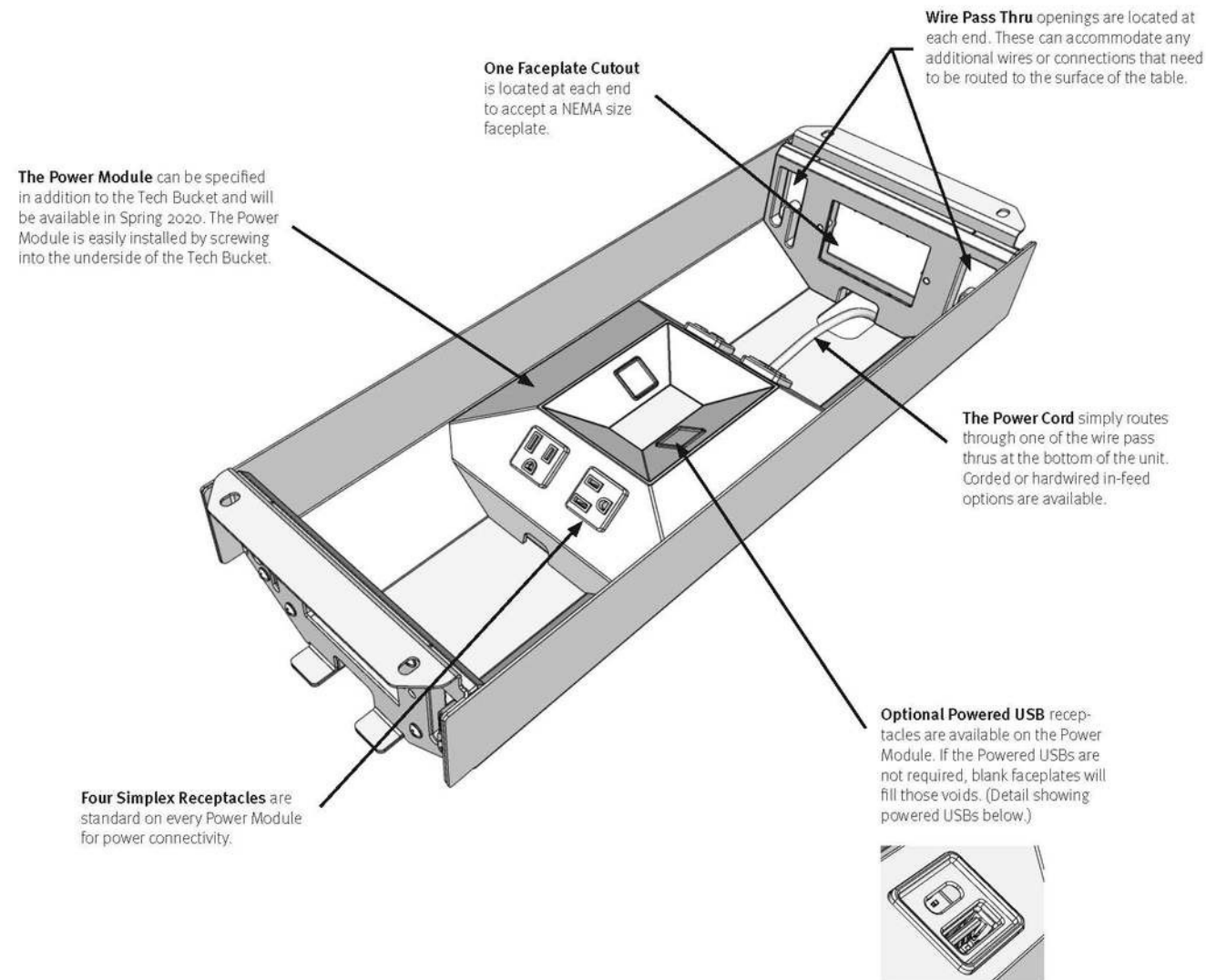


## Product Information and Planning

## Technology Planning

### Determining the Appropriate Power/Data Solution

## ANATOMY OF THE TECH BUCKET



## Product Information and Planning

## Technology and Accessories

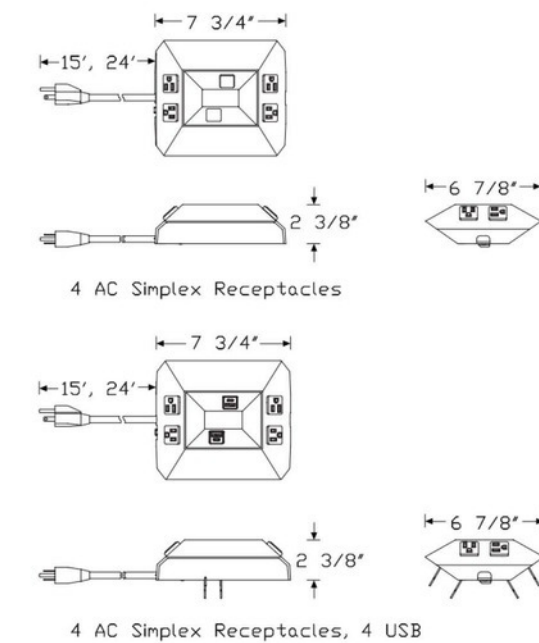
Power Module, Headway Technology Bucket (DP6B.)

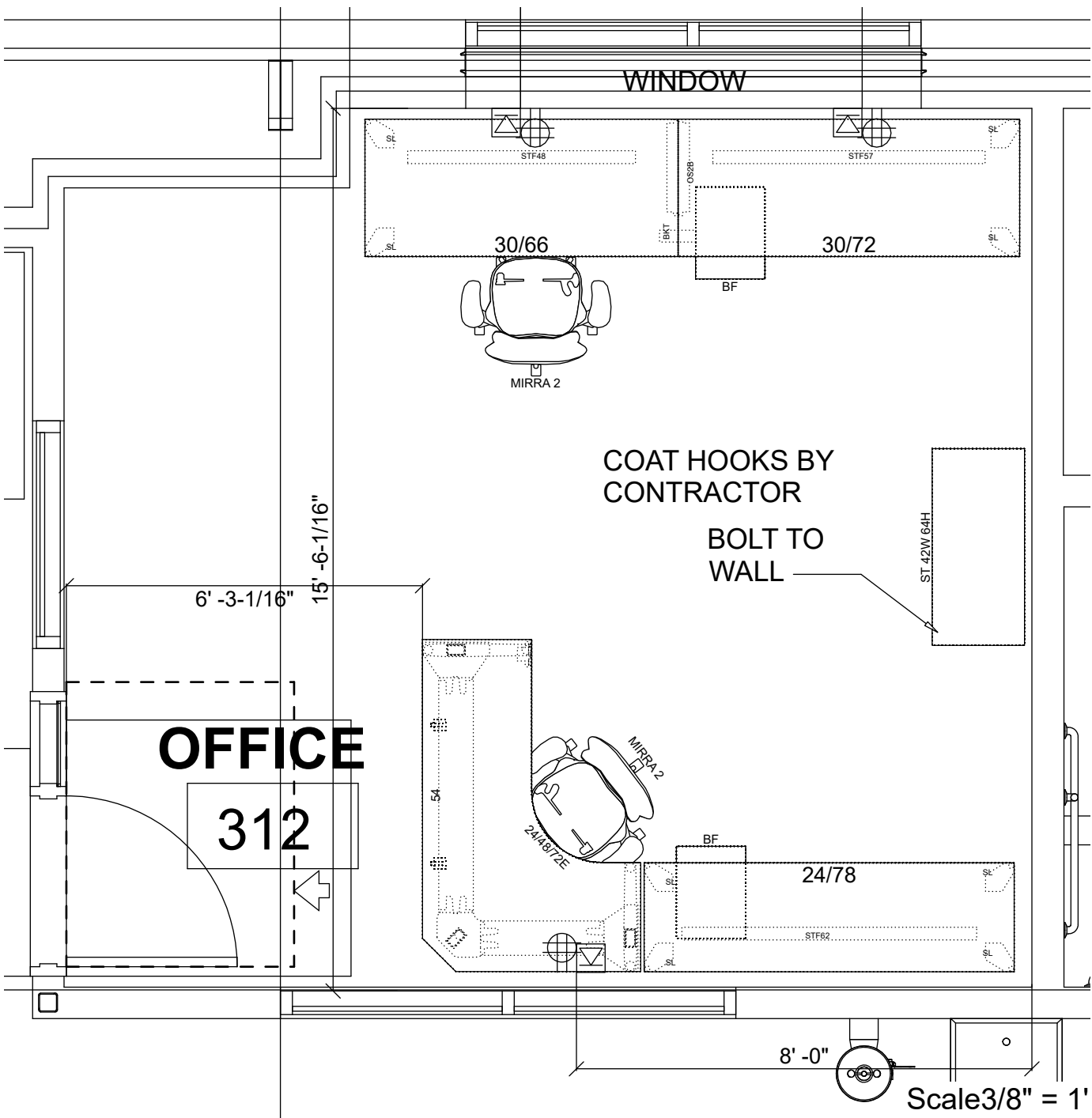


## PRODUCT INFORMATION

1. This power module mounts inside of the tech bucket. It comes with 4 AC simplex receptacles and has the option of 4 USB (2 Type-A, 2 Type-C).
2. The module is powered using a standard power cord with plug end available in 15' or 24' lengths.
3. Power module finish is black.
4. Product is UL Listed.
5. Attachment hardware is included.
6. The Tech Bucket (DP5B.) is ordered separately.

### VIEWS AND DIMENSIONS



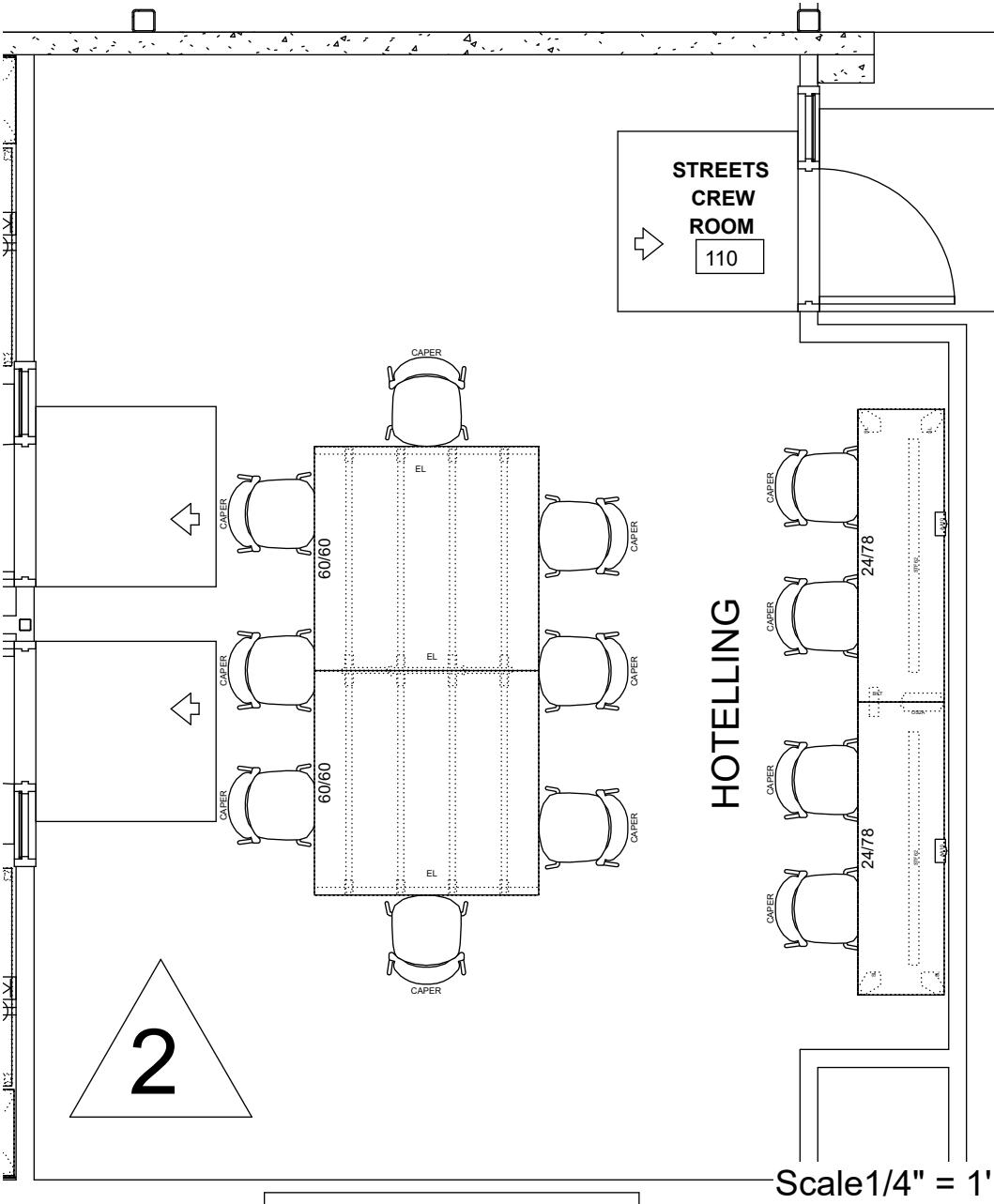


FINISHES:

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- MODESTY PANEL: SARUM TWILL
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- 2 MONITOR ARMS: BLACK
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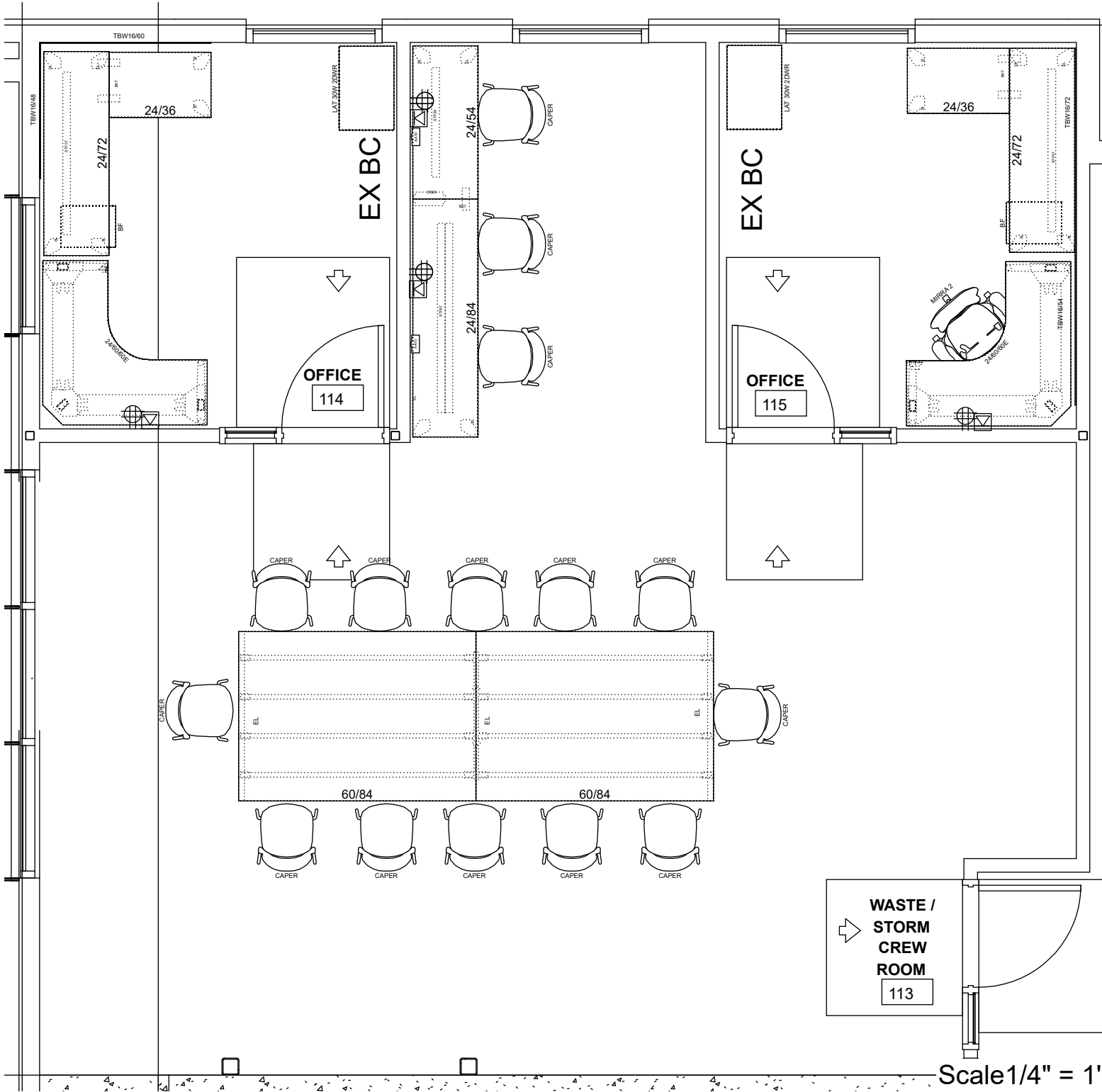
NO TACKABLE SURFACE OR WALL SHELF





FINISHES:

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- PAINTED LEGS/BRACKETS: METALLIC SILVER
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- GLASS WHITEBOARD
- CAPER: METALLIC SILVER FRAME; GRAPHITE SHELL; GLIDE

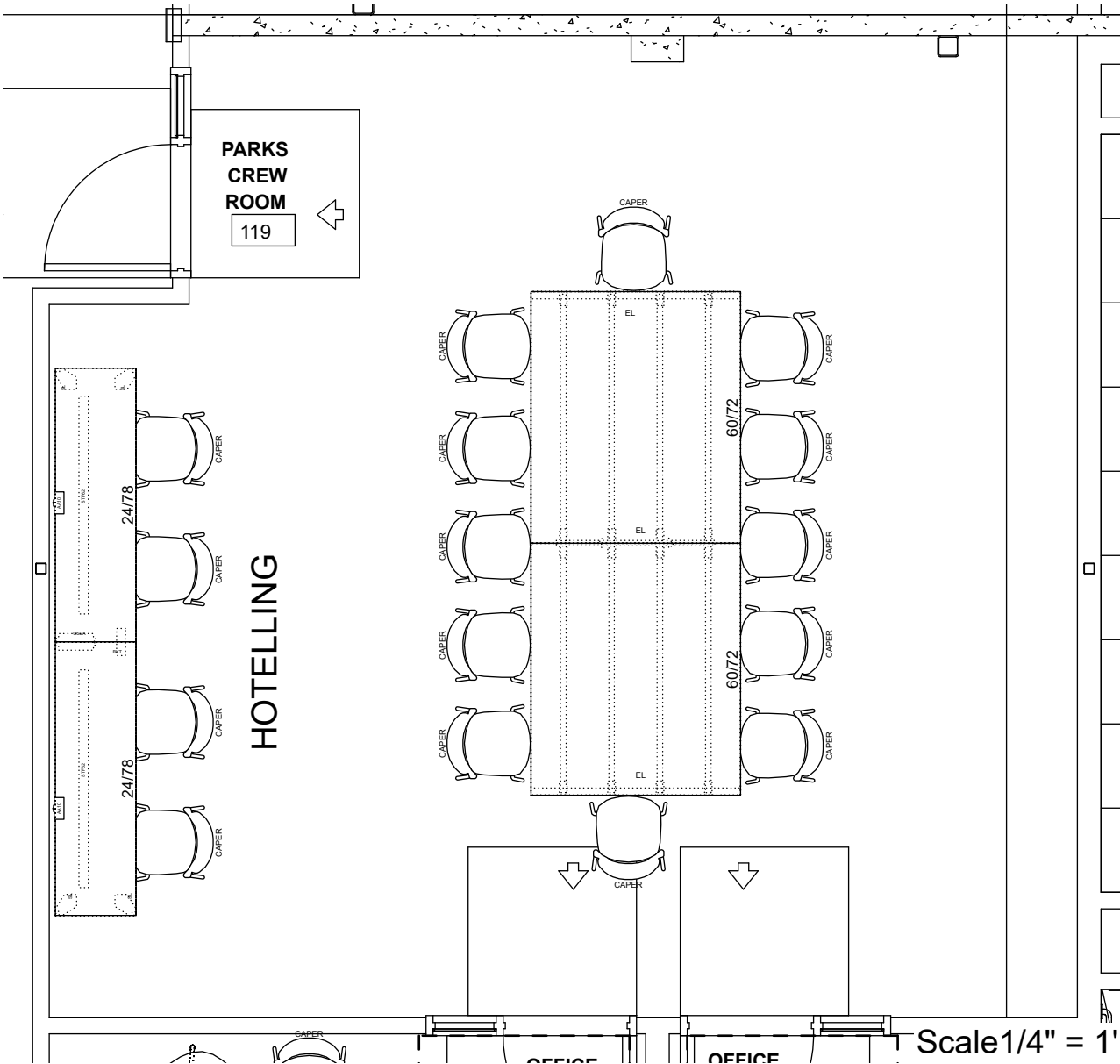


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FINISHES:

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- PAINTED LEGS/BRACKETS: METALLIC SILVER
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- GLASS WHITEBOARD
- CAPER: METALLIC SILVER FRAME; GRAPHITE SHELL; GLIDE

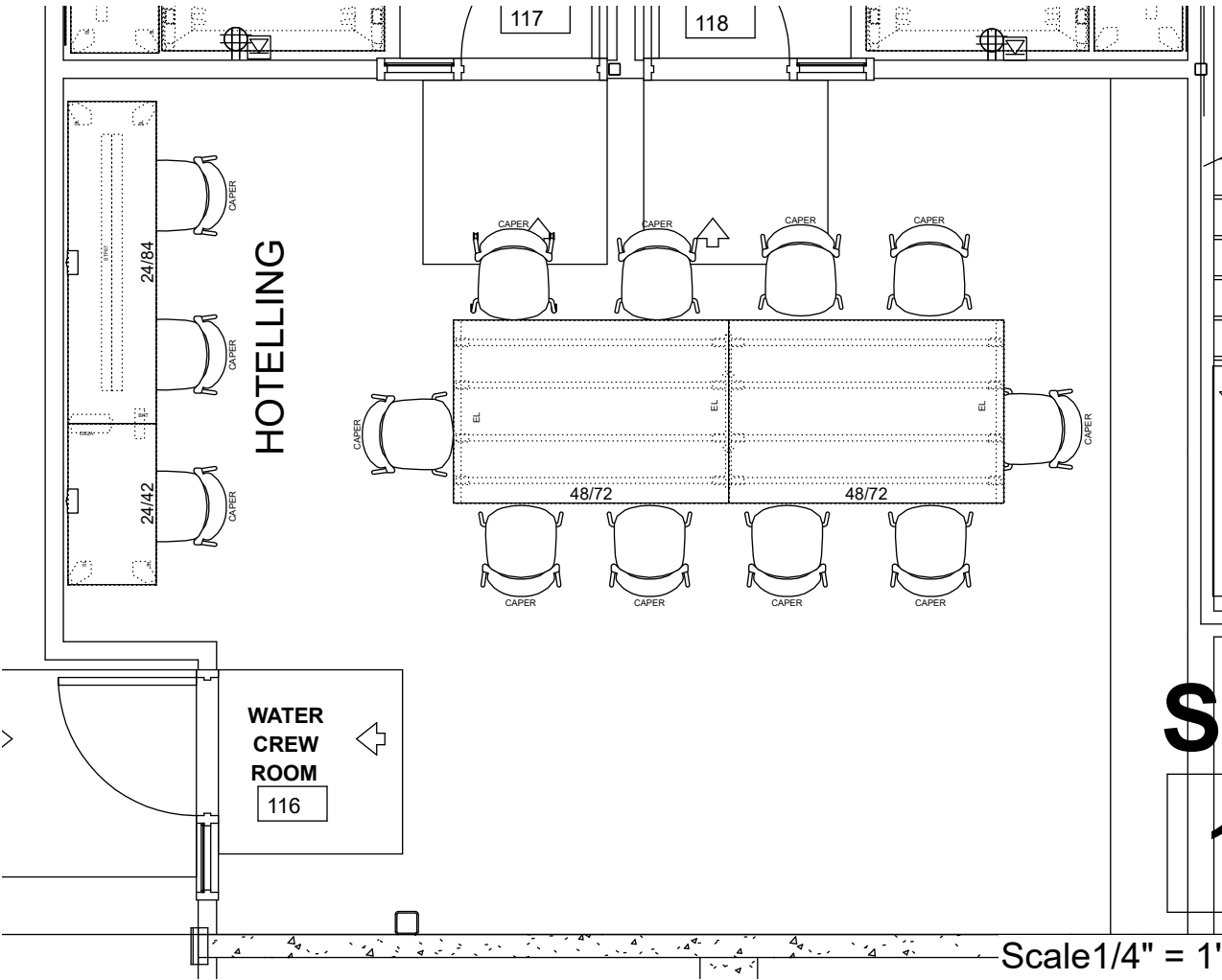




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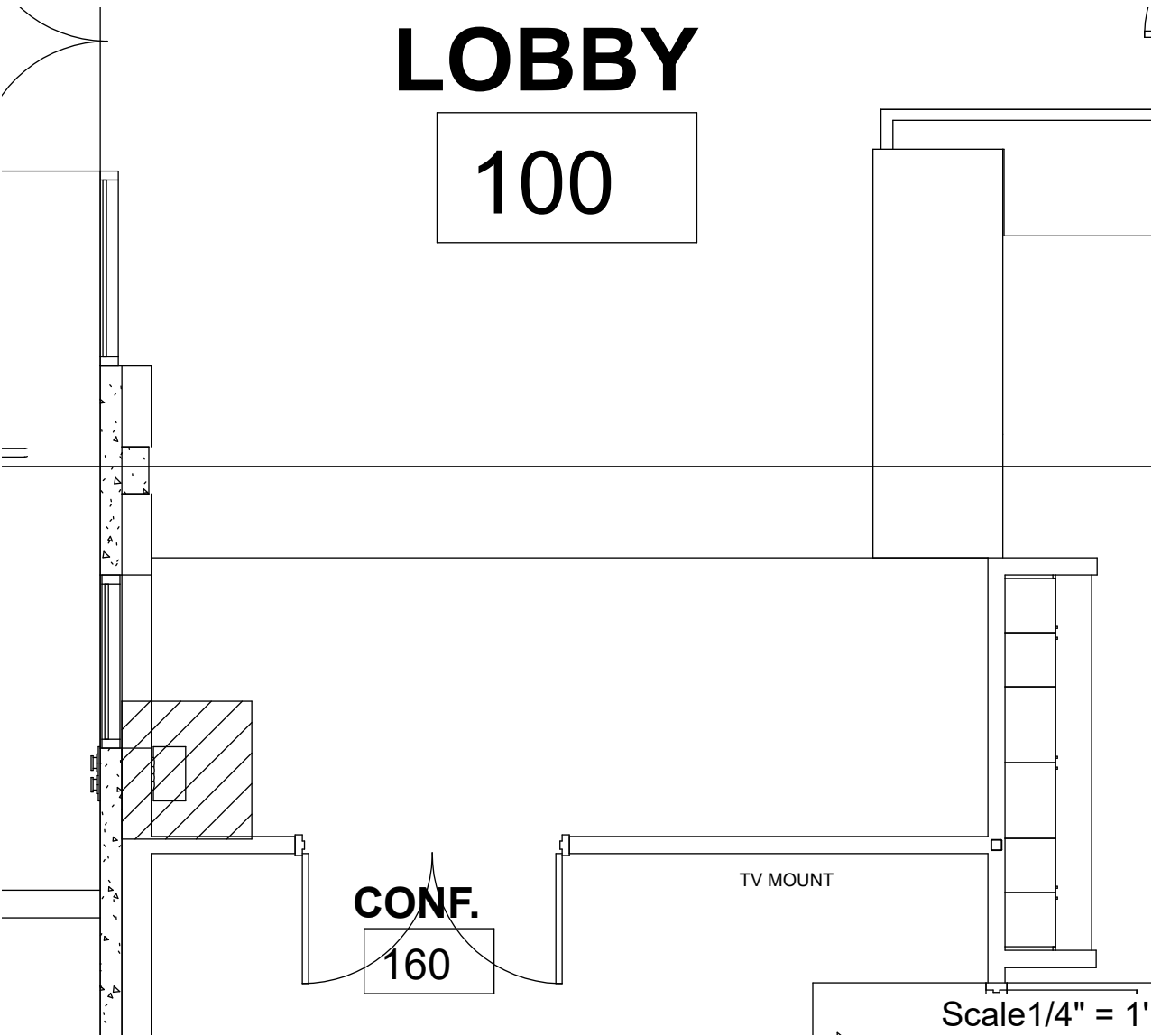
- SURFACES: OAK ON ASH LAMINATE TOP AND EDGE
- PAINTED LEGS/BRACKETS: METALLIC SILVER
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- GLASS WHITEBOARD
- CAPER: METALLIC SILVER FRAME; GRAPHITE SHELL; GLIDE





FINISHES:

- SURFACES: OAK ON ASH LAMINATE TOP AND EDGE
- PAINTED LEGS/BRACKETS: METALLIC SILVER
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- GLASS WHITEBOARD
- CAPER: METALLIC SILVER FRAME; GRAPHITE SHELL; GLIDE



FINISHES:

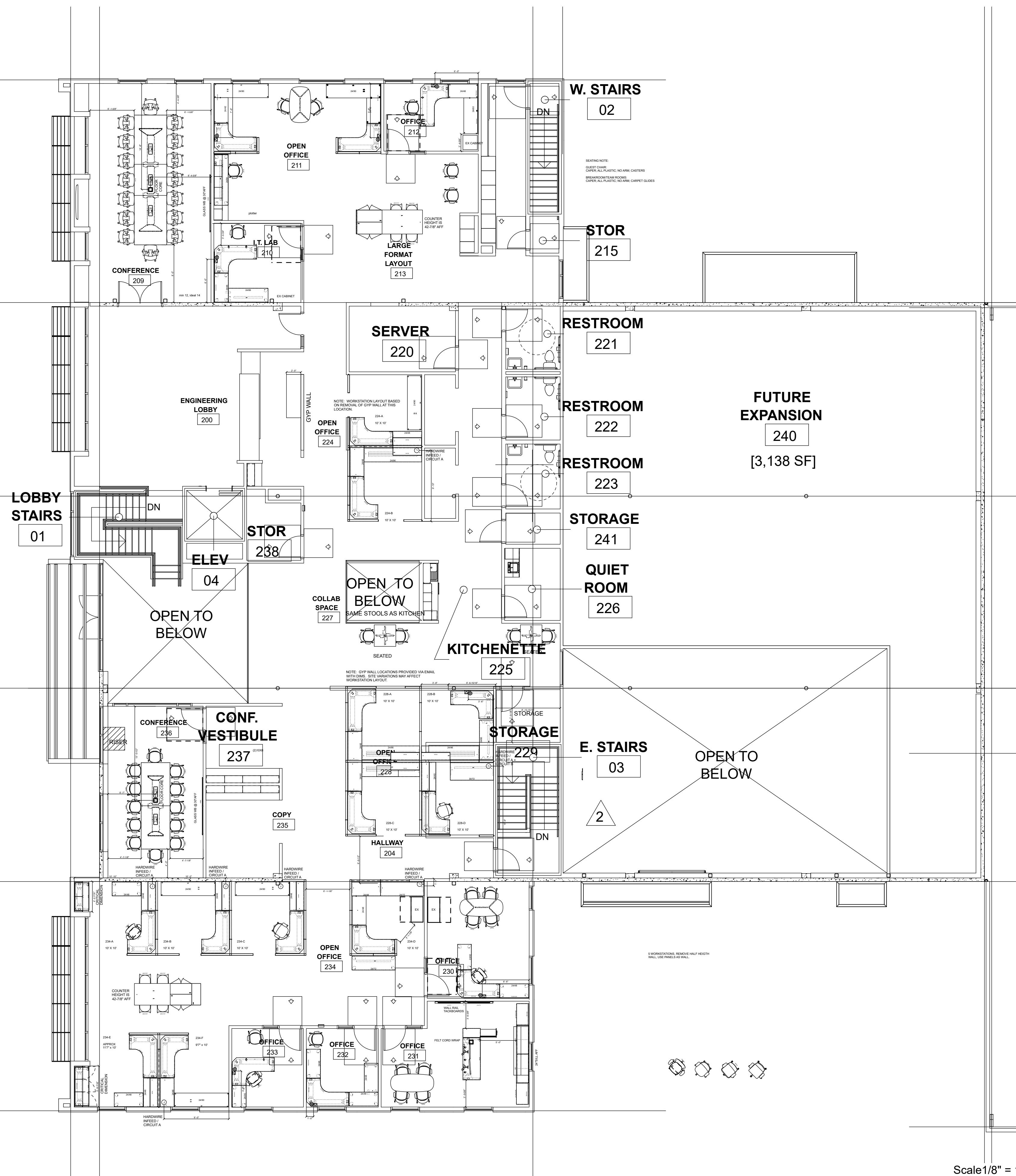
- LOUNGE CHAIR FABRIC: ANZEA UDDERLY PERFECTED 7238-06 IN CLAY COOL
- SIDE TABLE TOP: BLACK ASH WOOD
- CHAIR / TABLE LEGS: METALLIC SILVER











Scale  $1/8" = 1'$

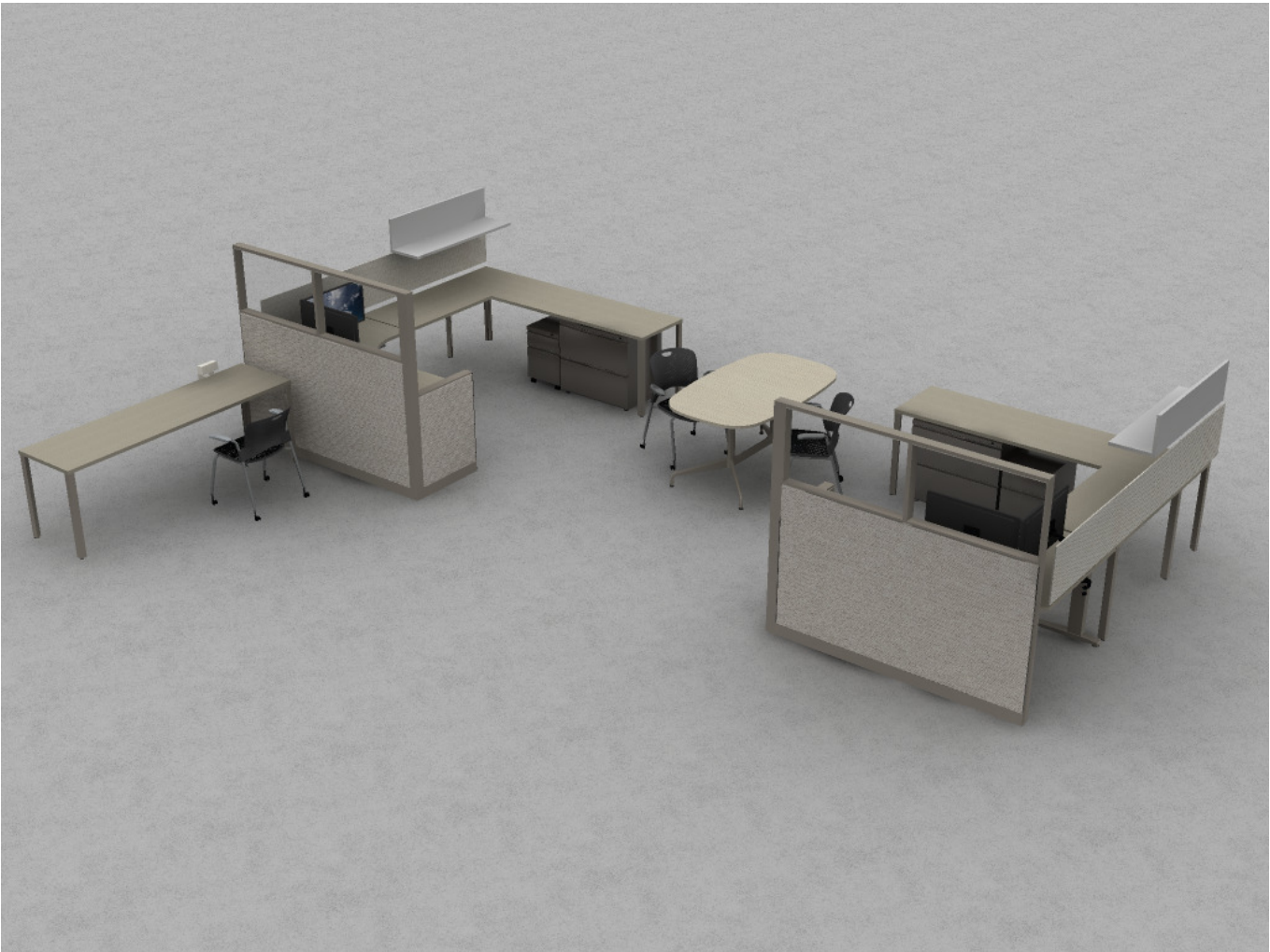
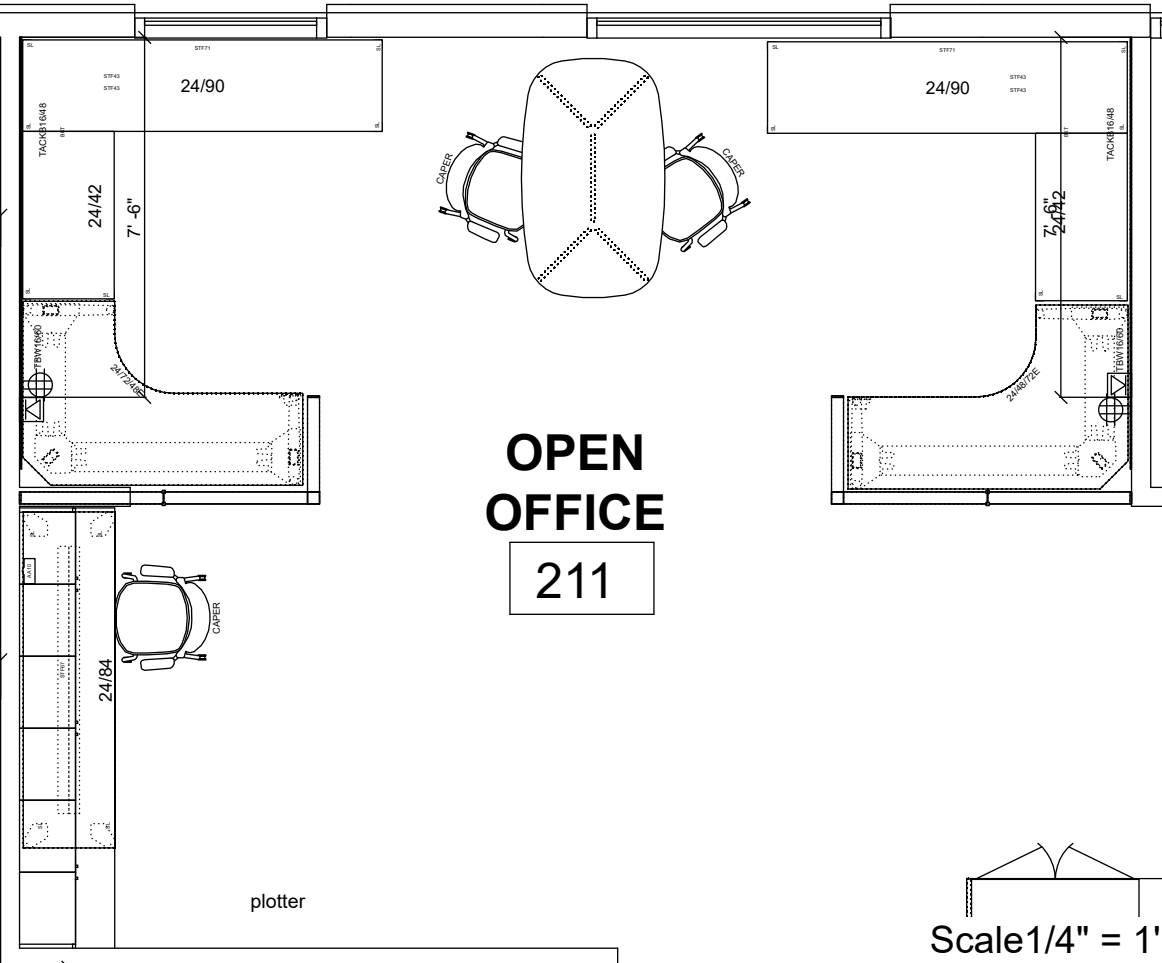
## LEGEND

- POWER INFEEED AND DATA LOCATION @ WALL
- FLOOR CORE
- (4) SIMPLEX AND DATA LOCATION @ WALL

NOTES:

1. EACH WORKSTATION WILL RECEIVE 3 DUPLEXES; CIRCUITS ARE LABELED BASED ON THIS QUANTITY.
2. POWER LOCATIONS AT PRIVATE OFFICES ARE NOTED AS (4) SIMPLEX; SEA TO CONFIRM QUANTITY.
3. POWER / DATA LOCATIONS NOTED AT PRIVATE OFFICES ONLY SHOW PREFERRED LOCATION TO SUPPORT PRIMARY HEIGHT ADJ WORKSURFACE. ADDITIONAL POWER AND DATA LOCATIONS WILL BE REQUIRED AND PROVIDED BY SEA.
4. SEA TO CONFIRM TYPE OF FLOOR CORE POWER SUPPLIED - DUPLEXES OR CONDUIT INFED.



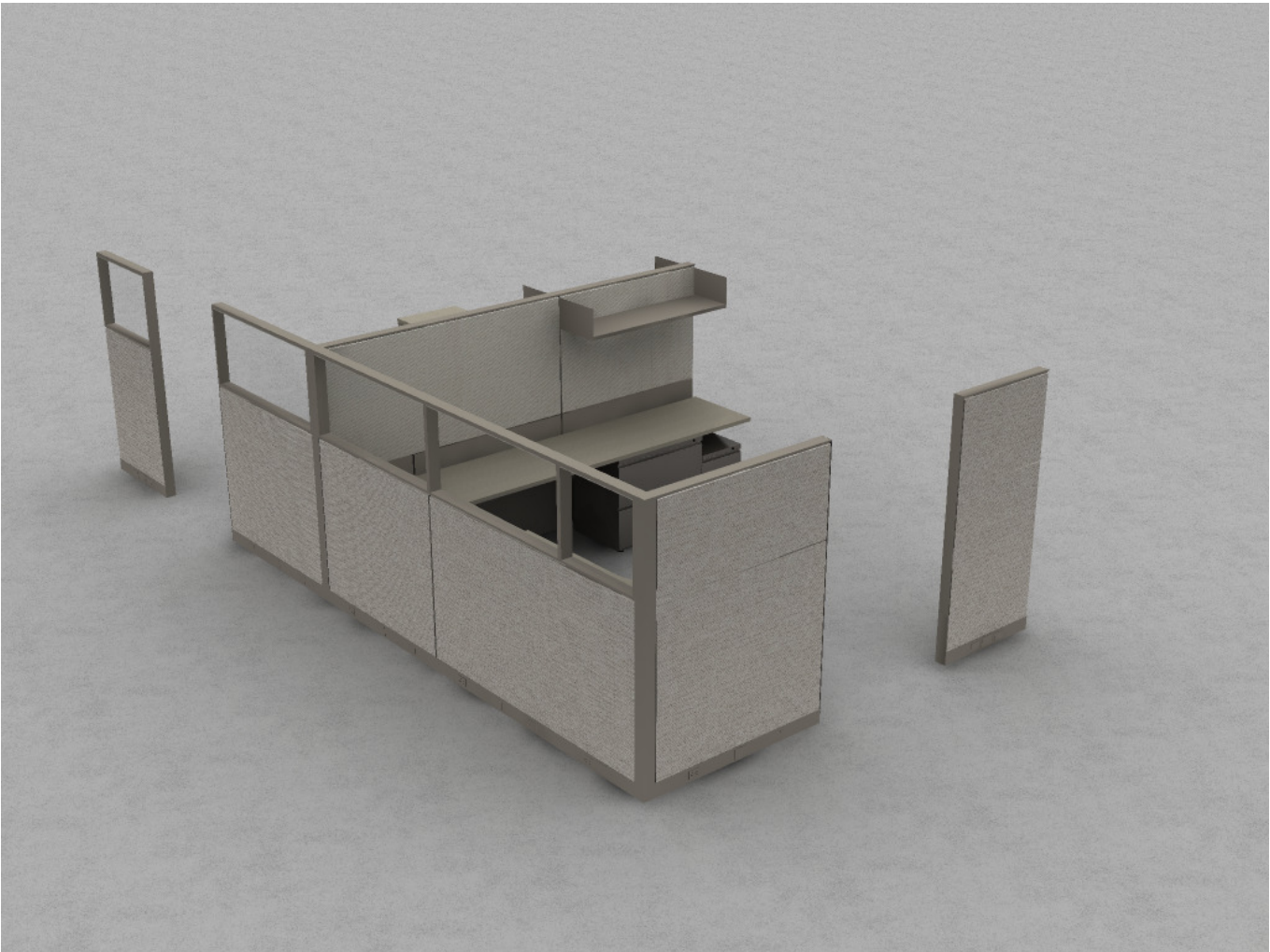
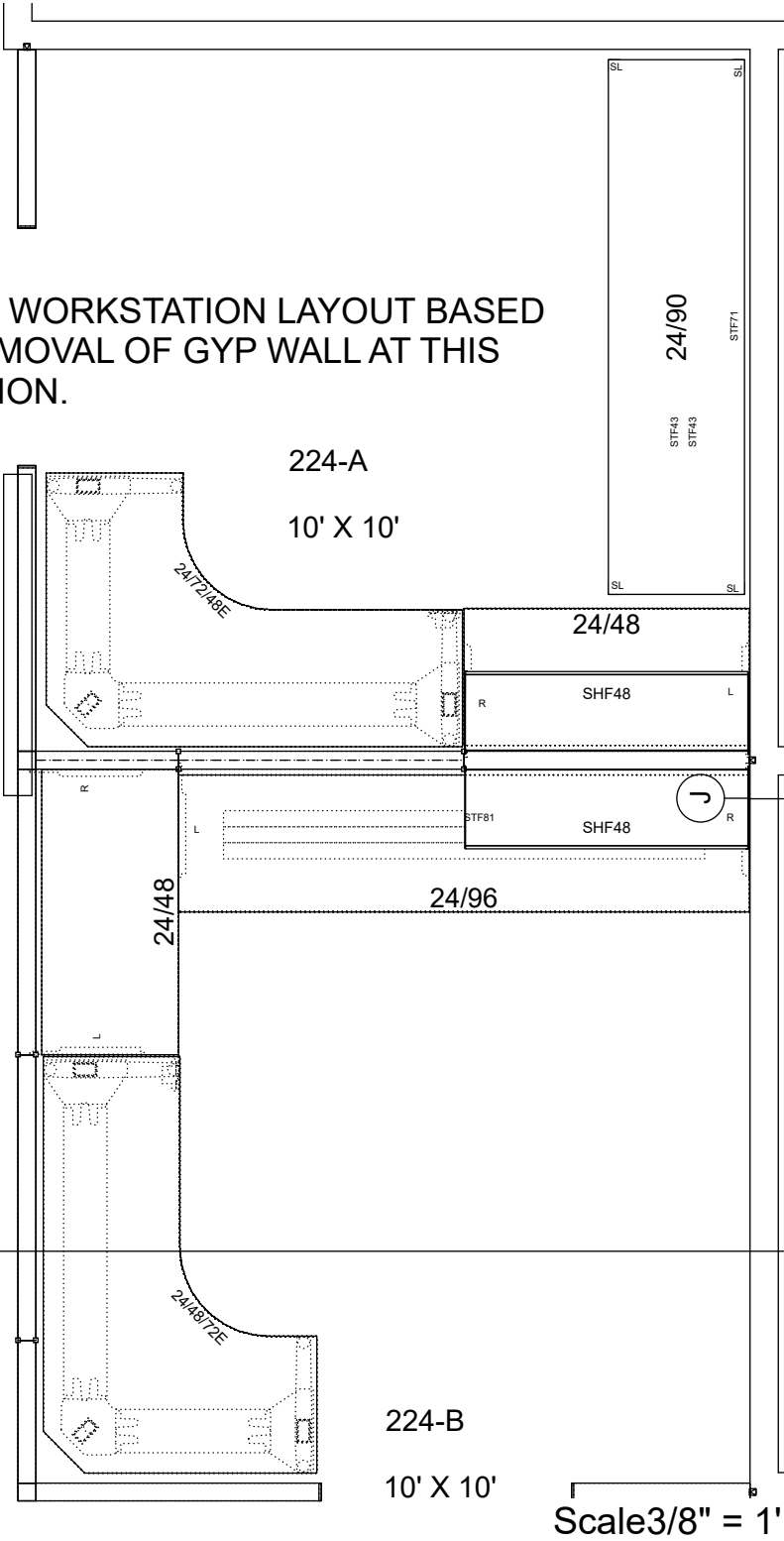


FINISHES:

- EXTERIOR PANEL TILE: FABRIC; DEX COLOR STONE
- INTERIOR PANEL TILE UPPER: FABRIC; HORIZON COLOR SPRING WOOD
- INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
- PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
- GLASS: CLEAR
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- MONITOR ARM: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): WHITE 91
- STORAGE: METALLIC BRONZE
- WALL SHELF: GREY
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS

OPEN  
OFFICE  
224

NOTE: WORKSTATION LAYOUT BASED ON REMOVAL OF GYP WALL AT THIS LOCATION.

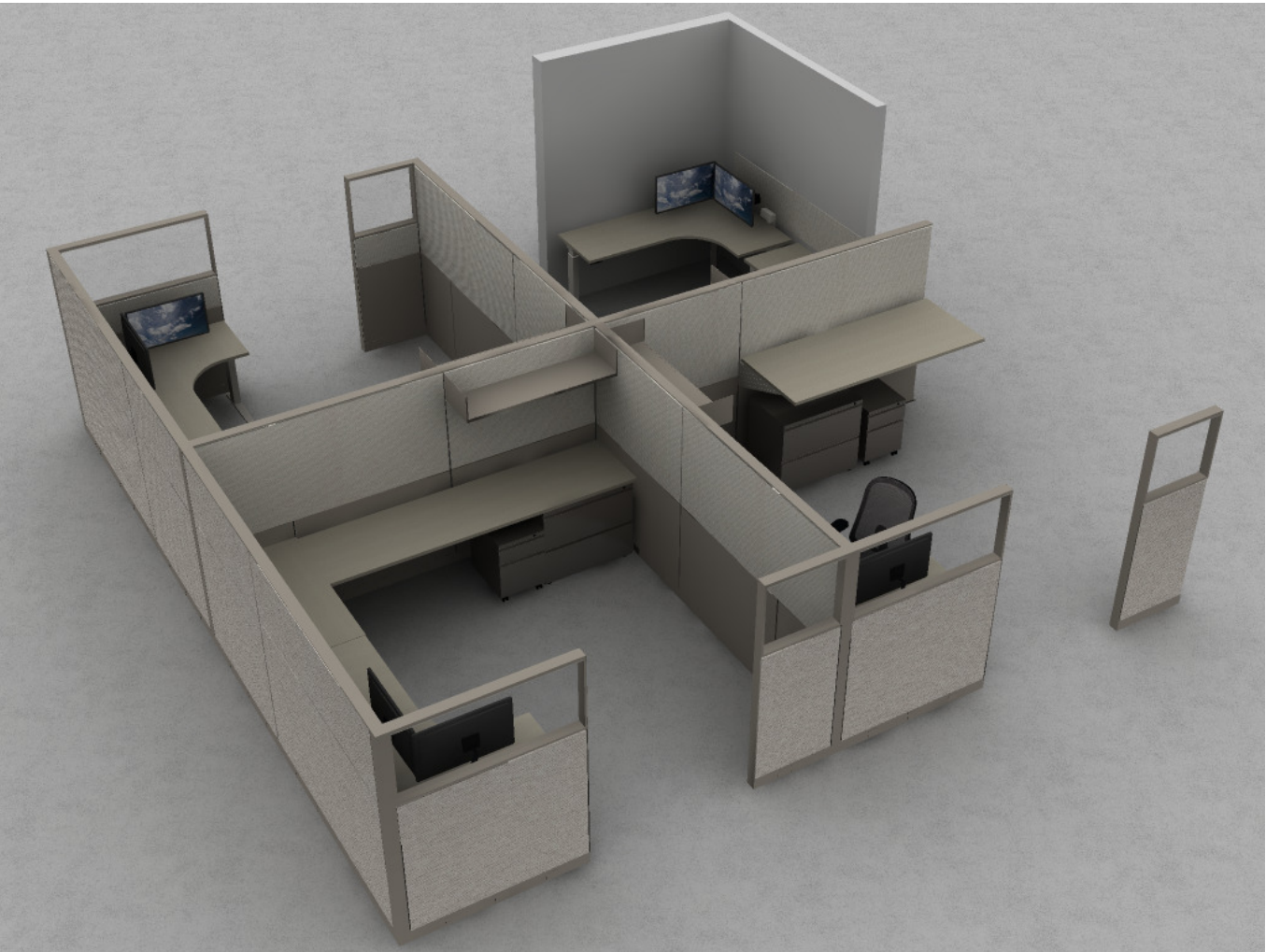
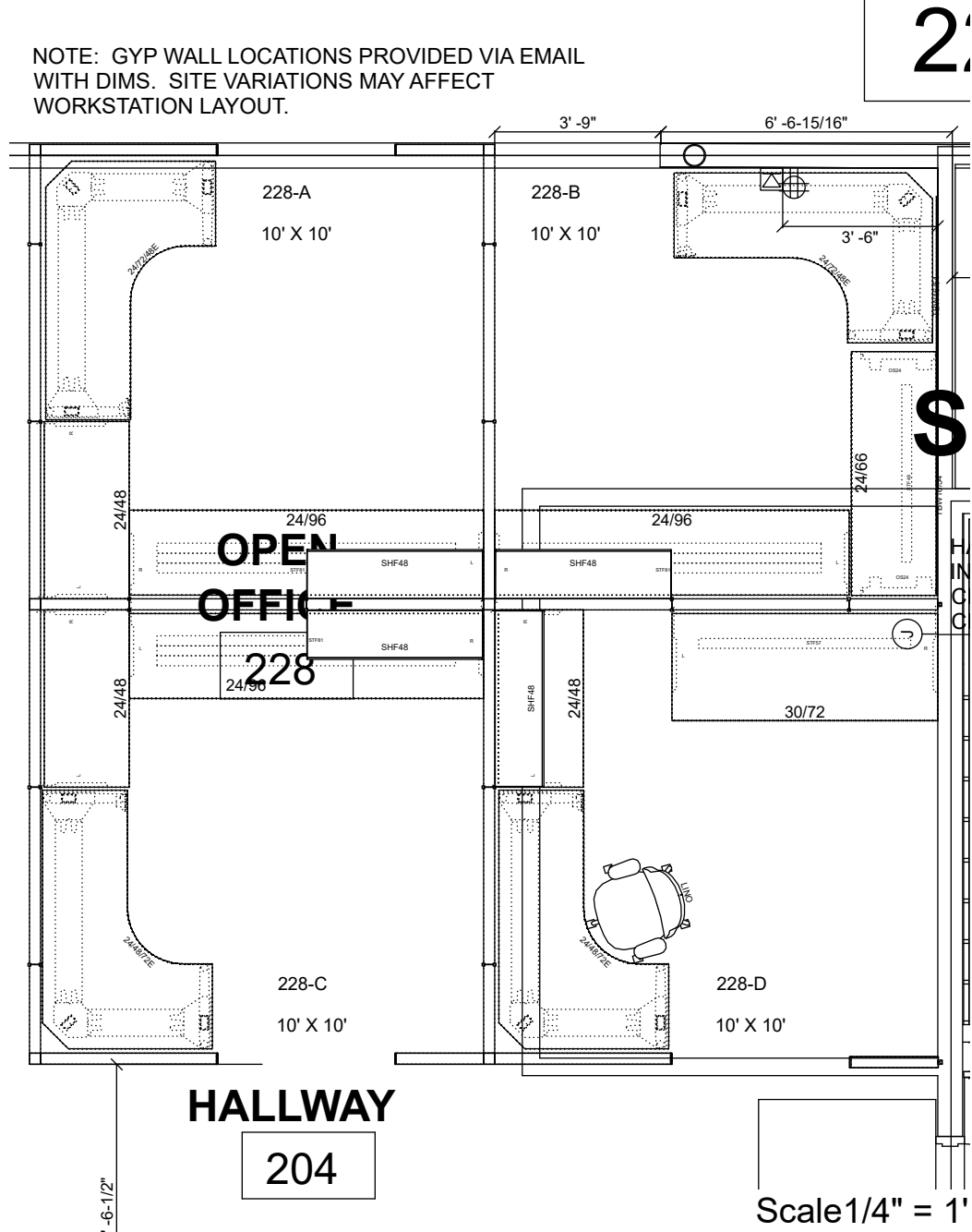


FINISHES:

- EXTERIOR PANEL TILE: FABRIC; DEX COLOR STONE
- INTERIOR PANEL TILE UPPER: FABRIC; HORIZON COLOR SPRING WOOD
- INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
- PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
- PANEL SHELF: WARM GREY NEUTRAL
- GLASS: CLEAR
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- MONITOR ARM: BLACK
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN

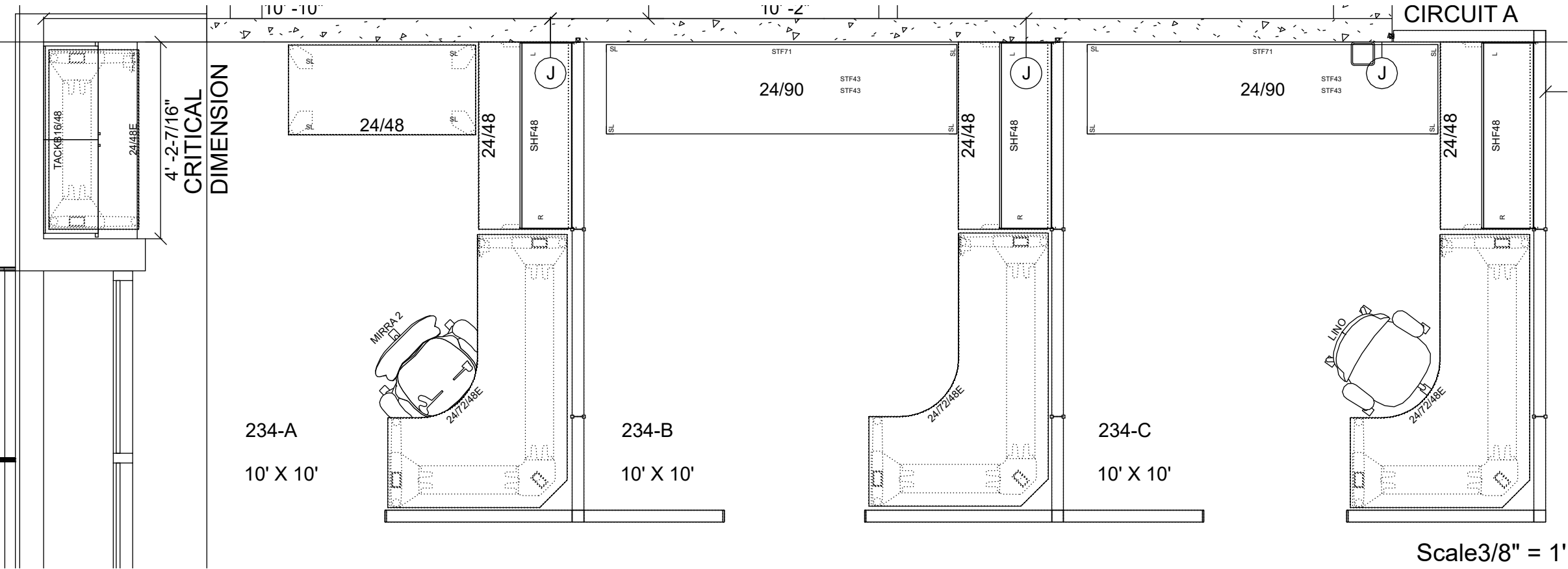
NO MONITOR ARMS OR SURFACE POWER





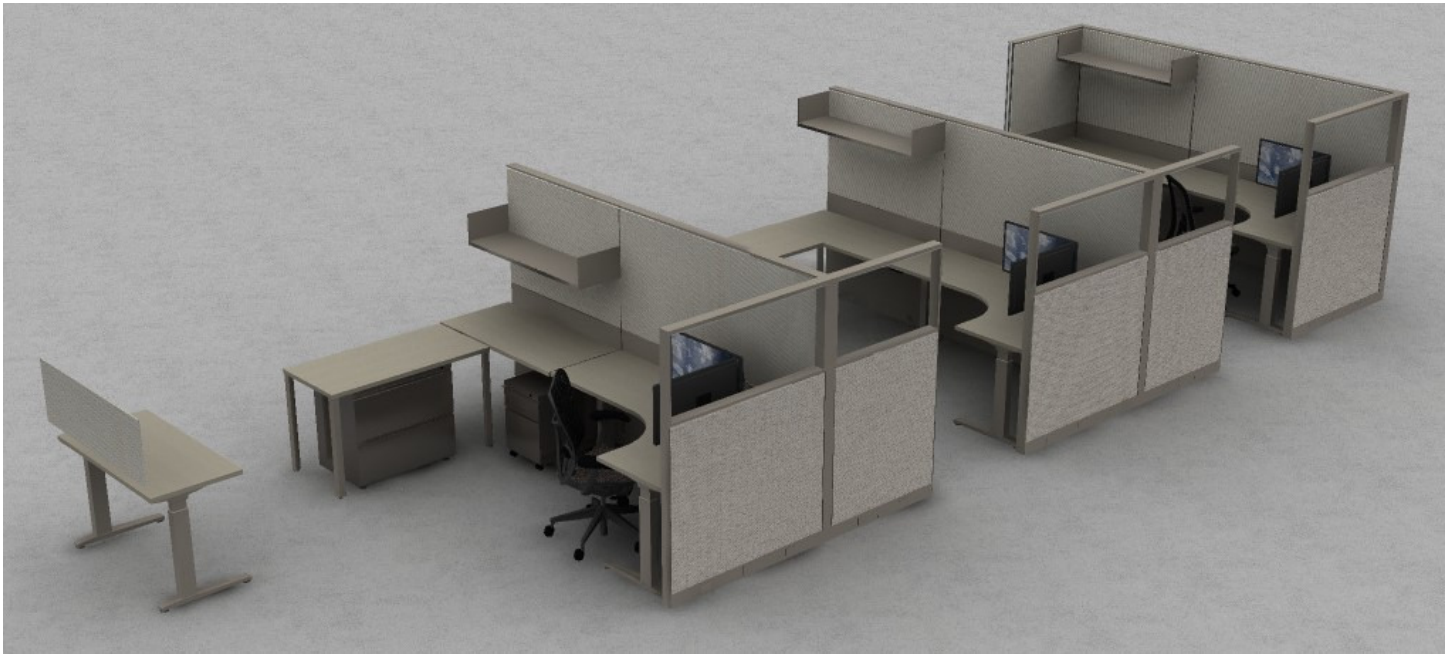
FINISHES:

- EXTERIOR PANEL TILE: FABRIC; DEX COLOR STONE
  - INTERIOR PANEL TILE UPPER: FABRIC; HORIZON COLOR SPRING WOOD
  - INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
  - PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
  - PANEL SHELF: WARM GREY NEUTRAL
  - GLASS: CLEAR
- 
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
  - PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
  - MONITOR ARM: BLACK
  - SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): WHITE 91
  - STORAGE: METALLIC BRONZE
  - WALL TACKBOARD: HORIZON COLOR SPRING WOOD
  - NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
  - TASK CHAIR: IF REQUESTED; NOTED ON PLAN

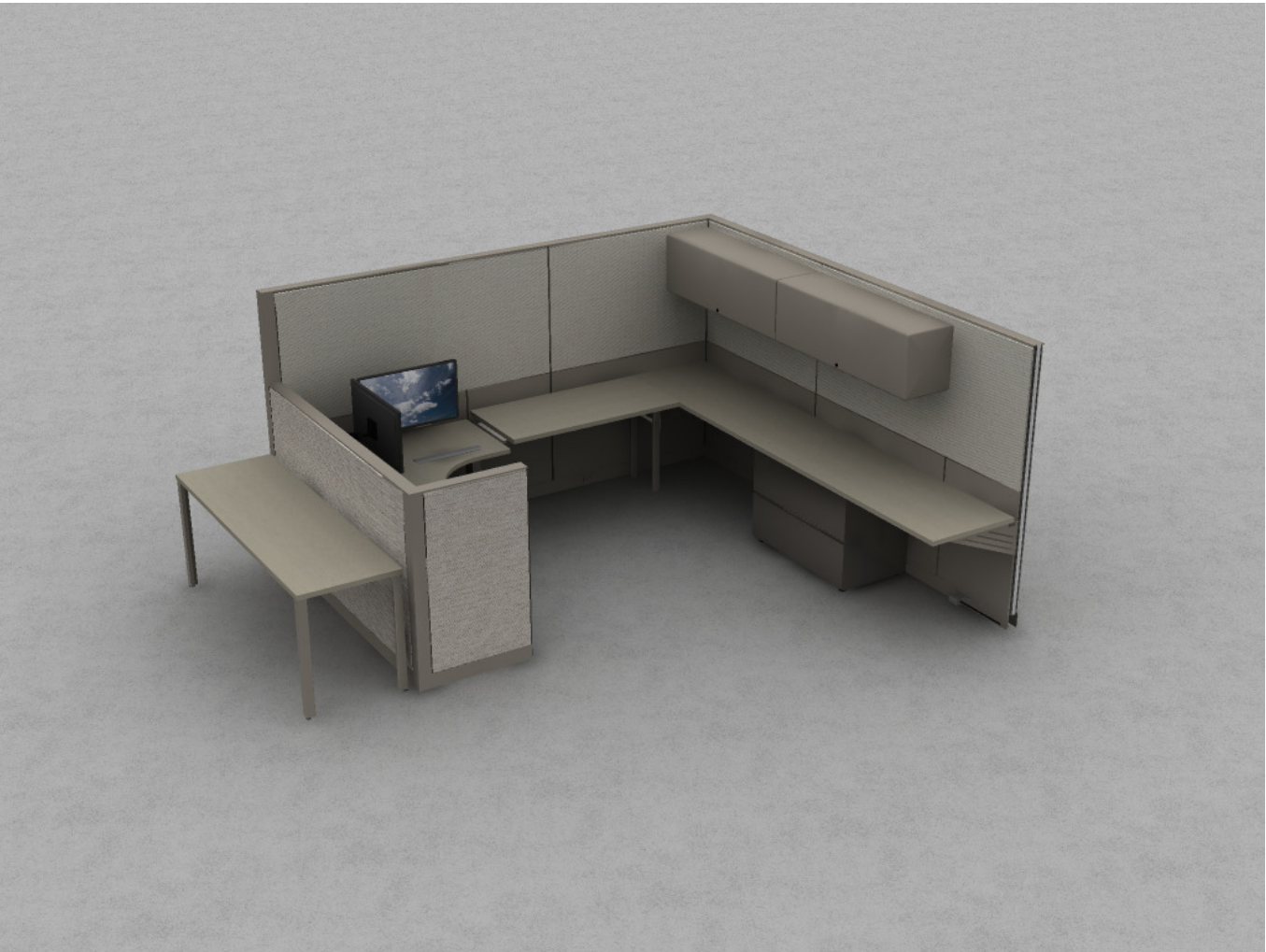
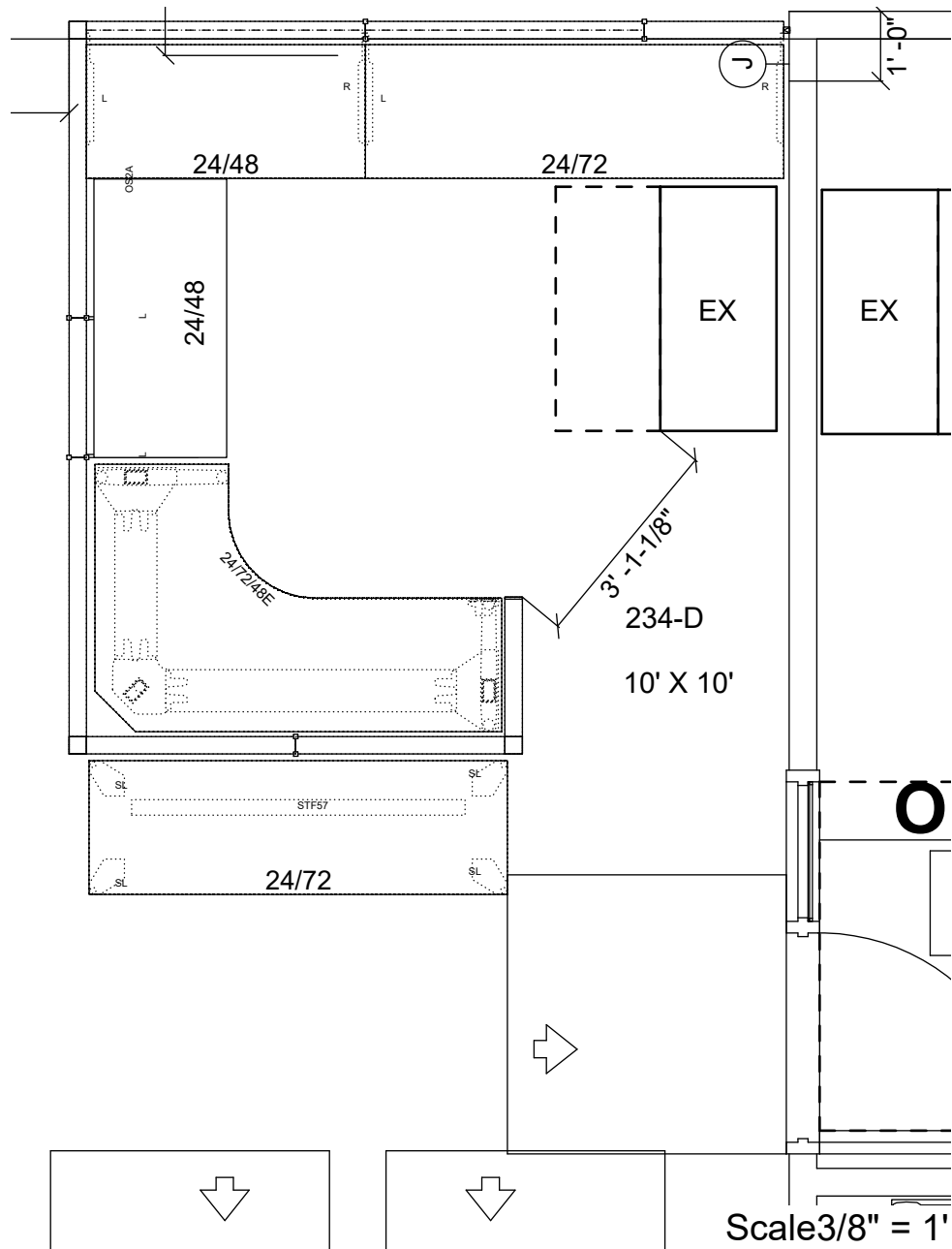


FINISHES:

- EXTERIOR PANEL TILE: FABRIC; DEX COLOR STONE
- INTERIOR PANEL TILE UPPER: FABRIC; HORIZON COLOR SPRING WOOD
- INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
- PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
- PANEL SHELF: WARM GREY NEUTRAL
- GLASS: CLEAR
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- MONITOR ARM: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): WHITE 91
- STORAGE: METALLIC BRONZE
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN



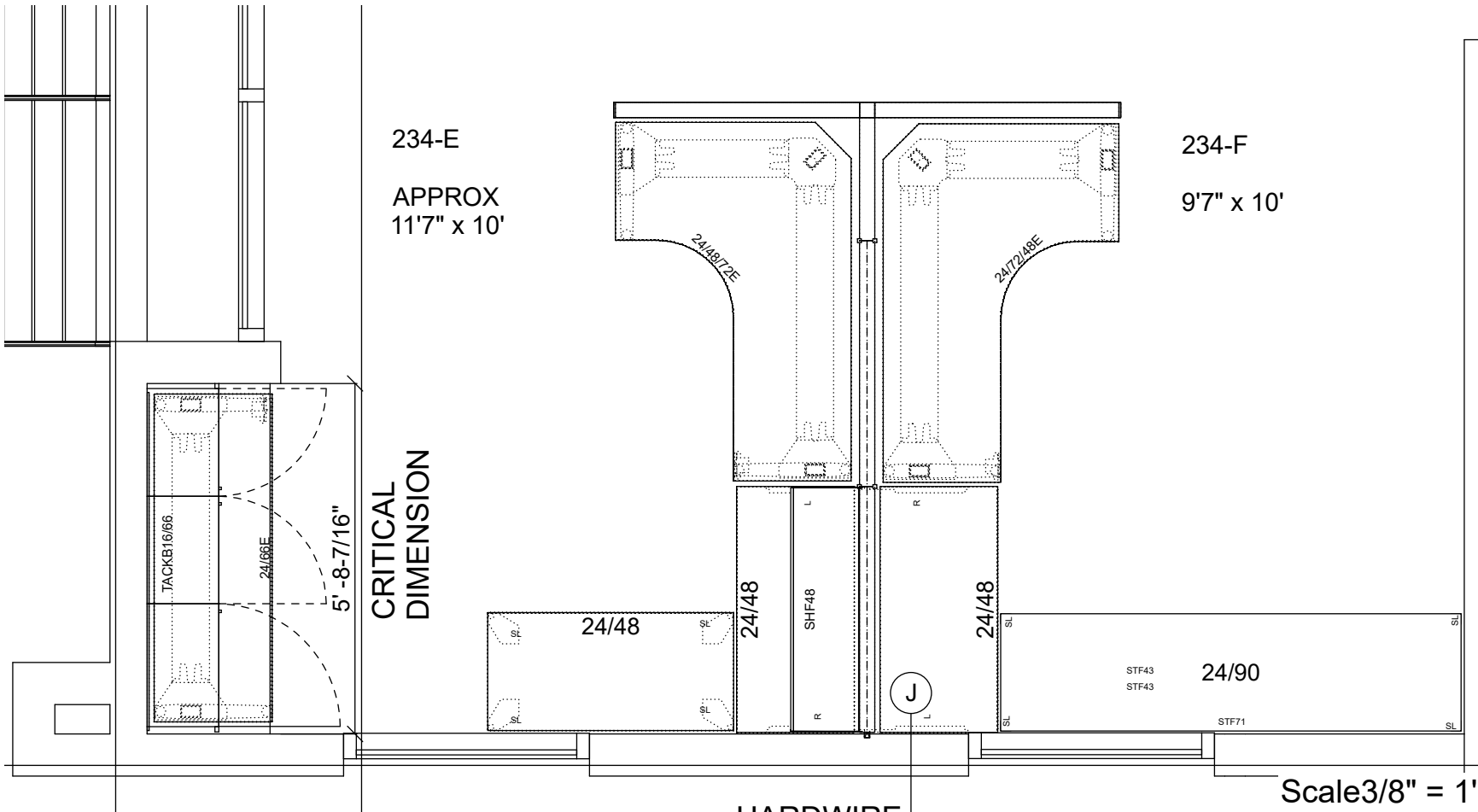




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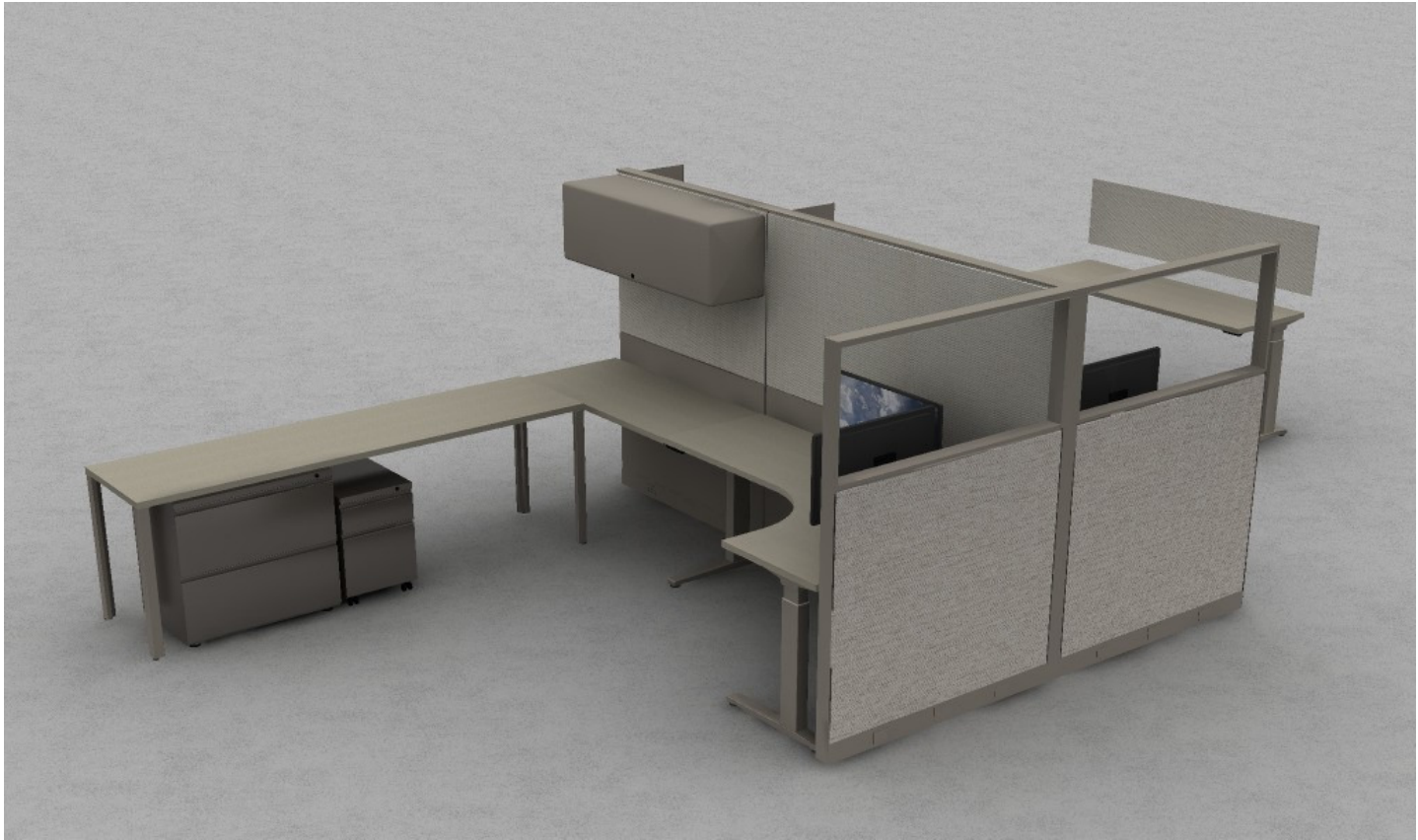
- EXTERIOR PANEL TILE: FABRIC; DEX COLOR STONE
- INTERIOR PANEL TILE UPPER: FABRIC; HORIZON COLOR SPRING WOOD
- INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
- PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
- PANEL OVERHEAD BINS: WARM GREY NEUTRAL
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- MONITOR ARM: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): WHITE 91
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN

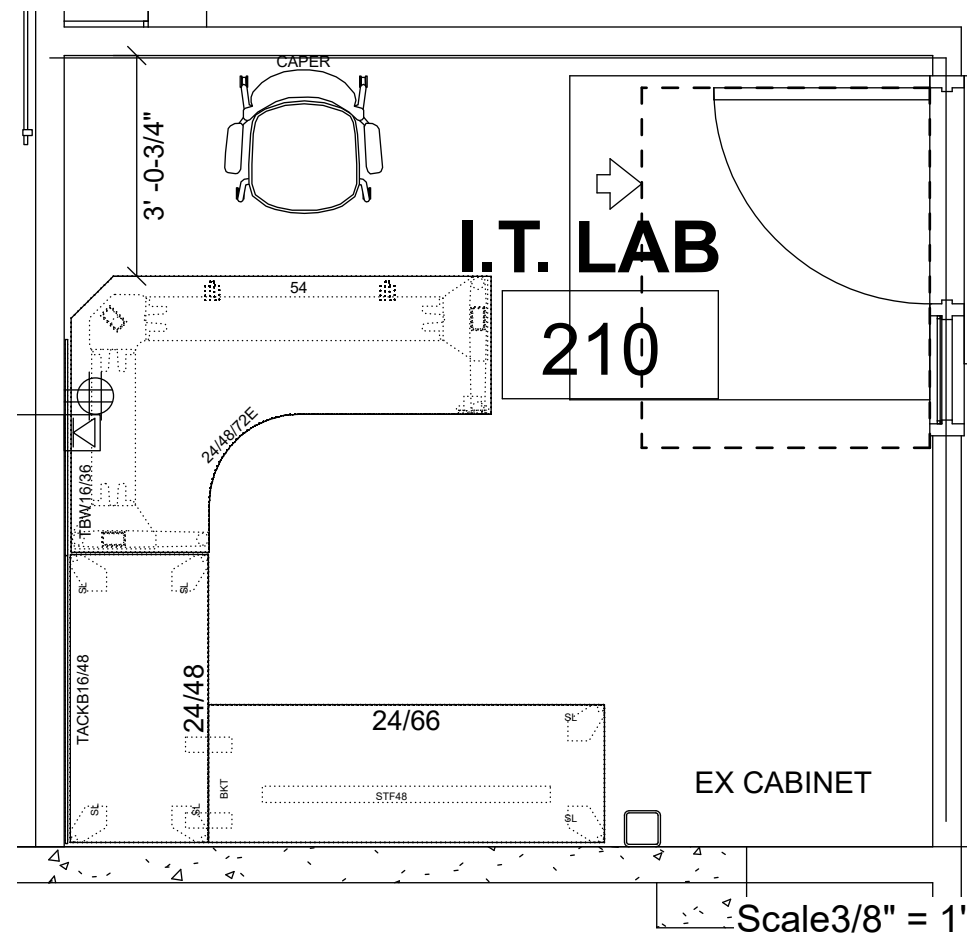




FINISHES:

- EXTERIOR PANEL TILE: FABRIC; DEX COLOR STONE
- INTERIOR PANEL TILE UPPER: FABRIC; HORIZON COLOR SPRING WOOD
- INTERIOR PANEL TILE LOWER: PAINTED; WARM GREY NEUTRAL
- PANEL TRIM AND ELECTRICAL: WARM GREY NEUTRAL
- PANEL SHELF AND BINDER BIN: WARM GREY NEUTRAL
- GLASS: CLEAR
- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- MONITOR ARM: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): WHITE 91
- STORAGE: METALLIC BRONZE
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN

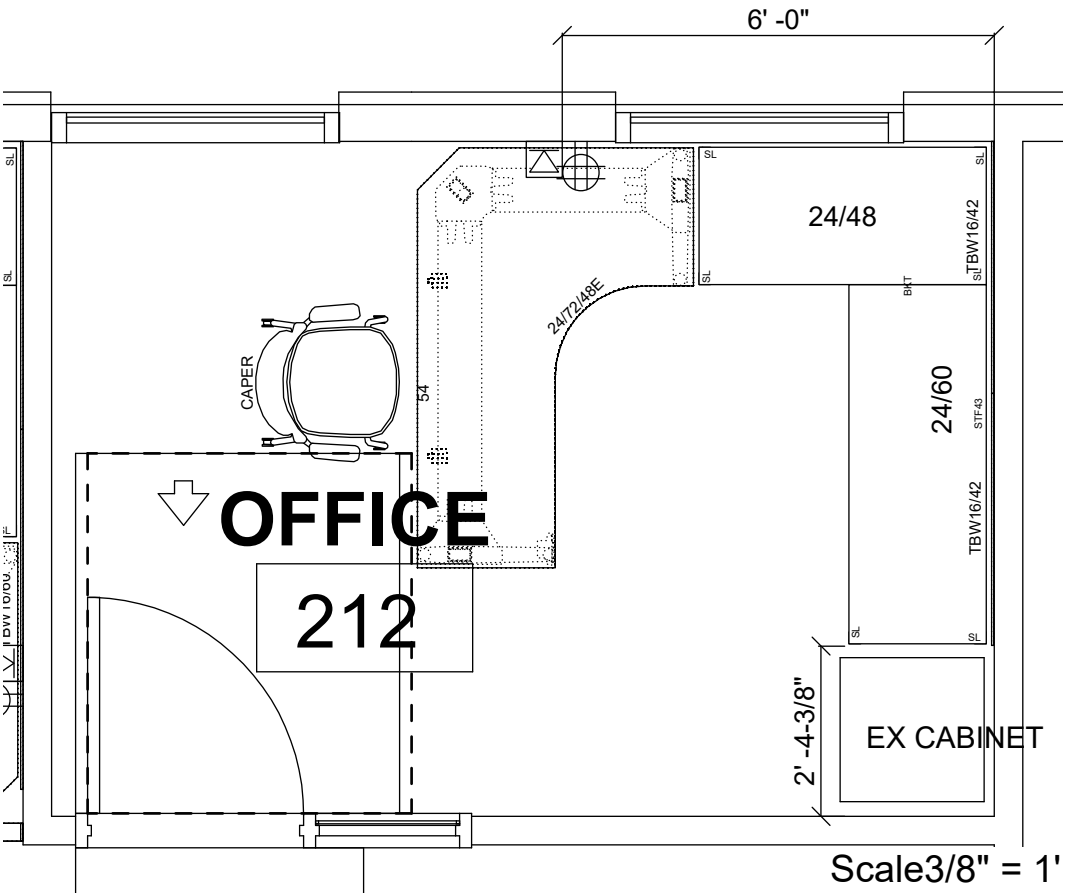




## FINISHES:

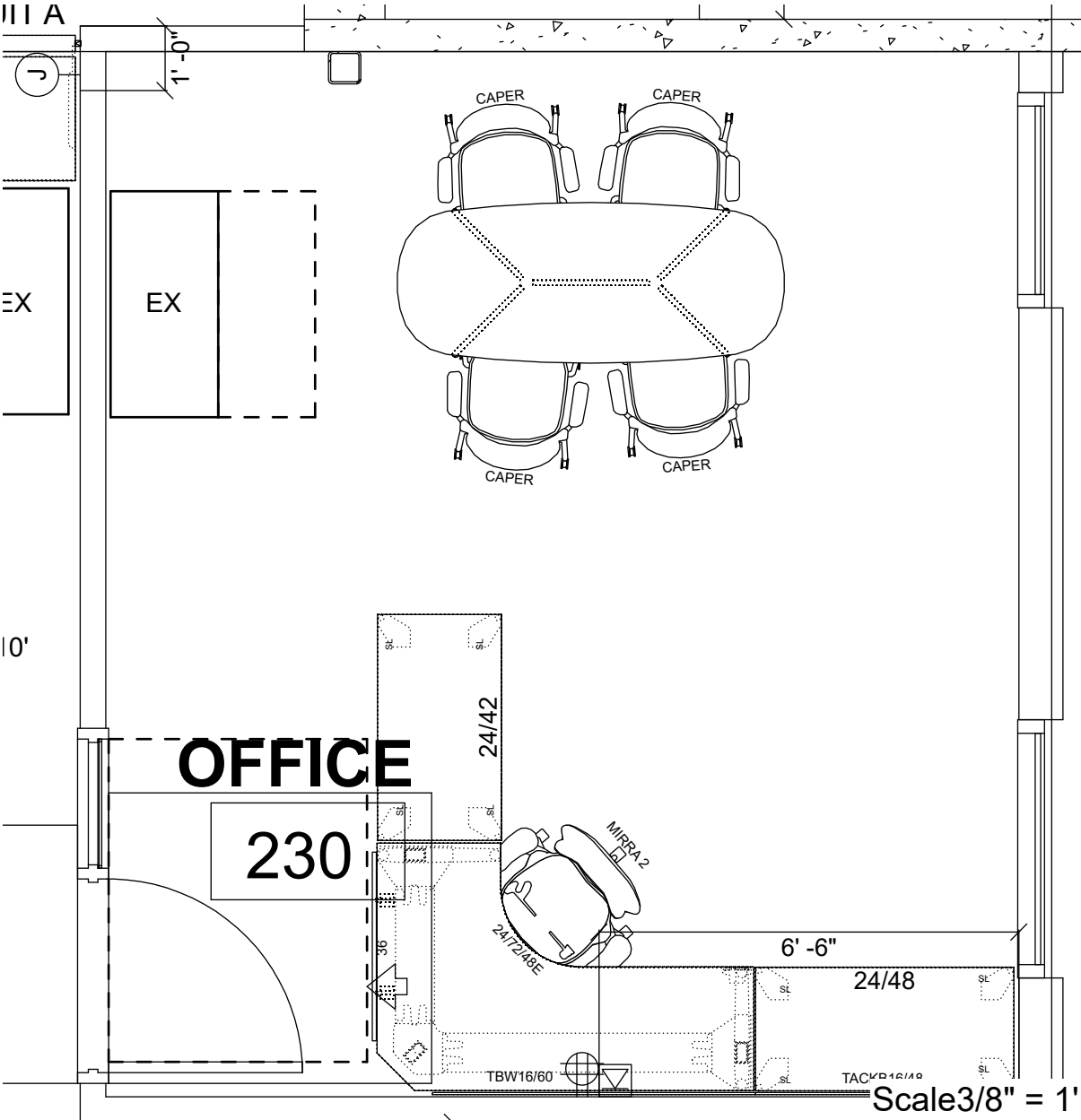
- SURFACES: SARUM TWILL TOP AND EDGE
- MODESTY PANEL: SARUM TWILL
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- WALL SHELF: GREY
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS





FINISHES:

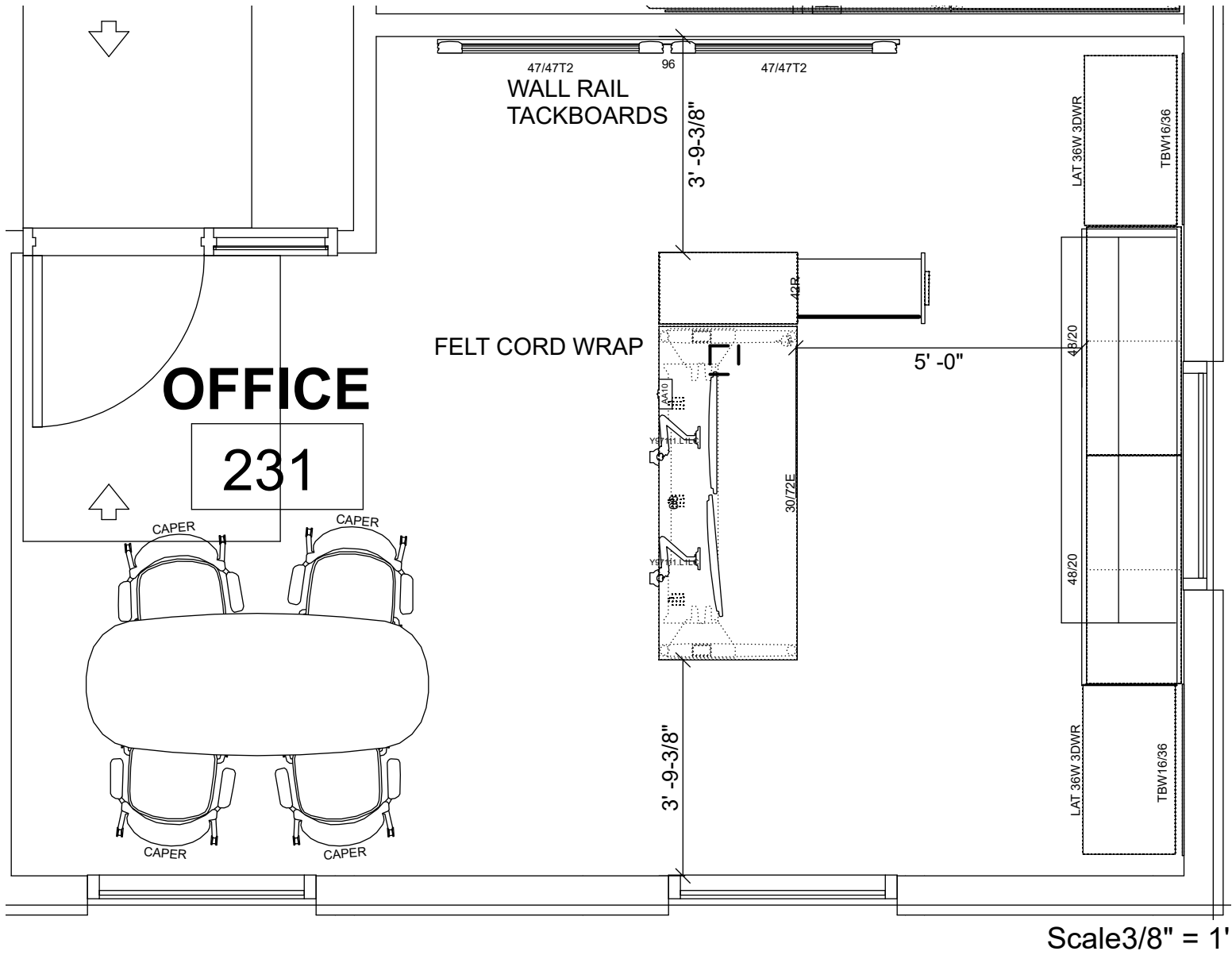
- SURFACES: SARUM TWILL TOP AND EDGE
- MODESTY PANEL: SARUM TWILL
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS



FINISHES:

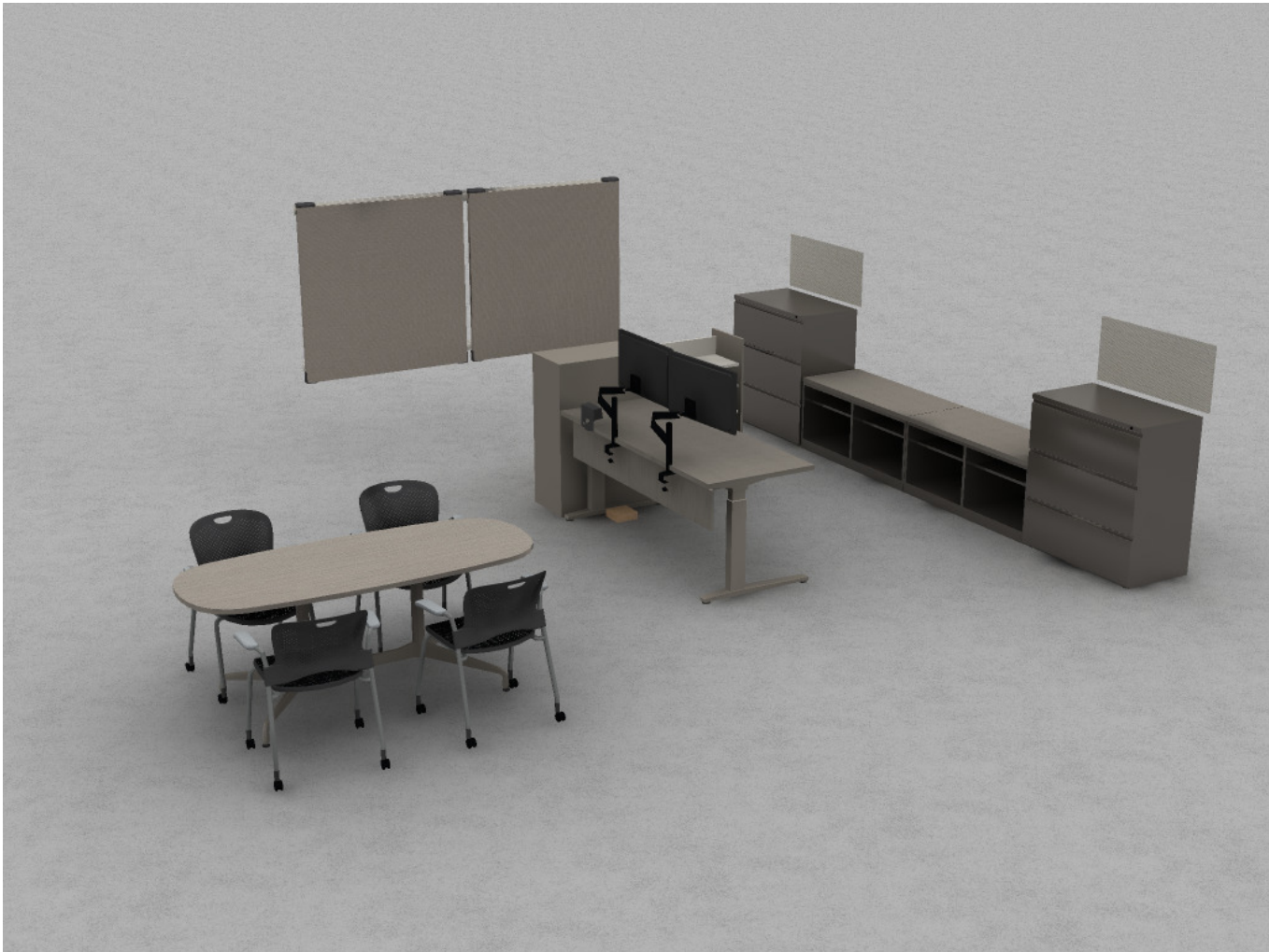
- SURFACES: SARUM TWILL TOP AND EDGE
- MODESTY PANEL: SARUM TWILL
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- WALL SHELF: GREY
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS





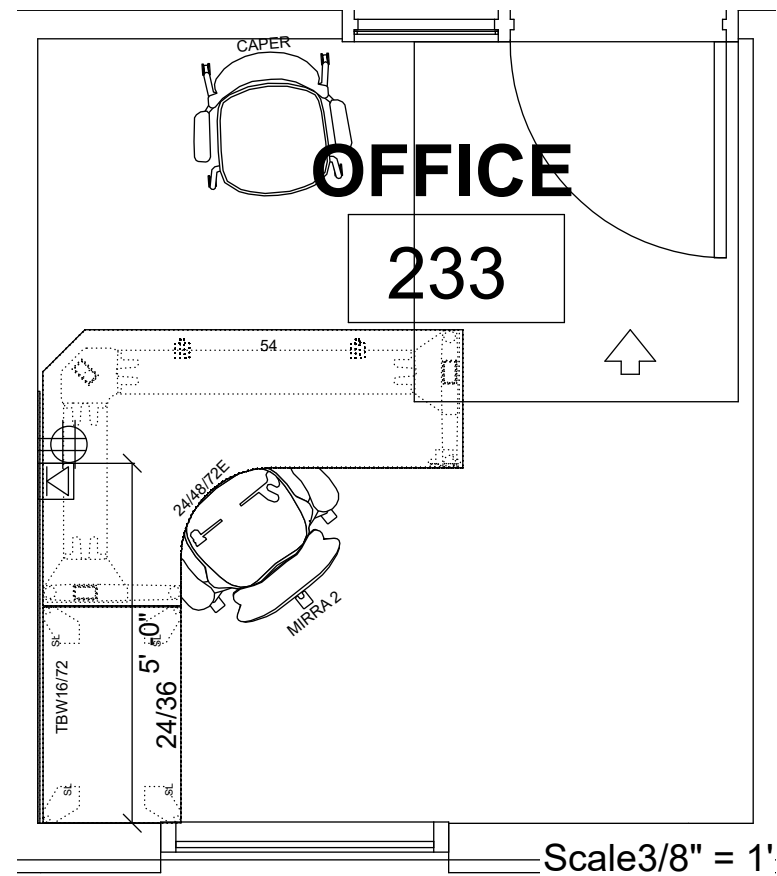
FINISHES:

- SURFACES: SARUM TWILL TOP AND EDGE
- MODESTY PANEL: SARUM TWILL
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- WALL RAIL TACKBOARDS: 4 REMOVABLE BOARDS; DEX COLOR STONE
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS



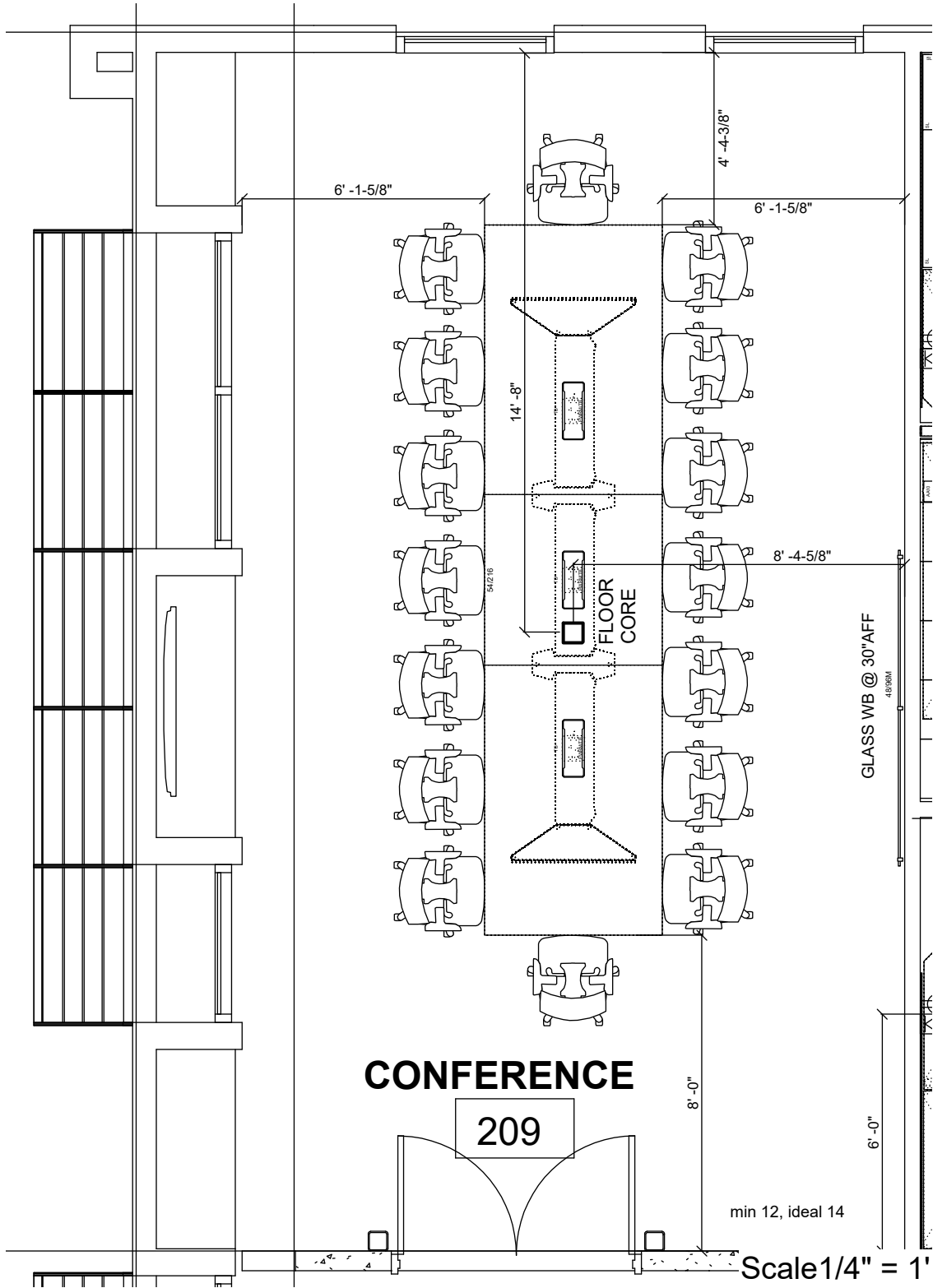






## FINISHES:

- SURFACES: SARUM TWILL TOP AND EDGE
- MODESTY PANEL: SARUM TWILL
- PAINTED LEGS/BRACKETS: WARM GREY NEUTRAL
- 2 MONITOR ARMS: BLACK
- SURFACE POWER - AA10 (2 SIMPLEX + 2 USB): GRAPHITE
- STORAGE: METALLIC BRONZE
- NEATLINK CABLE TRAY: UNDER SURFACE; NOT SHOWN
- WALL TACKBOARD: HORIZON COLOR SPRING WOOD
- WALL SHELF: GREY
- TASK CHAIR: IF REQUESTED; NOTED ON PLAN
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS

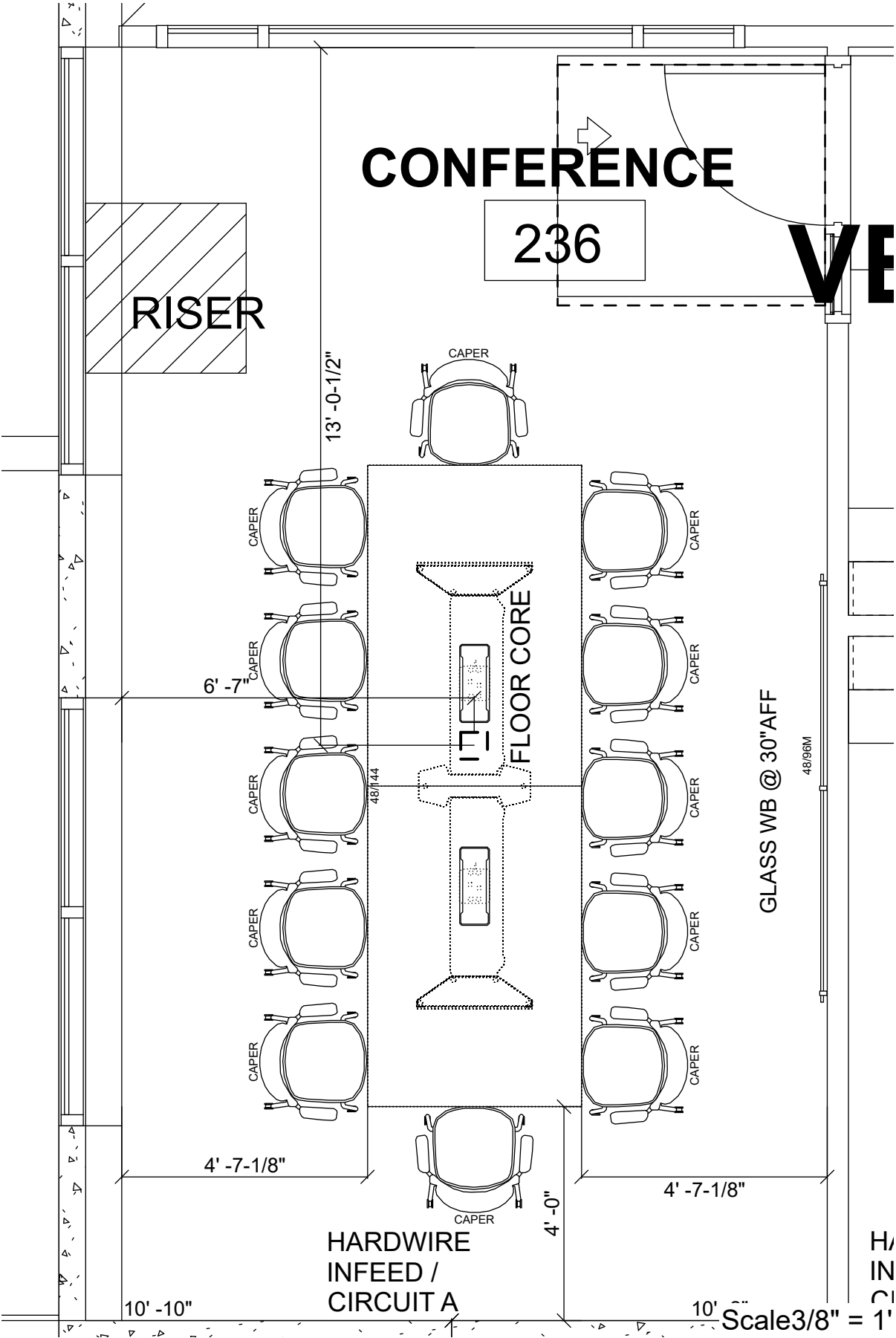


FINISHES:

- SURFACES: OAK ON ASH LAMINATE TOP, EDGE, EXTERIOR FACING LEG PANEL
- PAINTED INTERIOR LEG FINISH: WARM GREY NEUTRAL
- ELECTRICAL COMPONENTS: GRAPHITE; 4SIMPLEX + 4USB PER TECH BUCKET
- GLASS WHITEBOARD
- OFS REPOSE CONF CHAIR: MAHARAM LARIAT COLOR ZINC; POLISHED ALU FRAME/BASE FINISH







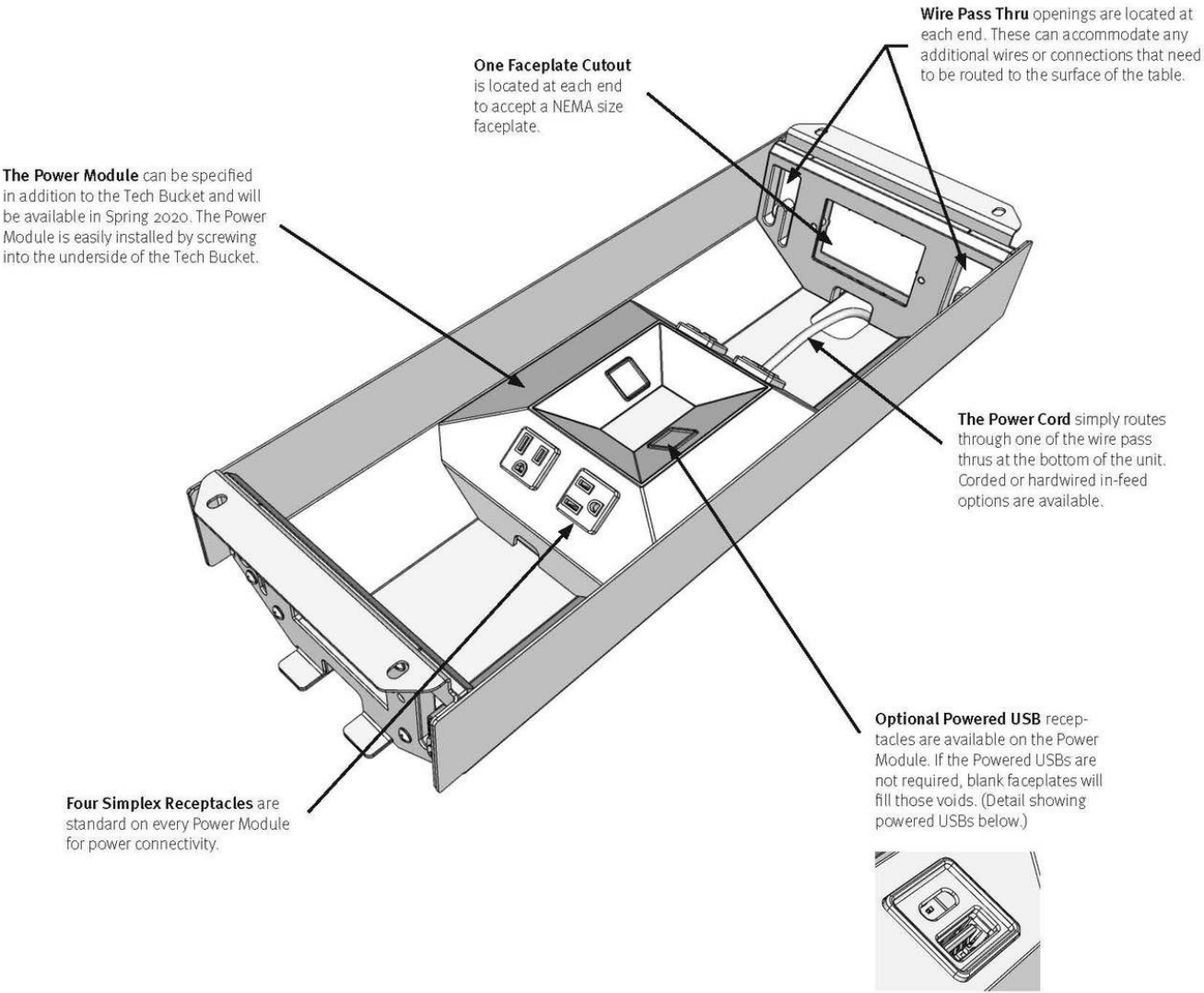
- FINISHES:
- SURFACES: OAK ON ASH LAMINATE TOP, EDGE, EXTERIOR FACING LEG PANEL
  - PAINTED INTERIOR LEG FINISH: WARM GREY NEUTRAL
  - ELECTRICAL COMPONENTS: GRAPHITE; 4SIMPLEX + 4USB PER TECH BUCKET
  - GLASS WHITEBOARD
  - CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS

Product Information and Planning

Technology Planning

Determining the Appropriate Power/Data Solution

ANATOMY OF THE TECH BUCKET



Product Information and Planning

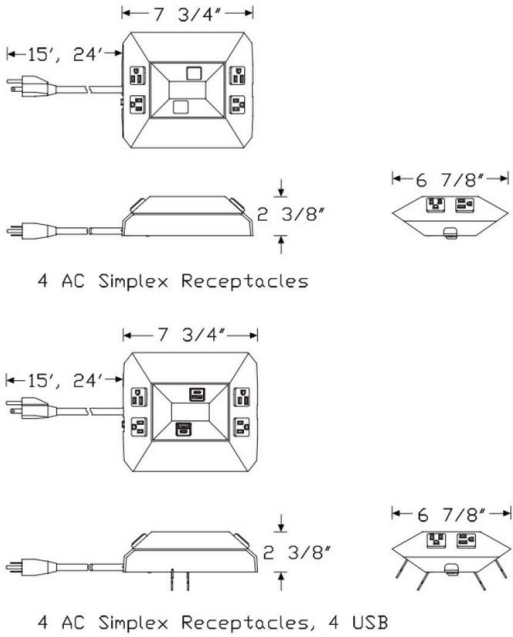
Technology and Accessories

Power Module, Headway Technology Bucket (DP6B.)

PRODUCT INFORMATION

- 1. This power module mounts inside of the tech bucket. It comes with 4 AC simplex receptacles and has the option of 4 USB (2 Type-A, 2 Type-C).
- 2. The module is powered using a standard power cord with plug end available in 15' or 24' lengths.
- 3. Power module finish is black.
- 4. Product is UL Listed.
- 5. Attachment hardware is included.
- 6. The Tech Bucket (DP5B.) is ordered separately.

VIEWS AND DIMENSIONS



der

Page 113

WORKSPACE

OCPW

OCPW-2FL.mdw

DESIGNER:

JEN PUCILLO

APPROVED:

APPROVED AS NOTED:

DATE:

REVISIONS:

XX/XX/XXXX

SHEET:

16/23

DATE:

3/26/2021

SCALE:

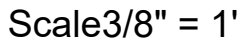
AS SHOWN

Item 7c.

  
pacificwro

This drawing including the specifications, components, designs and arrangements represented here by or on behalf of Pacific WRO, is the property of Pacific WRO. It is to be used only for the specific project for which it was prepared. Without the prior written authorization of Pacific WRO, these documents shall not be copied, reproduced, or used in conjunction with any work other than the specific project for which it was prepared.





- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
- PAINTED LEGS/BRACKETS: SATIN BRONZE
- STORAGE: METALLIC BRONZE
- ABOUT A STOOL: BLACK FRAME; SOFT BLACK POLY SHELL
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS

Technical drawing of a table and chairs. The table is labeled "STF48" and has dimensions 41, 46-36/18-42, 27-11/16", and 46-3/16-50-1/2. The chairs are labeled "ABOUT/ST".

9'7" x 12' Scale 3/8" = 1'



- SURFACES: NEUTRAL TWILL LAMINATE TOP AND EDGES
- PAINTED LEGS/BRACKETS: SATIN BRONZE
- STORAGE: METALLIC BRONZE
- ABOUT A STOOL: BLACK FRAME; SOFT BLACK POLY SHELL

**pacific** **WRO**

|                          |                 |
|--------------------------|-----------------|
| REVISIONS:<br>XX/XX/XXXX | SHEET:<br>18/23 |
|--------------------------|-----------------|

WORKSPACE

QCPW 2E1 cmd.rnw

DESIGNER:  
JEN PUCILLO

DATE: 3/26/2021

SCALE:  
AS SHOWN

T: 18/23

Page 115





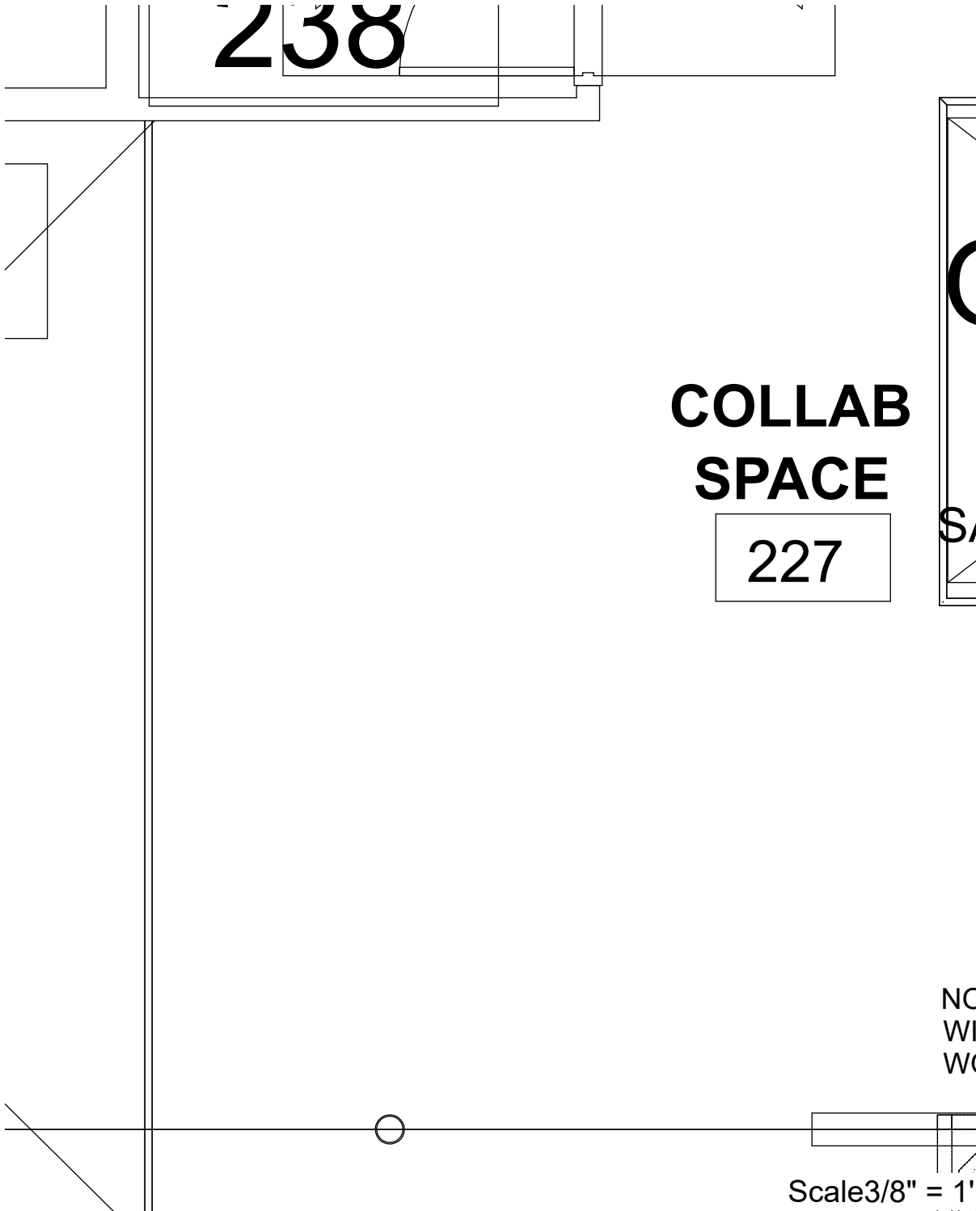
ENGINEERING  
LOBBY

200



FINISHES:

- LOUNGE CHAIR FABRIC: ANZEA UDDERLY PERFECTED 7238-06 IN CLAY COOL
- SIDE TABLE TOP: BLACK ASH WOOD
- CHAIR / TABLE LEGS: METALLIC SILVER
- BAR TABLE TOP AND EDGE: OAK ON ASH LAMINATE
- ABOUT A STOOL: BLACK FRAME; SOFT BLACK POLY SHELL



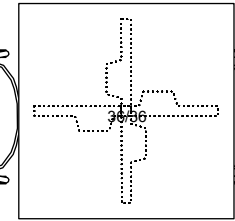
FINISHES:

- LOUNGE CHAIR FABRIC: ANZEA UDDERLY PERFECTED 7238-06 IN CLAY COOL
- SIDE TABLE TOP: BLACK ASH WOOD
- CHAIR / TABLE LEGS: METALLIC SILVER
- BAR TABLE TOP AND EDGE: OAK ON ASH LAMINATE
- ABOUT A STOOL: BLACK FRAME; SOFT BLACK POLY SHELL

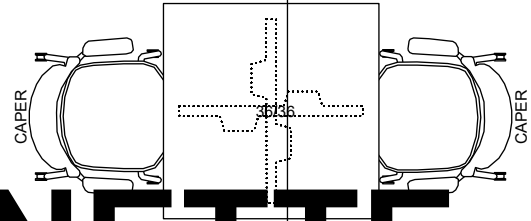


**BELOW**

**SAME STOOLS AS KITCHEN**

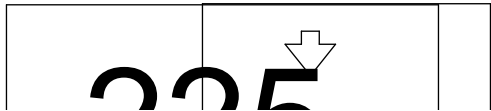


SEATED



# SEATED

Scale  $3/8" = 1'$



FINISHES:

- SEATED TABLE TOP AND EDGE: OAK ON ASH LAMINATE
- TABLE BASE: METALLIC SILVER
- CAPER: MET. SILVER FRAME; GRAPHITE FRAME W/ FLEXNET SEAT; SILVER GREY ARMS; CASTERS

**Item 7c.**



APPROVED AS NOTED: \_\_\_\_\_

DATE: \_\_\_\_\_

21/23

XXXX/XX/XX

## WORKSPACE

UCLPW

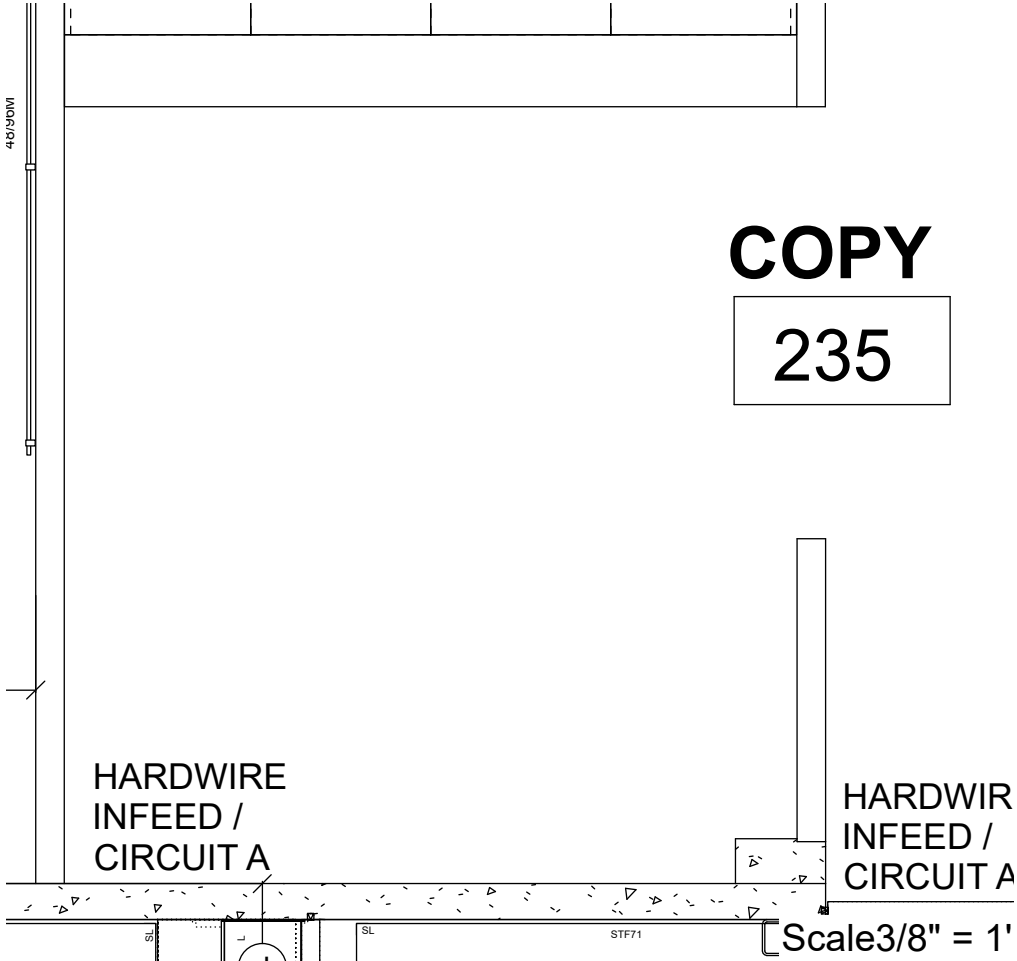
JEN PUCILLO

3/26/2021

AS SHOWN

de

MEAGAN



FINISHES:

- TABLE TOP AND EDGE: NEUTRAL TWILL LAMINATE
- TABLE LEGS: SATIN BRONZE





MIRRA 2

BASE/FRAME: GRAPHITE  
BACK: GRAPHITE  
ARMPAD: BLACK  
SEAT: AIREWEAVE GRAPHITE

LINO

BASE/FRAME: BLACK  
BACK: DUO SUSPENSION  
GRAPHITE  
SEAT: EPIC CARBON

VERUS

BASE/FRAME: BLACK  
BACK: INTERWEAVE SHALE  
SEAT: EPIC CARBON

FOCUS HIGHBACK

BASE/FRAME: BLACK  
BACK: ONYX MESH  
SEAT: POP ONYX

Oregon City Operations Complex  
Furniture RFP Score Sheet

Reviewer: 1

Due: 10/28/2020; end of day

| Evaluation Weighting Factors                                                                                                                                               | Total Points | Hyphn Steelcase<br>Received: 10/23 at 3:43 p.m. |                                                                                           | Environments<br>Received: 10/23 at 9:25 a.m. |                                                                                                               | HarrisWorks<br>Received: 10/23 at 3:31 p.m. |                                                                                                                                  | pacificWRO<br>Received: 10/23 at 1:02 p.m. |                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------|
|                                                                                                                                                                            |              | Score                                           | Comments                                                                                  | Score                                        | Comments                                                                                                      | Score                                       | Comments                                                                                                                         | Score                                      | Comments                                                                   |
| Cover Letter                                                                                                                                                               | Pass/Fail    | Pass                                            | Submitted.                                                                                | Pass                                         | Submitted.                                                                                                    | Pass                                        | Submitted.                                                                                                                       | Pass                                       | Submitted.                                                                 |
| Design Services:<br>-Offering of services<br>-Showroom<br>-Proposed Schedule<br>-Qualifications of Team                                                                    | 25           | 25                                              | Schedule looks good, Showroom was nice                                                    | 25                                           | Showroom okay, Schedule looks good, Team was nice                                                             | 25                                          | My favorite showroom, good design ideas, schedule looks okay but installation seems quick at 3 weeks (shortest period presented) | 25                                         | Worked on the OC Library and OCPD. Schedule looks good. Showroom was okay. |
| Warranty:<br>-Length of warranty<br>-Explanation of limitations                                                                                                            | 25           | 25                                              | Lots of info on Warranty                                                                  | 0                                            | No warranty info, brief mention of working through warranty claims with Environments.                         | 25                                          | Links provided, clear on bullet points                                                                                           | 25                                         | 12 years, link provided                                                    |
| Product Selection:<br>-Ability to provide preferred look & feel<br>-Ability to provide more than one product line<br>-Product range by item - chair, work surface, storage | 25           | 23                                              | I like the workspace options provided. Have a Marketplace to browse with lots of options. | 20                                           | 10x10 Workstations look okay, Choices seem a bit too trendy, or just not appealing                            | 25                                          | Lots of vendor choices                                                                                                           | 25                                         | Enough options to choose from. Provided a look book of ideas               |
| Explanation of Pricing:<br>-Government contract<br>-Post installation period<br>-Price increase period                                                                     | 25           | 25                                              | Yes, no price increase period. Holds contract with City of Portland                       | 22                                           | Shows Omnia Contract info, included a Sample Budget of furniture to be purchased, no price increase mentioned | 20                                          | All info presented, I don't think the KCDA is a government contract. Price increase February 2021                                | 25                                         | Yes, price increase April 2021, included Price Matrix                      |
| TOTAL                                                                                                                                                                      | 100          | 98                                              |                                                                                           | 67                                           |                                                                                                               | 95                                          |                                                                                                                                  | 100                                        |                                                                            |
| Proposal Quality:<br>-Professional<br>-Organized<br>-Readability<br>-Content                                                                                               | 10           | 9                                               | Overall impression good                                                                   | 8                                            | Nice presentation, missing some info                                                                          | 6                                           | Presentation a bit disjointed with multiple documents to open                                                                    | 9                                          | Organized and included all info needed.                                    |

Oregon City Operations Complex  
Furniture RFP Score Sheet

Reviewer: 2

Due: 10/28/2020; end of day

| Evaluation Weighting Factors                                                                                                                                                      | Total Points | Hyphn Steelcase<br>Received: 10/23 at 3:43 p.m. |                                                                                                                             | Environments<br>Received: 10/23 at 9:25 a.m. |                                                                 | HarrisWorks<br>Received: 10/23 at 3:31 p.m. |                                                                                 | pacificWRO<br>Received: 10/23 at 1:02 p.m. |                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                   |              | Score                                           | Comments                                                                                                                    | Score                                        | Comments                                                        | Score                                       | Comments                                                                        | Score                                      | Comments                                                                                                |
| Cover Letter                                                                                                                                                                      | Pass/Fail    | Pass                                            | Submitted.                                                                                                                  | Pass                                         | Submitted.                                                      | Pass                                        | Submitted.                                                                      | Pass                                       | Submitted.                                                                                              |
| <b>Design Services:</b><br>-Offering of services<br>-Showroom<br>-Proposed Schedule<br>-Qualifications of Team                                                                    | 25           | 25                                              | I was unable to visit the site in person, but the presentation of services looks good and with a detailed schedule.         | 25                                           | Nice showroom, good schedule. The team seems easy to work with. | 25                                          | Nice showroom. The team seems easy to work with and informative.                | 25                                         | Nice showroom and the team seems knowledgeable. Other city buildings turned out nice with this company. |
| <b>Warranty:</b><br>-Length of warranty<br>-Explanation of limitations                                                                                                            | 25           | 25                                              | Very detailed warranty.                                                                                                     | 15                                           | Not very detailed warranty information                          | 25                                          | Clear information                                                               | 25                                         | Good information                                                                                        |
| <b>Product Selection:</b><br>-Ability to provide preferred look & feel<br>-Ability to provide more than one product line<br>-Product range by item - chair, work surface, storage | 25           | 20                                              | I like the workstation options, but don't see a lot of item options. Again, I couldn't go to the location to see in person. | 20                                           | Many choices, but maybe too contemporary and be outdated soon.  | 25                                          | Large variety of styles.                                                        | 25                                         | Several options                                                                                         |
| <b>Explanation of Pricing:</b><br>-Government contract<br>-Post installation period<br>-Price increase period                                                                     | 25           | 25                                              | Detailed Pricing                                                                                                            | 23                                           | Not as detailed pricing. Room for surprises.                    | 20                                          | Pricing was in presentation, but I'm not clear about the government pricing is. | 25                                         | Easy to understand the pricing chart.                                                                   |
| <b>TOTAL</b>                                                                                                                                                                      | <b>100</b>   | <b>95</b>                                       |                                                                                                                             | <b>83</b>                                    |                                                                 | <b>95</b>                                   |                                                                                 | <b>100</b>                                 |                                                                                                         |
| <b>Proposal Quality:</b><br>-Professional<br>-Organized<br>-Readability<br>-Content                                                                                               | 10           | 9                                               | Very professional. Would have liked to have seen more options.                                                              | 8                                            | Could have been a little more detailed.                         | 7                                           | Nice, but not as easy to navigate.                                              | 10                                         | Presentation was very nicely done.                                                                      |

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Oregon City Operations Complex  
Furniture RFP Score Sheet

Reviewer: 3

Due: 10/28/2020; end of day

| Evaluation Weighting Factors                                                                                                                                                      | Total Points | Hyphn Steelcase<br>Received: 10/23 at 3:43 p.m. |                                                                                                                                                                                                                                                                                                         | Environments<br>Received: 10/23 at 9:25 a.m. |                                                                                                                                                                                                                                                                      | HarrisWorks<br>Received: 10/23 at 3:31 p.m. |                                                                                                                                                                                                                | pacificWRO<br>Received: 10/23 at 1:02 p.m. |                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                   |              | Score                                           | Comments                                                                                                                                                                                                                                                                                                | Score                                        | Comments                                                                                                                                                                                                                                                             | Score                                       | Comments                                                                                                                                                                                                       | Score                                      | Comments                                                                                                                                   |
| Cover Letter                                                                                                                                                                      | Pass/Fail    | Pass                                            | Submitted.                                                                                                                                                                                                                                                                                              | Pass                                         | Submitted.                                                                                                                                                                                                                                                           | Pass                                        | Submitted.                                                                                                                                                                                                     | Pass                                       | Submitted.                                                                                                                                 |
| <b>Design Services:</b><br>-Offering of services<br>-Showroom<br>-Proposed Schedule<br>-Qualifications of Team                                                                    | 25           | 20                                              | ProCore Software!; I enjoyed the showroom but seemed a little off for our needs; propsoal for services looks adequate but expnsive. Not really sure other than their statement that they could do the job within our budget; Schedule looks good; Team Qualifications are a bit of a question for me??? | 25                                           | High confidence in the design process and team; I like the real time budget; larger team; I enjoyed this showroom although was not impressed with the cubes                                                                                                          | 15                                          | Schedulsd timeline looks good but lacks details; seems like Amelia is it for their team; I'm struggling to imagine being satisfied with the design and product options.                                        | 25                                         | Good design capacities familiar product likely best match with current furnishings; delivered by September 2021; Public PARKS Department ? |
| <b>Warranty:</b><br>-Length of warranty<br>-Explanation of limitations                                                                                                            | 25           | 20                                              | Good warantee info                                                                                                                                                                                                                                                                                      | 25                                           | Specific by pieces listing and varies by pieces which makes things more complicated; warrante seems reasonable and product stable.                                                                                                                                   | 20                                          | I did not get a chance to follow the links but I suspect details on warrantee OK; I'm not confident about long term availability of similar products.                                                          | 25                                         | Seems simple and strait forward                                                                                                            |
| <b>Product Selection:</b><br>-Ability to provide preferred look & feel<br>-Ability to provide more than one product line<br>-Product range by item - chair, work surface, storage | 25           | 20                                              | Lots to choose from which may mean trouble for the future                                                                                                                                                                                                                                               | 25                                           | I really have confidence we can find what we need and want; flexible; not sure if the template we would pick from are very interesting; Lots of product lines I really like the quote matrix format which helps with the City Budget management line item specifics. | 15                                          | I suspect they have plenty of product but will Amelia be inspired or motivated to do what we really need here to do like engage with us through the design process t, and to share lots of good design options | 25                                         | Standard stuff; matching what we own; We know the product and I'm a little concerned that they offer anything truly intert                 |
| <b>Explanation of Pricing:</b><br>-Government contract<br>-Post installation period<br>-Price increase period                                                                     | 25           | 20                                              | Competative and comparable                                                                                                                                                                                                                                                                              | 25                                           | Explanation was very good and seems to cover the details.                                                                                                                                                                                                            | 15                                          | KCDA??? The submission is really lacking                                                                                                                                                                       | 25                                         | Yes seems reasonable                                                                                                                       |
| <b>TOTAL</b>                                                                                                                                                                      | <b>100</b>   | <b>80</b>                                       |                                                                                                                                                                                                                                                                                                         | <b>100</b>                                   |                                                                                                                                                                                                                                                                      | <b>65</b>                                   | <b>The</b>                                                                                                                                                                                                     | <b>100</b>                                 |                                                                                                                                            |
| <b>Proposal Quality:</b><br>-Professional<br>-Organized<br>-Readability<br>-Content                                                                                               | 10           |                                                 | Very good                                                                                                                                                                                                                                                                                               |                                              | Easy to read, matrix is excellent; nice pictured examples                                                                                                                                                                                                            |                                             | Lacking                                                                                                                                                                                                        |                                            | Well presented proposal                                                                                                                    |

80

100

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100



Oregon City Operations Complex  
Furniture RFP Score Sheet

Reviewer: 4

Due: 10/28/2020; end of day

| Evaluation Weighting Factors                                                                                                                                               | Total Points | Hyphn Steelcase              |                                                                                                                                   | Environments                 |                                                                                                             | HarrisWorks                  |                                                                                  | pacificWRO                   |                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                            |              | Received: 10/23 at 3:43 p.m. | Score                                                                                                                             | Received: 10/23 at 9:25 a.m. | Score                                                                                                       | Received: 10/23 at 3:31 p.m. | Score                                                                            | Received: 10/23 at 1:02 p.m. | Score                                                                                                                                                        |
| Score                                                                                                                                                                      | Comments     | Score                        | Comments                                                                                                                          | Score                        | Comments                                                                                                    | Score                        | Comments                                                                         | Score                        | Comments                                                                                                                                                     |
| Cover Letter                                                                                                                                                               | Pass/Fail    | Pass                         | Submitted.                                                                                                                        | Pass                         | Submitted.                                                                                                  | Pass                         | Submitted.                                                                       | Pass                         | Submitted.                                                                                                                                                   |
| Design Services:<br>-Offering of services<br>-Showroom<br>-Proposed Schedule<br>-Qualifications of Team                                                                    | 25           | 20                           | good experience.Procore. Good schedule. 30 day install. Cool showroom but didn't see cubes and chairs we would actually purchase. | 25                           | Good schedule. Very nice showroom. Seems like a good team to work with. Looks like 3 weeks to install       | 25                           | Very good showroom with examples of what we would be purchasing. 3 week install. | 23                           | Good schedule. Showroom was good but not quite as good as others. They did Library and PD. I'd like to hear Denise's experience with them on those projects. |
| Warranty:<br>-Length of warranty<br>-Explanation of limitations                                                                                                            | 25           | 25                           | Good warranty with lots of info. 12, 5, and 3 years depending on what it is.                                                      | 15                           | 24 hour response. No other warranty info.. Did they forget to include it??                                  | 25                           | Good explanation of warranty.                                                    | 25                           | 12 year warranty.                                                                                                                                            |
| Product Selection:<br>-Ability to provide preferred look & feel<br>-Ability to provide more than one product line<br>-Product range by item - chair, work surface, storage | 25           | 20                           | again, we didn't see what we would probably be buying.                                                                            | 20                           | Lots of options. The cube examples aren't as good as others.                                                | 25                           | Lots of product lines / options.                                                 | 25                           | Herman Miller seem to be the go-to. Other options are available.                                                                                             |
| Explanation of Pricing:<br>-Government contract<br>-Post installation period<br>-Price increase period                                                                     | 25           | 20                           | No price increase stated. Lots of pricing info but no prices listed.                                                              | 25                           | No price increase mentioned. Omnia. I really like the itemised list of furniture with good pics and prices. | 20                           | king County Director's Assosiation. [can we use this?]Price increase in Feb.     | 25                           | April 21 price increase. Omnia. Price chart included which was nice.                                                                                         |
| TOTAL                                                                                                                                                                      | 100          | 85                           |                                                                                                                                   | 85                           |                                                                                                             | 95                           |                                                                                  | 98                           |                                                                                                                                                              |
| Proposal Quality:<br>-Professional<br>-Organized<br>-Readability<br>-Content                                                                                               | 10           | 8                            | Good proposal                                                                                                                     | 7                            | Good proposal but maybe missing some info.                                                                  | 5                            | OK proposal. Not as intuitive to use as other's.                                 | 9                            | Very nice proposal. Easy to understand and didn't have a bunch of "fluff",                                                                                   |

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107



# CITY OF OREGON CITY

## CITY COMMISSION SPECIAL MEETING

### DRAFT MINUTES

Commission Chambers, 625 Center Street, Oregon City  
Thursday, August 27, 2020 at 6:00 PM

#### 1. CONVENE SPECIAL MEETING

*Mayor Dan Holladay called the meeting to order at 6:05 PM.*

#### 2. ROLL CALL

**Present:** 5 - Mayor Dan Holladay, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

**Staffers:** - 2 City Manager Tony Konkol and City Recorder Kattie Riggs

#### 3. GENERAL BUSINESS

##### 3a. Interview Candidates for Vacant Urban Renewal Commission Position

*The interviews were conducted according to the following schedule:*

6:00 PM - Doug Neeley  
6:15 PM - Stephen VanHaverbeke  
6:30 PM - Adam Zagel  
6:45 PM - Dirk Schlagenhauser  
BREAK - 5 minutes  
7:05 PM - Damon Mabee  
7:20 PM - Betty Mumm  
7:35 PM - Amy Willhite

*The City Commission interviewed each of the candidates that submitted for the vacant Urban Renewal Commission position. The questions asked were as follows:*

1. *Please describe any experience you have serving on boards and/or committees, including your neighborhood association?*
2. *Explain how you are uniquely qualified to serve and why you would like to serve on the Urban Renewal Commission.*
3. *Once the Urban Renewal Commission goes through the planned training, explain your willingness to attend neighborhood association and other group meetings to explain the findings and proposed course of action, along with answering any questions?*
4. *What do you see as the role of urban renewal in Oregon City?*
5. *Do you have any thoughts regarding the future of Urban Renewal, specifically program improvements, district boundary changes, or closure of the district?*

6. *Knowing you may be faced with competing projects for Urban Renewal dollars, what factors would you consider in choosing among competing projects?*

3b. Discussion and Deliberation for Appointment to Urban Renewal Commission

*The City Commission discussed the candidates and decided to write down their top two candidates, so that the City Recorder could tally them and state them in the record.*

*Tally was as follows:*

*Commissioners Rachel Lyles Smith, Rocky Smith, and Frank O'Donnell listed Doug Neeley as their number one choice.*

*Mayor Dan Holladay and Commissioner Denyse McGriff listed Adam Zagel as their number one choice.*

*The Commission agreed to go with Doug Neeley as the member to be appointed to the Urban Renewal Commission. The Commission will see this on a future agenda item to vote officially in a public meeting on the appointment.*

4. **ADJOURNMENT**

*The meeting was adjourned at 7:25 PM.*

Respectfully submitted,

---

Kattie Riggs, City Recorder



# CITY OF OREGON CITY

## CITY COMMISSION SPECIAL WORK SESSION

### DRAFT MINUTES

Virtual Meeting  
Thursday, March 11, 2021 at 6:00 PM

#### CONVENE WORK SESSION AND ROLL CALL

*Commission President Rocky Smith called the meeting to order at 6:10 PM.*

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

**STAFFERS:** 13 - City Manager Tony Konkol, Asst. City Recorder Jakob Wiley, Community Development Director Laura Terway, Public Works Director John Lewis, City Recorder Kattie Riggs, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, City Engineer Dayna Webb, Project Engineer Bob Balgos, Asst. Public Works Director Vance Walker, Human Resources Director Patrick Foiles

#### DISCUSSION ITEMS

##### 1. Oregon City Operations Complex Development Project – March 2021 Update Presentation

*John Lewis, Public Works Director, introduced Gerard Mulrooney, consultant for Plan B. Mr. Mulrooney discussed the progress at the new Public Works/Parks Operations Complex. He reviewed the timeline of construction and the challenges of working within the existing building, including state required COVID-19 monitoring and delays caused by the wildfires and the recent ice storms. Mr. Mulrooney also reviewed the upcoming goals for the construction through September 2021.*

*Commissioner McGriff thanked Mr. Mulrooney for the update and staying on schedule. Commissioner O'Donnell complimented Mr. Mulrooney and staff for staying on budget.*

##### 2. Stormwater Rates and System Development Charges (SDC) Update

*Mr. Lewis presented the first portion of the presentation regrading City stormwater rates and system development charges (SDCs). The latest Stormwater Master Plan was completed in 2020. Mr. Lewis reviewed the current list of proposed capital projects.*

*John Ghilarducci, FCS Group consultant, presented on the calculation of the SDCs for stormwater prepared by his company, which consists of a reimbursement fee and improvement fee combined, to determine the SDC amount. The SDCs were calculated based on the expected growth of impervious surface areas within the City limits.*

*Commissioner O'Donnell asked if SDC's can be used to correct existing system deficiencies and Mr. Ghilarducci clarified they cannot be used for that purpose. Repairs and maintenance of existing infrastructure are funded through rate increases. SDCs can be for upsizing existing infrastructure. The reimbursement fee portion of SDCs can be used for any stormwater capital investment project.*

*Brooke Tacia, FCS Group consultant, presented on the financial analysis and policies related to stormwater SDCs. Ms. Tacia discussed the components of the report, including the operating reserve,*



capital contingency reserve, system reinvestment/depreciation funding, and debt service coverage. Ms. Tacia discussed options for capital generation and the three level of service: baseline, moderate capital, and full capital. Each of these levels of service included an amount of rate increase and an associated level of investment. Ms. Tacia outlined the differences between cash and debt funding approaches.

Commissioner Lyles Smith discussed her preference for the moderate options balancing debt and cash funding, keeping in mind the need for improvement of City parks.

Commissioner O'Donnell discussed that the City's proposed rates appeared to be close to nearby cities and noted that the operational and capital reserves appear to be three times larger than required. Commissioner O'Donnell asked if the reserves were factored into the analysis. Ms. Tacia confirmed that the capital reserves were included in the analysis and the recommended rate for each level of service.

Mr. Konkol and Mr. Lewis discussed that the City tends to not use debt funding, meaning that the City often saves money over time and spends significant amounts during larger projects.

Mr. Ghilarducci discussed that City's capital reserves were included in their analysis and their draw-down was included in calculations of proposed rates.

Commissioner McGriff noted that the City would also need to address the City's SDCs for parks. Commissioner McGriff also asked about the history of referring debt questions to the voters. Tony Konkol, City Manager, could not recall the last time the City referred a debt question to the voters and the City had typically used cash for projects. Mr. Ghilarducci commented that stormwater projects are usually cash funded, rather than through debt processes over time.

Commissioner Lyles Smith favors cash funding stormwater projects and not putting a debt question to voters.

Commissioner Smith favored a moderate approach, balancing cash and debt financing.

Commissioner McGriff discussed that she has had several members of the public ask about stormwater issues following posting of the meeting notice.

The Commissioners returned to the SCD topic. Mr. O'Donnell felt the increase was reasonable, given the comparisons to other city's rates. Commissioner Smith, Commissioner McGriff, and Commissioner Lyles Smith were also in favor of the proposed rate amount. The Commissioners discussed an example residential development fee estimate drafted by Laura Terway, Community Development Director, in January by email.

## CITY MANAGER'S REPORT

There was no City Manager's report. Mr. Lewis discussed the reopening of the tree debris/vegetation disposal site at the Clackamette Cove and encouraged volunteering for the Oregon City Optimist Club's clean-up crew for the ice storm debris collection event held March 19<sup>th</sup> through 21<sup>st</sup>, 2021.

## ADJOURNMENT

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

Respectfully submitted,

---

Kattie Riggs, City Recorder



# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING - REVISED

### DRAFT MINUTES

Virtual Meeting  
Wednesday, March 17, 2021 at 7:00 PM

#### VIRTUAL MEETING OF THE CITY COMMISSION

#### 1. CONVENE MEETING AND ROLL CALL

*Commission President Rocky Smith called the meeting to order at 7:03 PM.*

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

**STAFFERS:** 11 - City Manager Tony Konkol, City Recorder Kattie Riggs, Assistant City Recorder Jakob Wiley, Assistant City Attorney Carrie Richter, Community Development Director Laura Terway, Public Works Director John Lewis, Finance Director Matt Zook, Chief of Police Jim Band, City Engineer Dayna Webb, Parks & Recreation Director Kendall Reid, and Senior Planner Pete Walter

#### 2. FLAG SALUTE

#### 3. CEREMONIES AND PROCLAMATIONS

##### 3a. Proclamation for the 100th Oregon City / West Linn Rivalry Day

*Commission President Smith discussed the history of the proclamation and the historic football competition with the City of West Linn, this year's game will be played on April 2, 2021.*

#### 4. CITIZEN COMMENTS

*Lisa Novak, resident of Oregon City, discussed the proposed development near Park Place Park and the potential construction of a road through Park Place Park. Ms. Novak requested the Commission discuss this topic at a future meeting. Commission President Smith indicated the Commission was aware and they would discuss the matter at the April 21, 2021 City Commission meeting.*

*William Gifford, resident of Oregon City, encouraged Oregon City residents to apply for an open position on the Clackamas Fire District Board. He also encouraged public participation in the upcoming Oregon City Business Alliance meeting on March 23, 2021.*

#### 5. PRESENTATIONS

##### 5a. Clackamas County Housing Authority Presentation

*Jill Smith, Director of Housing with the Clackamas County Housing Authority, presented on the Affordable Housing Bond Program. Metro-area voters recently approved a \$652.8 million general obligation bond, a proactive measure to address the shortage of affordable housing within Metro's urban growth boundary. The bond allows the region the opportunity to invest in the development of new housing resources for*

vulnerable and marginalized residents. Ms. Smith reviewed the production goals and site locations, which include creating 812 affordable housing units for over 2,500 Clackamas County residents.

Commissioner McGriff asked about any new construction of housing units on the Housing Authority Park Place Campus. Ms. Smith indicated it is very expensive to replace the existing units and that current residents would need to be moved to the new units at sites discussed in the presentations. Commissioner McGriff suggested there be new construction done on the Park Place Campus and residents moved to the new units as they become available.

Commissioner Lyles Smith asked if there are waiting lists for the new units. Ms. Smith commented they are not doing that currently but will do so as the new units are constructed. Commissioner Lyles Smith asked if these new units with additional wrap-around services offered, will attract more homeless individuals. Ms. Smith indicated that they have seen most of the homeless go to Multnomah County locations, as Clackamas County does not offer services for homeless families.

Commissioner O'Donnell asked if the new units were rental only. Ms. Smith indicated that was correct.

Commissioner McGriff asked what representation was on the advisory committees. Ms. Smith said the committees are composed of experts and people who have experienced homelessness.

Commissioner O'Donnell suggested that cities should also be represented on those advisory committee.

#### 5b. ODOT Summary Update on I-205 Projects with an Emphasis on Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Update

John Lewis, Public Works Director, introduced Rian Windsheimer, Oregon Department of Transportation (ODOT) Region 1 Manager, who presented on the proposed pedestrian-bicycle bridge and the conceptual locations for the new bridge. Mr. Windsheimer discussed the rationale against adding bike and pedestrian (bike-ped) uses to the new I-205 bridge, including noise and pollution concerns identified by their advisory committees. Funding for the bridge should arrive in 2024, and Mr. Windsheimer recommended having a plan established to be eligible for the funding.

Commission President Smith commented that the presentation did not provide new information. He asked about the "share-o" lanes on the Arch Bridge and their removal after 2012. Mr. Windsheimer did not know why the lanes were removed. Commission President Smith commented on the important history of the bridge for Oregon City and West Linn and the fact that the hundredth-year anniversary of the bridge is next year, and he hopes ODOT is working towards a realistic solution.

Commissioner McGriff provided some information from her meetings with West Linn and that the City is not at a decision point.

Commissioner O'Donnell asked if the current Arch Bridge was inadequate for the current level of bike and foot traffic. Marc Butorac, Kettelson & Associates, Inc consultant, discussed that the current bridge is difficult for individuals that require American Disability Act (ADA) access and unattractive for the majority of bicycle riders.

Commission President Smith asked if the extra space provided by wide-set supports for the future design for the Abernethy Bridge could support bike-ped lanes and was frustrated that the design was limited.

Commissioner Lyles Smith asked if adding bike-ped could be added to the alternatives considered for the Abernethy Bridge. She also asked about the online Open House and the participation details. Mr. Butorac confirmed the Open House would be running continuously between March 29<sup>th</sup> thru April 13, 2021 and that additional information would be forthcoming on how ODOT arrived at their current recommendations.

*Tony Konkol, City Manager, asked the Commission to consider future development in the area, including the Clackamette Cove and the Willamette Falls Legacy Project, when evaluating the need of the proposed bridge.*

*Mary Baumgardner, City of West Linn City Councilor, discussed the importance of working together on the development of the areas adjacent to the Willamette River.*

*Commission President Smith commented that ODOT should make the public aware that the I-205 improvements, the Abernethy Bridge bike-ped concept plan and the I-205 tolling projects are interrelated. Mr. Windsheimer commented all of the projects came about at different times and had not been previously viewed as a group of projects but that the related websites could be interlinked going forward.*

*Commissioner McGriff commented that the I-205 tolling project should be a dedicated discussion for the Oregon City Commission.*

*Ray Atkinson, resident of Oregon City, provided comment that he does not support the Arch Bridge for bike-ped use and supports a bridge alignment that would connect with Main Street farther down.*

## 6. ADOPTION OF THE AGENDA

*The agenda was adopted as presented.*

## 7. CONSENT AGENDA

**Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to adopt the consent agenda. The motioned carried with the following vote:**

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

- 7a. Resolution No. 21-17, Extending the Declaration of a State of Emergency in Oregon City due to Winter Storm Destruction
- 7b. OLCC: Liquor License Application – Full On-Premises, Commercial, applying as R&G Express LLC (dba Toki Sushi and Teriyaki), 19061 S Beaver Creek Rd, Oregon City
- 7c. Minutes of the January 20, 2021 Regular Meeting
- 7d. Minutes of the January 20, 2021 Work Session
- 7e. Minutes of the February 9, 2021 Work Session

## 8. PUBLIC HEARINGS

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

*Carrie Richter, Assistant City Attorney, asked for any ex parte contacts, conflicts of interests, or biases developed since the last meeting. No Commissioners had any ex parte contacts, conflicts, or biases to declare. There was no one in the audience that questioned the Commissioner on these declarations.*



*Peter Walter, Senior Planner, provided a brief staff report reviewing the appeal and the issues identified in the last meeting. Mr. Walter discussed the amendments to the amended findings and conditions of approval. On March 3, 2021, the City Commission denied the appeal and upheld the Planning Commission's approval of a conditional use permit and site plan application to allow a 30-bed adult memory care facility at 182 Warner Parrott Road but modified the conditions of approval to comply with the twenty-foot setback required within the R-10 low density residential zone. The report supplemented the Planning Commission findings of January 11, 2019 and the staff report dated February 9, 2021. The findings modified the Planning Commission's decision, addressing additional Code requirements that were affected by the condition of approval to meet the twenty-foot setback such as off-street parking, landscaping and institutional design standards.*

*Commissioner Lyles Smith asked if the City Code required some of the other conditions under Criteria 39. Mr. Walter confirmed that some of the conditions originate from requirements within the City Code concerning residential setbacks.*

**Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to adopt the supplemental findings and upholding the Planning Commission's approval with modified conditions of approval for a 30-bed memory care residential facility at 182 Warner Parrott Road - AP-21-00001, GLUA-20-00020, CU-20-00002, and SP-20-00043. The motion carried with the following vote:**

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

**8b. First Reading of Ordinance No. 21-1006, Vacating a Section of Public Right-of-Way Adjacent to 1625 Washington Street**

*John Lewis, Public Works Director, discussed the vacation of the portion of the street and the reasons supporting the vacation. An application was received for the vacation of a section of public right-of-way (an alley) adjacent to 1625 Washington Street. The alley is encumbered by an existing building, a large elevation drop on one end, and Abernethy Creek on the other end.*

**Motion made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve the first reading of Ordinance No. 21-10016, vacating a section of public right-of-way adjacent to 1625 Washington Street. The motion carried with the following vote:**

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

**8c. Request Continuance for the Sale of Public Works Property Located at 306 S. Center Street**

*Mr. Lewis discussed the property and the continuance requested due to delays caused by a required property appraisal. Pursuant to ORS 221.725, the City Commission needs to hold a public hearing regarding the sale of City-owned real property. The City would like to sell the home adjacent to other Public Works property located at 306 S. Center Street. The public hearing for this property was advertised in the public newspaper to take place at the City Commission meeting on March 17, 2021. Staff would like the City Commission to open the public hearing and accept any public testimony, then close the public hearing and continue to a date certain of April 7, 2021.*

*Commissioner McGriff suggested she would like to see the home occupied by a family rather than used as a rental. Commissioner Lyles Smith asked if there was the ability to limit the sale to a family and Mr. Konkol and Mr. Lewis clarified that only one offer had been received and that buyer would be the only one accepted.*

Commissioner O'Donnell asked what the sale price was and asked for specific information to be presented at the April 7, 2021 meeting. Kattie Riggs, City Recorder, clarified the purchase and sale agreement would be brought back to the Commission on April 7<sup>th</sup> because of the ORS requirement to advertise the hearing needed to be on the agenda. Commissioner O'Donnell discussed that homes have been selling for over the asking price.

Mr. Konkol provided background on the property and how it came to be for sale and its connection to the Public Works upper yard property. Commissioner O'Donnell asked that the method of advertising the property for sale be presented at the next Commission meeting to make the process transparent.

**Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to close the public hearing and continue the item to a date certain of April 7, 2021. The motion carried with the following vote:**

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

*The Commission took a break from 9:14 PM to 9:19 PM.*

## 9. GENERAL BUSINESS

### 9a. Resolution No. 21-15, Revisions to the Parklet & Private Property Restaurant/Retail Guide for March 17, 2021 - November 30, 2021

*Mr. Lewis introduced the discussion of the sidewalk and the related resolutions on the agenda. He noted that his presentation would cover all four resolutions for consideration.*

*Mr. Lewis began discussion with Resolution 21-03. On July 15, 2020, the City Commission adopted a parklet and outdoor dining/retail services pilot program that began July 16, 2020. Resolution 21-03 established the applicability, exceptions, and general requirements for the temporary use of this pilot program which allowed temporary outdoor dining/retail use of on-street parking stalls in the right-of-way and in private parking lots. From July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. On October 21, 2020, the City Commission approved Resolution 20-30 extending the timeframe that businesses could use parklets to include the months through the 20/21 winter (December 1, 2020 to March 14, 2021). The City Commission held a work session on February 9, 2021 to review the standards as well as the comments received from the community regarding the program requirements.*

*Mr. Lewis discussed the size of sidewalks being small in the downtown area, making obstructions a larger concern. Mr. Lewis also discussed the temporary obstruction rules in the City Code.*

*Commissioner O'Donnell commented on the need for safety of the enclosures, enforcement issues and compliance and that the City would work with the property owners but there would be repercussions for violations.*

*Commissioner McGriff thanked staff for being nimble with these issues through the pandemic.*

*Commissioner Lyles Smith suggested some language that could be improved to make the rules clearer.*

*Mr. Konkol commented on what direction regarding enforcement the Commission wanted to pursue. Jim Band, Police Chief, commented on his recent visit to the downtown area and the enforcement issues. Mr. Band suggested that if an issue arose, the permit could be revoked or the permit could be modified and that he preferred these options over citations to encourage compliance. Commissioner O'Donnell was concerned with repeat offenders. Commissioner McGriff commented that continuing non-compliance, with notice of issues and repeated issues, should result in permit revocation.*

Mr. Lewis then discussed Resolution 21-01, which proposed to authorize display and sale of goods and merchandise in the downtown and along 7th Street using either a temporary obstruction in the right of way (ROW) permit or renewable right-of-way permit.

Commissioner McGriff asked if a person could get multiple permits in the same location, like sale of goods and restaurant seating. Mr. Lewis said they have not had anyone request multiple permits, but public safety is a factor in the issuance of these kinds of permits.

Mr. Lewis then continued the discussion with Resolution 21-05, noting that a single change had been included. The change was to reduce the fees after review of other cities' fees. The engineering fee schedule was being updated to reduce the renewable right-of-way permit fee from \$170 to \$85. Mr. Lewis noted that no fees would be charged until November 30, 2021 under Resolution 20-22.

Mr. Lewis began discussion of Resolution 21-15 related to parklets. In December 2019, the City Commission heard a presentation from Public Works describing the sidewalk seating program based on an internal policy that implemented Oregon City Municipal Code 12.04.120 for obstructions. The program had been implemented earlier that year on an honor system basis. Five businesses complied. City Commission directed staff in December 2019 to propose City Code revisions that would more explicitly define obstructions like sidewalk seating which were temporary in nature but were intended to be used year-round. The City Commission also requested a policy be adopted by resolution rather than remain an internal staff guidance document. Due to the COVID-19 pandemic, the schedule to provide revisions to the Code and adoption of the policy was delayed. Instead, the COVID-19 relief program was implemented to address parklets and seating in the right-of-way. Mr. Lewis reviewed the significant changes included in Resolution 21-15.

Commissioner McGriff asked about a new restaurant temporary structure adjacent to the Arch Bridge in a ODOT space, but no information was known.

Commission President Smith did not agree with some of the changes if they were to be considered on a permanent basis, but understood the need given the current situation.

Laura Terway, Community Development Director, presented on the changes for private space use, including patios and non-parking lot areas. There would be clarification on pedestrian walkways, landscaping concerns, and requirements for physical barriers with these permits.

Commissioner McGriff asked Ms. Richter if a single vote could be used to approve all four resolutions. Ms. Richter recommended separate voting on each resolution in case the outcomes were different for each. The vote for the resolutions was done in the number order of the resolutions.

**Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-15. The motion passed by the following vote:**

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

- 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

**Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-01. The motion passed by the following vote:**

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

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

**Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-03. The motion passed by the following vote:**

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

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

**Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-05. The motion passed by the following vote:**

**Yea: 4** - Commissioner McGriff, Commissioner O'Donnell, Commissioner Lyles Smith, Commissioner Smith, Jr.  
**10. COMMUNICATIONS**

### City Manager

*Mr. Konkol asked the City Commission for guidance on two options for the advertising process of the future vacant City Commission Position No. 4. There was consensus to wait until the Mayor-elect was sworn-in to office before advertising the vacant commissioner seat created.*

### Commissioners

### Mayor

## 11. ADJOURNMENT

*Commission President Smith adjourned the meeting at 10:18 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  
**From:** Public Works Director John M. Lewis, PE

**Agenda Date:** 03/03/2021

#### **SUBJECT:**

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

#### **STAFF RECOMMENDATION:**

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Trench Line Excavation, Inc. in the amount of \$214,900.00 for construction of the 5<sup>th</sup> Street Waterline Replacement and Storm System Improvements Project (CI 21-001).

#### **EXECUTIVE SUMMARY:**

In May 2020, the City contracted with Magna Construction to complete Phase 2 of the High Street Utility Improvements project. Due to funding concerns, a portion of the utility project on 5<sup>th</sup> and 4<sup>th</sup> Streets were removed from the Phase 2 project. It has since been determined that water and storm funds are available to complete the utility replacements. This project must be completed prior to the 2021 PMUF projects which will include the reconstruction of High Street from 3<sup>rd</sup> Street to 7<sup>th</sup> Street, and 5<sup>th</sup> Street from High Street to Center Street.

#### **BACKGROUND:**

In 2018, the City contracted with RH2 Engineering to provide engineering services for design and construction administration of the Phase 2 High Street Utility Replacement project. Funding concerns at the time required that the project be separated into different phases (2 and 3). In January 2021, it was determined that water and storm funds were available to complete Phase 3 of the utility replacements. The waterline replacement and storm system improvements are required to be completed prior to the 2021 Oregon City Roadway Reconstruction Project (PMUF).

The project will replace the existing 4" cast iron waterline on 5<sup>th</sup> Street between High Street and Center Street with a new 6" ductile iron waterline. In addition, the existing

undersized storm system at 5<sup>th</sup> Street between High Street and Center Street will be replaced, as well as a manhole and two catch basins at 4<sup>th</sup> Street and High Street.

On January 25 and 27, 2021, the project was advertised for bid in the *Daily Journal of Commerce* and the City bid site in accordance with City and State contracting procedures. The bid opening was held on February 16, 2020, and nine (9) bids were received. Staff and RH2 Engineering reviewed the bids and determined that Trench Line Excavation, Inc. was the low responsive bidder. The contract award value is two hundred fourteen thousand, nine hundred dollars (\$214,900.00).

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

|                                        |              |
|----------------------------------------|--------------|
| Trench Line Excavation, Inc.           | \$214,900.00 |
| Emery & Sons Construction Group, LLC   | \$228,115.00 |
| Jessie Rodriguez Construction, LLC     | \$229,190.00 |
| Icon Construction & Development LLC    | \$229,827.00 |
| Landis & Landis Construction, LLC      | \$235,777.00 |
| Pleasant Hill Development Company, LLC | \$237,000.00 |
| Black Rock Underground, LLC            | \$248,308.00 |
| Nutter Corporation                     | \$260,913.22 |
| Moore Excavation, Inc                  | \$266,998.10 |
| Engineer's Estimate                    | \$256,000.00 |

The bidding was close. A review of the bids shows that Trench Line Excavation's low bid was approximately 16% lower than the engineer's estimate. The average of the bids received was \$239,000, which is lower than the engineer's estimate.

#### **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: \$214,900.00  
 FY(s): 2020/21  
 Funding Source(s): Water Fund and Storm Fund

### **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 **TRENCH LINE EXCAVATION, INC.** (“CONTRACTOR”).

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

#### **ARTICLE I – Scope of Work**

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **5th Street Waterline Replacement and Storm System Improvements (CI 21-001)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

|                                                    |                                                                                                       |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Invitation to Bid                                  | Statutory Conditions to Contract Agreement                                                            |
| Scope of Work                                      | Performance Bond                                                                                      |
| Instructions to Bidders                            | Payment Bond                                                                                          |
| Bid Proposal and Bid Schedule                      | State of Oregon Statutory Public Works Bond                                                           |
| Compliance with ORS 279C.840                       | General Conditions                                                                                    |
| Resident Bidder Status                             | Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2021                     |
| Certification of Drug Testing Program              | Prevailing Wage Apprenticeship Rates dated October 1, 2020                                            |
| Non-Collusion Statement                            | Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018            |
| Asbestos Certification                             | Special Provisions                                                                                    |
| Registrations                                      | Contract Drawings                                                                                     |
| Certification of Non-Discrimination                | City of Oregon City Standard Details                                                                  |
| Certification of Compliance with Tax Law           | Technical Specifications                                                                              |
| Bidder Responsibility Form                         | 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents |
| Bid Bond                                           | Addenda: Addendum No. 1 dated February 9, 2021                                                        |
| First Tier Subcontractor Disclosure Form           | All items included within these Contract Documents.                                                   |
| Customer Service Acknowledgment Form               |                                                                                                       |
| Contract Agreement                                 |                                                                                                       |
| Oregon City Public Improvement Standard Conditions |                                                                                                       |

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

#### **ARTICLE II – Time of Completion**

The project shall be 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 **two hundred and fourteen thousand, nine hundred and no/100 dollars (\$214,900.00).**

**ARTICLE IV – Warranty and Quality of Work**

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

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

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

**CITY OF OREGON CITY****TRENCH LINE EXCAVATION, 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

**February 17, 2021**

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

*Sent via: Email*

**Subject: 5<sup>th</sup> Street Waterline Replacement and Storm System  
 Improvements (CI 21-001)  
 Recommendation for Award**

Dear Mr. Burrell:

The bids for the 5<sup>th</sup> Street Waterline Replacement and Storm System Improvements project were opened as advertised on Tuesday, February 16, 2021, at 2:00 PM, at Oregon City's City Hall. Trench Line Excavation, Inc., (Trench Line Excavation) submitted the lowest bid of the nine bids received. A summary of the bid totals is provided below:

|                                           |              |
|-------------------------------------------|--------------|
| 1. Trench Line Excavation, Inc.           | \$214,900.00 |
| 2. Emery & Sons Construction Group, LLC   | \$228,115.00 |
| 3. Jesse Rodriguez Construction, LLC      | \$229,190.00 |
| 4. Icon Construction                      | \$229,827.00 |
| 5. Landis & Landis Construction, LLC      | \$235,777.00 |
| 6. Pleasant Hill Development Company, LLC | \$237,000.00 |
| 7. Black Rock Underground, LLC            | \$248,038.00 |
| 8. Nutter Corporation                     | \$260,913.22 |
| 9. Moore Excavation, Inc.                 | \$266,998.10 |

A detailed bid tabulation is attached for your reference. A review of the bids shows that Trench Line Excavation's low bid was approximately 16 percent lower than the engineer's estimate of \$256,000.00. The second lowest bidder, Emery & Sons Construction Group, was approximately 10.9 percent lower than the engineer's estimate. The average of bids received was approximately \$239,000.

**WASHINGTON  
 LOCATIONS**

Bellingham  
 Bothell (Corporate)  
 East Wenatchee  
 Issaquah  
 Richland  
 Tacoma

**OREGON  
 LOCATIONS**

Medford  
 Portland



Based on a review of the bid submissions received and discussions with the contractor's references, RH2 recommends that the City award the contract to Trench Line Excavation.

If you have any questions or would like to discuss anything further regarding this recommendation or the bid results, please contact me at (503) 446-5949 or [dnichols@rh2.com](mailto:dnichols@rh2.com). Thank you for the opportunity to assist you with this project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Nichols'.

**David Nichols, P.E.**

Project Manager

DCN/jrb

Enclosures or Attachments:

5<sup>th</sup> Street Waterline Replacement and Storm System Improvements Bid Tabulation



City of Oregon City  
5th Street Waterline Replacement & Storm System Improvements  
Bid Tabulation  
Date: 2/16/21 2:00 PM

Apparent Low

Other Bidders

| Item                  | Description                                                 | Units | Quantity | Engineers Estimate |               | Trench Line Excavation, Inc. |               | Emery & Sons Construction Group, LLC |               | Jessie Rodriguez Construction, LLC |               | Icon Construction |               | Landis & Landis Construction |               | Pleasant Hill Development Company, LLC |               | Black Rock Underground, LLC |               | Nutter Corporation |               | Moore Excavation, Inc |               |
|-----------------------|-------------------------------------------------------------|-------|----------|--------------------|---------------|------------------------------|---------------|--------------------------------------|---------------|------------------------------------|---------------|-------------------|---------------|------------------------------|---------------|----------------------------------------|---------------|-----------------------------|---------------|--------------------|---------------|-----------------------|---------------|
|                       |                                                             |       |          | Unit Price         | Extended      | Unit Price                   | Extended      | Unit Price                           | Extended      | Unit Price                         | Extended      | Unit Price        | Extended      | Unit Price                   | Extended      | Unit Price                             | Extended      | Unit Price                  | Extended      | Unit Price         | Extended      | Unit Price            | Extended      |
| 1                     | Mobilization                                                | LS    | 1        | \$ 23,270.00       | \$ 23,300.00  | \$ 37,000.00                 | \$ 37,000.00  | \$ 24,250.00                         | \$ 24,250.00  | \$ 12,500.00                       | \$ 12,500.00  | \$ 18,500.00      | \$ 18,500.00  | \$ 29,999.00                 | \$ 29,999.00  | \$ 14,006.24                           | \$ 14,006.24  | \$ 25,000.00                | \$ 25,000.00  | \$ 25,500.22       | \$ 25,500.22  | \$ 23,550.00          | \$ 23,550.00  |
| 2                     | Work Zone Traffic Control, Complete                         | LS    | 1        | \$ 15,000.00       | \$ 15,000.00  | \$ 3,500.00                  | \$ 3,500.00   | \$ 8,000.00                          | \$ 8,000.00   | \$ 15,000.00                       | \$ 15,000.00  | \$ 12,000.00      | \$ 12,000.00  | \$ 2,000.00                  | \$ 2,000.00   | \$ 14,000.00                           | \$ 14,000.00  | \$ 5,000.00                 | \$ 5,000.00   | \$ 13,000.00       | \$ 13,000.00  | \$ 6,600.00           | \$ 6,600.00   |
| 3                     | Erosion and Sediment Control                                | LS    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 800.00                    | \$ 800.00     | \$ 4,550.00                          | \$ 4,550.00   | \$ 1,000.00                        | \$ 1,000.00   | \$ 1,000.00       | \$ 1,000.00   | \$ 2,400.00                  | \$ 2,400.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 2,250.00                 | \$ 2,250.00   | \$ 2,000.00        | \$ 2,000.00   | \$ 3,250.00           | \$ 3,250.00   |
| 4                     | Construction Survey Work                                    | LS    | 1        | \$ 4,000.00        | \$ 4,000.00   | \$ 5,581.00                  | \$ 5,581.00   | \$ 4,507.00                          | \$ 4,507.00   | \$ 6,500.00                        | \$ 6,500.00   | \$ 7,500.00       | \$ 7,500.00   | \$ 2,900.00                  | \$ 2,900.00   | \$ 4,500.00                            | \$ 4,500.00   | \$ 9,700.00                 | \$ 9,700.00   | \$ 5,000.00        | \$ 5,000.00   | \$ 4,500.00           | \$ 4,500.00   |
| 5                     | Rock Excavation                                             | CY    | 200      | \$ 200.00          | \$ 40,000.00  | \$ 50.00                     | \$ 10,000.00  | \$ 75.00                             | \$ 15,000.00  | \$ 75.00                           | \$ 15,000.00  | \$ 100.00         | \$ 20,000.00  | \$ 65.00                     | \$ 13,000.00  | \$ 50.00                               | \$ 10,000.00  | \$ 32.25                    | \$ 6,450.00   | \$ 125.00          | \$ 25,000.00  | \$ 180.00             | \$ 36,000.00  |
| 6                     | Boulder Excavation                                          | CY    | 100      | \$ 100.00          | \$ 10,000.00  | \$ 25.00                     | \$ 2,500.00   | \$ 65.00                             | \$ 6,500.00   | \$ 45.00                           | \$ 4,500.00   | \$ 75.00          | \$ 7,500.00   | \$ 65.00                     | \$ 6,500.00   | \$ 100.00                              | \$ 10,000.00  | \$ 40.60                    | \$ 4,060.00   | \$ 65.00           | \$ 6,500.00   | \$ 180.00             | \$ 18,000.00  |
| 7                     | 6" PVC Storm Pipe, Class B Backfill                         | LF    | 40       | \$ 90.00           | \$ 3,600.00   | \$ 40.00                     | \$ 1,600.00   | \$ 90.00                             | \$ 3,600.00   | \$ 100.00                          | \$ 4,000.00   | \$ 80.00          | \$ 3,200.00   | \$ 90.00                     | \$ 3,600.00   | \$ 250.00                              | \$ 10,000.00  | \$ 110.00                   | \$ 4,400.00   | \$ 100.00          | \$ 4,000.00   | \$ 220.00             | \$ 8,800.00   |
| 8                     | 10" PVC Storm Pipe, Class B Backfill                        | LF    | 75       | \$ 110.00          | \$ 8,300.00   | \$ 45.00                     | \$ 3,375.00   | \$ 120.00                            | \$ 9,000.00   | \$ 130.00                          | \$ 9,750.00   | \$ 97.00          | \$ 7,275.00   | \$ 95.00                     | \$ 7,125.00   | \$ 133.33                              | \$ 9,999.75   | \$ 175.00                   | \$ 13,125.00  | \$ 107.00          | \$ 8,025.00   | \$ 107.00             | \$ 8,025.00   |
| 9                     | 12" PVC Storm Pipe, Class B Backfill                        | LF    | 281      | \$ 120.00          | \$ 33,800.00  | \$ 105.00                    | \$ 29,505.00  | \$ 130.00                            | \$ 36,530.00  | \$ 155.00                          | \$ 43,555.00  | \$ 120.00         | \$ 33,720.00  | \$ 100.00                    | \$ 28,100.00  | \$ 35.58                               | \$ 9,997.98   | \$ 179.00                   | \$ 50,299.00  | \$ 120.00          | \$ 33,720.00  | \$ 120.00             | \$ 33,720.00  |
| 10                    | Concrete Manholes, 48" Diameter                             | EA    | 3        | \$ 6,000.00        | \$ 18,000.00  | \$ 4,800.00                  | \$ 14,400.00  | \$ 6,230.00                          | \$ 18,690.00  | \$ 3,995.00                        | \$ 11,985.00  | \$ 5,200.00       | \$ 15,600.00  | \$ 4,800.00                  | \$ 14,400.00  | \$ 8,333.33                            | \$ 24,999.99  | \$ 5,400.00                 | \$ 16,200.00  | \$ 4,800.00        | \$ 14,400.00  | \$ 6,620.00           | \$ 19,860.00  |
| 11                    | Catch Basins, Type G-2                                      | EA    | 3        | \$ 3,000.00        | \$ 9,000.00   | \$ 4,500.00                  | \$ 13,500.00  | \$ 2,661.00                          | \$ 7,983.00   | \$ 2,200.00                        | \$ 6,600.00   | \$ 2,500.00       | \$ 7,500.00   | \$ 2,400.00                  | \$ 7,200.00   | \$ 8,333.33                            | \$ 24,999.99  | \$ 5,200.00                 | \$ 15,600.00  | \$ 5,200.00        | \$ 15,600.00  | \$ 3,360.00           | \$ 10,080.00  |
| 12                    | Catch Basins, Curb Inlet                                    | EA    | 1        | \$ 5,000.00        | \$ 5,000.00   | \$ 4,600.00                  | \$ 4,600.00   | \$ 2,456.00                          | \$ 2,456.00   | \$ 2,950.00                        | \$ 2,950.00   | \$ 2,400.00       | \$ 2,400.00   | \$ 5,400.00                  | \$ 5,400.00   | \$ 25,000.00                           | \$ 25,000.00  | \$ 5,400.00                 | \$ 5,400.00   | \$ 5,100.00        | \$ 5,100.00   | \$ 4,800.00           | \$ 4,800.00   |
| 13                    | Connection to Existing Structures                           | EA    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 2,000.00                  | \$ 2,000.00   | \$ 1,080.00                          | \$ 1,080.00   | \$ 950.00                          | \$ 950.00     | \$ 2,000.00       | \$ 2,000.00   | \$ 1,500.00                  | \$ 1,500.00   | \$ 1,000.00                            | \$ 1,000.00   | \$ 1,700.00                 | \$ 1,700.00   | \$ 1,000.00        | \$ 1,000.00   | \$ 2,900.00           | \$ 2,900.00   |
| 14                    | Abandon Existing Pipe                                       | LF    | 554      | \$ 9.00            | \$ 5,000.00   | \$ 12.00                     | \$ 6,648.00   | \$ 8.00                              | \$ 4,432.00   | \$ 9.00                            | \$ 4,986.00   | \$ 9.00           | \$ 4,986.00   | \$ 20.00                     | \$ 11,080.00  | \$ 18.05                               | \$ 9,999.70   | \$ 7.00                     | \$ 3,878.00   | \$ 12.00           | \$ 6,648.00   | \$ 7.15               | \$ 3,961.10   |
| 15                    | Temporary Trench Resurfacing, 2-Inches Depth                | SY    | 246      | \$ 20.00           | \$ 5,000.00   | \$ 30.00                     | \$ 7,380.00   | \$ 17.00                             | \$ 4,182.00   | \$ 17.00                           | \$ 4,182.00   | \$ 46.00          | \$ 11,316.00  | \$ 31.00                     | \$ 7,626.00   | \$ 10.16                               | \$ 2,499.36   | \$ 24.50                    | \$ 6,027.00   | \$ 38.00           | \$ 9,348.00   | \$ 38.00              | \$ 9,348.00   |
| 16                    | Permanent Trench Resurfacing, 3-Inches Depth                | SY    | 386      | \$ 40.00           | \$ 15,500.00  | \$ 51.00                     | \$ 19,686.00  | \$ 45.00                             | \$ 17,370.00  | \$ 43.00                           | \$ 16,598.00  | \$ 55.00          | \$ 21,230.00  | \$ 55.00                     | \$ 21,230.00  | \$ 12.95                               | \$ 4,998.70   | \$ 36.00                    | \$ 13,896.00  | \$ 42.00           | \$ 16,212.00  | \$ 53.00              | \$ 20,458.00  |
| 17                    | 6" Class 52 RJ Water Main, Class B Backfill                 | LF    | 213      | \$ 110.00          | \$ 23,500.00  | \$ 75.00                     | \$ 15,975.00  | \$ 100.00                            | \$ 21,300.00  | \$ 139.00                          | \$ 29,607.00  | \$ 100.00         | \$ 21,300.00  | \$ 109.00                    | \$ 23,217.00  | \$ 56.33                               | \$ 11,998.29  | \$ 81.00                    | \$ 17,253.00  | \$ 120.00          | \$ 25,560.00  | \$ 74.00              | \$ 15,762.00  |
| 18                    | Connection to Existing Main at 5th Street and High Street   | EA    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 3,500.00                  | \$ 3,500.00   | \$ 1,760.00                          | \$ 1,760.00   | \$ 2,895.00                        | \$ 2,895.00   | \$ 4,100.00       | \$ 4,100.00   | \$ 8,000.00                  | \$ 8,000.00   | \$ 2,000.00                            | \$ 2,000.00   | \$ 6,800.00                 | \$ 6,800.00   | \$ 6,600.00        | \$ 6,600.00   | \$ 3,150.00           | \$ 3,150.00   |
| 19                    | Connection to Existing Main at 5th Street and Center Street | EA    | 1        | \$ 3,500.00        | \$ 3,500.00   | \$ 6,500.00                  | \$ 6,500.00   | \$ 5,225.00                          | \$ 5,225.00   | \$ 6,659.00                        | \$ 6,659.00   | \$ 4,100.00       | \$ 4,100.00   | \$ 8,500.00                  | \$ 8,500.00   | \$ 2,000.00                            | \$ 2,000.00   | \$ 10,000.00                | \$ 10,000.00  | \$ 11,000.00       | \$ 11,000.00  | \$ 7,480.00           | \$ 7,480.00   |
| 20                    | 1" Water Service Replacement                                | EA    | 2        | \$ 2,500.00        | \$ 5,000.00   | \$ 2,250.00                  | \$ 4,500.00   | \$ 3,040.00                          | \$ 6,080.00   | \$ 2,395.00                        | \$ 4,790.00   | \$ 2,200.00       | \$ 4,400.00   | \$ 2,700.00                  | \$ 5,400.00   | \$ 11,000.00                           | \$ 22,000.00  | \$ 3,600.00                 | \$ 7,200.00   | \$ 1,500.00        | \$ 3,000.00   | \$ 3,000.00           | \$ 6,000.00   |
| 21                    | 2" Water Service Replacement                                | EA    | 1        | \$ 5,000.00        | \$ 5,000.00   | \$ 4,400.00                  | \$ 4,400.00   | \$ 6,570.00                          | \$ 6,570.00   | \$ 4,750.00                        | \$ 4,750.00   | \$ 3,300.00       | \$ 3,300.00   | \$ 5,300.00                  | \$ 5,300.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 4,500.00                 | \$ 4,500.00   | \$ 4,900.00        | \$ 4,900.00   | \$ 5,825.00           | \$ 5,825.00   |
| 22                    | 1" Service PRV Assembly                                     | EA    | 2        | \$ 1,000.00        | \$ 2,000.00   | \$ 1,125.00                  | \$ 2,250.00   | \$ 1,250.00                          | \$ 2,500.00   | \$ 1,660.00                        | \$ 3,320.00   | \$ 1,000.00       | \$ 2,000.00   | \$ 1,100.00                  | \$ 2,200.00   | \$ 500.00                              | \$ 1,000.00   | \$ 1,350.00                 | \$ 2,700.00   | \$ 1,200.00        | \$ 2,400.00   | \$ 572.00             | \$ 1,144.00   |
| 23                    | 2" Service PRV Assembly                                     | EA    | 1        | \$ 1,500.00        | \$ 1,500.00   | \$ 1,700.00                  | \$ 1,700.00   | \$ 1,750.00                          | \$ 1,750.00   | \$ 1,877.00                        | \$ 1,877.00   | \$ 1,400.00       | \$ 1,400.00   | \$ 3,000.00                  | \$ 3,000.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 2,000.00                 | \$ 2,000.00   | \$ 2,900.00        | \$ 2,900.00   | \$ 1,225.00           | \$ 1,225.00   |
| 24                    | 1" Double Check Valve Assembly                              | EA    | 2        | \$ 1,000.00        | \$ 2,000.00   | \$ 1,150.00                  | \$ 2,300.00   | \$ 1,325.00                          | \$ 2,650.00   | \$ 1,688.00                        | \$ 3,376.00   | \$ 1,000.00       | \$ 2,000.00   | \$ 1,800.00                  | \$ 3,600.00   | \$ 1,000.00                            | \$ 2,000.00   | \$ 1,350.00                 | \$ 2,700.00   | \$ 900.00          | \$ 1,800.00   | \$ 590.00             | \$ 1,180.00   |
| 25                    | 2" Double Check Valve Assembly                              | EA    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 1,700.00                  | \$ 1,700.00   | \$ 2,150.00                          | \$ 2,150.00   | \$ 1,860.00                        | \$ 1,860.00   | \$ 1,500.00       | \$ 1,500.00   | \$ 2,500.00                  | \$ 2,500.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 1,900.00                 | \$ 1,900.00   | \$ 1,700.00        | \$ 1,700.00   | \$ 1,380.00           | \$ 1,380.00   |
| 26                    | Extra Work as Authorized                                    | LS    | 1        | \$ 10,000.00       | \$ 10,000.00  | \$ 10,000.00                 | \$ 10,000.00  | \$ 10,000.00                         | \$ 10,000.00  | \$ 10,000.00                       | \$ 10,000.00  | \$ 10,000.00      | \$ 10,000.00  | \$ 10,000.00                 | \$ 10,000.00  | \$ 10,000.00                           | \$ 10,000.00  | \$ 10,000.00                | \$ 10,000.00  | \$ 10,000.00       | \$ 10,000.00  | \$ 10,000.00          | \$ 10,000.00  |
| TOTAL (ITEMS 1 TO 26) |                                                             |       |          |                    | \$ 256,000.00 | -16.1%                       | \$ 214,900.00 | -10.9%                               | \$ 228,115.00 | -10.5%                             | \$ 229,190.00 | -10.2%            | \$ 229,827.00 | -7.9%                        | \$ 235,777.00 | -7.4%                                  | \$ 237,000.00 | -3.1%                       | \$ 248,038.00 | 1.9%               | \$ 260,913.22 | 4.3%                  | \$ 266,998.10 |

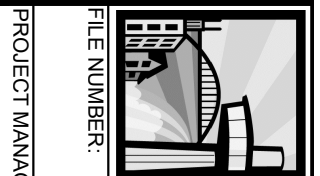
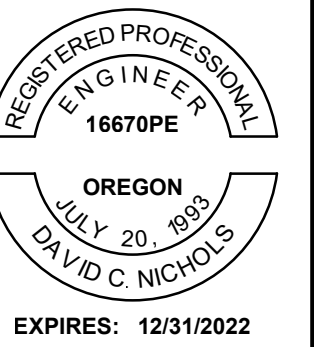




# CITY OF OREGON CITY

## 5TH STREET WATERLINE REPLACEMENT AND STORM SYSTEM IMPROVEMENTS

SPRING 2021  
VOLUME II OF II



PROJECT NUMBER: CI 21-001  
PROJECT MANAGER: JOHN BURRELL

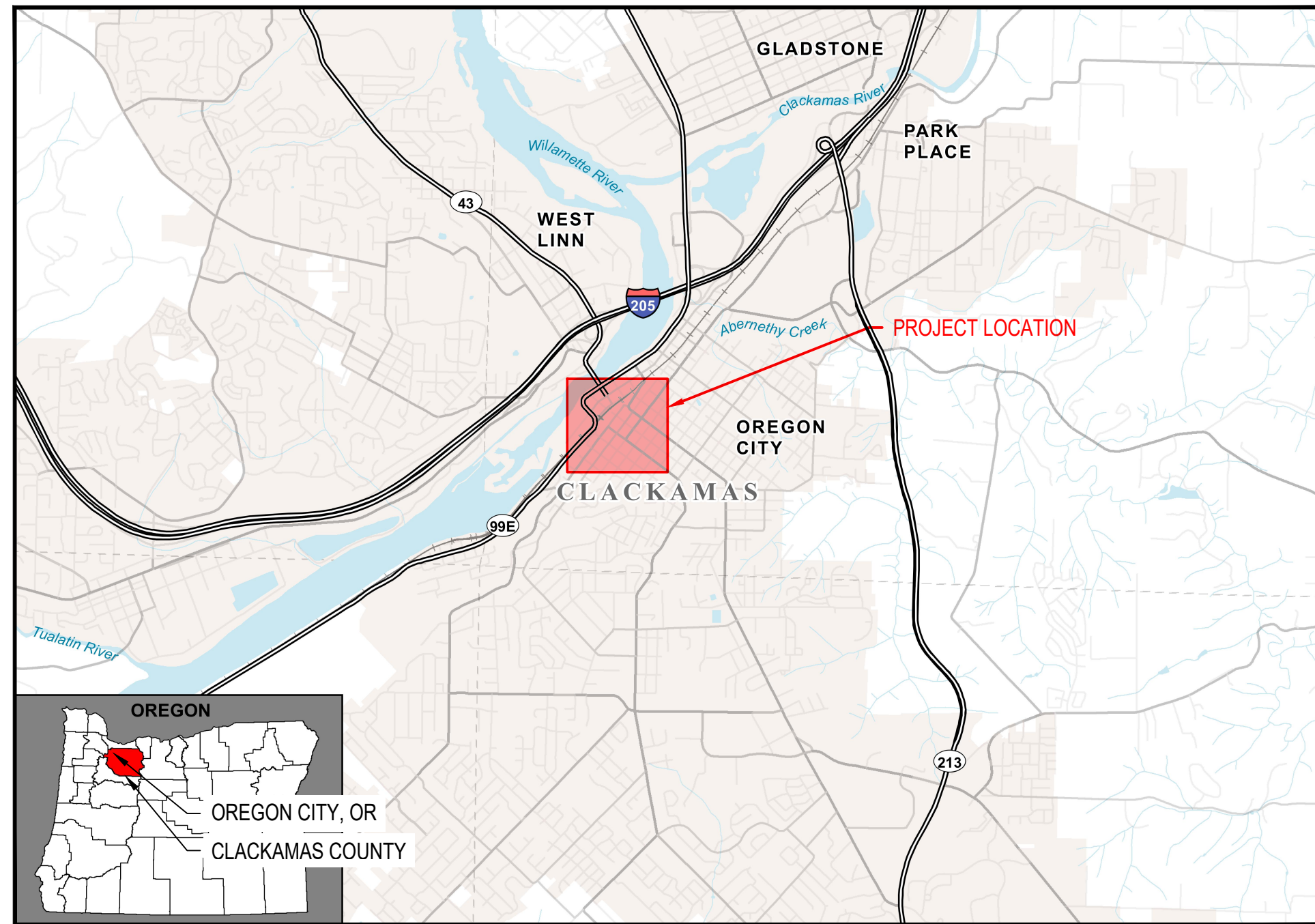
PROJECT NO: 819-148  
DESIGNED BY: JRB  
CHECKED BY: AEL  
DATE: Jan 21, 2021  
DRAWN BY: KMP

RH2 ENGINEERING INC.  
5335 MEADOWS ROAD  
SUITE 420  
LAKE OSWEGO, OREGON 97035

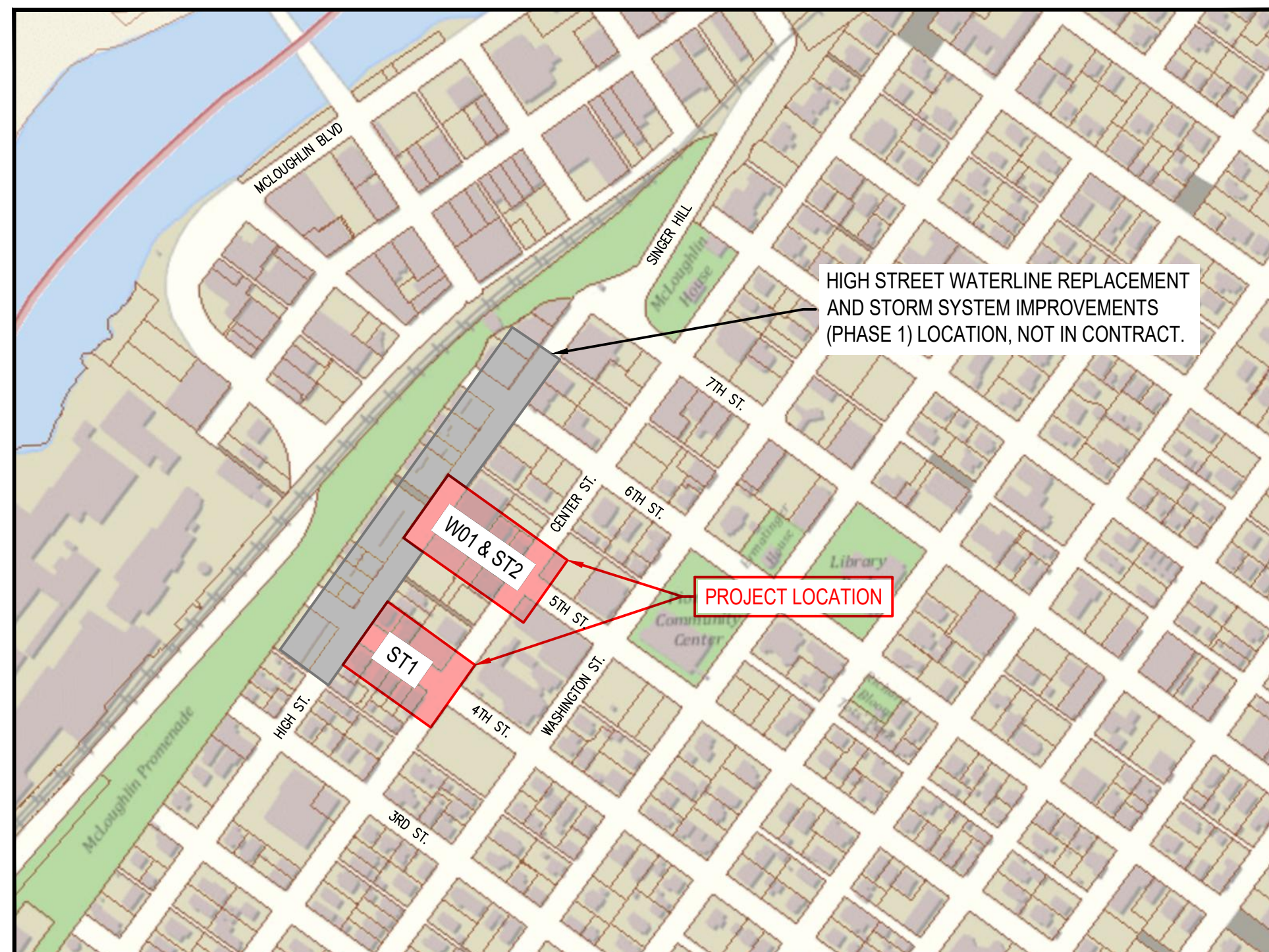
| NO. | DATE | REVISIONS |
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|     |      |           |

DRAWING NUMBER: **COV**  
SHEET 1 OF 1  
Page 143

### PROJECT VICINITY MAP



### PROJECT LOCATION MAP



### LEGENDS

#### EXISTING LEGEND

|  |                             |  |                           |
|--|-----------------------------|--|---------------------------|
|  | CONIFEROUS TREE             |  | RIGHT OF WAY LINE         |
|  | DECIDUOUS TREE              |  | RIGHT OF WAY CENTERLINE   |
|  | FIRE HYDRANT                |  | PROPERTY LINE             |
|  | WATER METER                 |  | EDGE OF PAVEMENT          |
|  | WATER VALVE                 |  | GRAVEL EDGELINE           |
|  | SANITARY SEWER MANHOLE      |  | ROADWAY CURB              |
|  | SANITARY SEWER CLEANOUT     |  | METAL FENCE               |
|  | STORM SEWER MANHOLE         |  | WOOD FENCE                |
|  | STORM SEWER CATCH BASIN     |  | UNDERGROUND COMMUNICATION |
|  | STORM SEWER CLEANOUT        |  | UNDERGROUND FIBER OPTICS  |
|  | NATURAL GAS METER           |  | NATURAL GAS               |
|  | NATURAL GAS VALVE           |  | UNDERGROUND POWER         |
|  | GUY WIRE ANCHOR             |  | OVERHEAD WIRE             |
|  | POWER POLE                  |  | SANITARY SEWER            |
|  | POWER VAULT                 |  | SANITARY SEWER LATERAL    |
|  | POWER JUNCTION BOX          |  | STORM DRAIN LINE          |
|  | POWER PEDESTAL              |  | WATER LINE                |
|  | COMMUNICATIONS VAULT        |  | WATER SERVICE LINE        |
|  | COMMUNICATIONS JUNCTION BOX |  | EXISTING BUILDING EDGE    |
|  | COMMUNICATIONS RISER        |  | EXISTING PAVEMENT         |
|  | SIGN                        |  | WATER SIDEWALK/CONCRETE   |
|  | STREET LIGHT                |  |                           |
|  | MAILBOX                     |  |                           |
|  | DRIVEWAY                    |  |                           |
|  | FOUND MONUMENT              |  |                           |
|  | CONTROL POINT               |  |                           |
|  | POTHOLE LOCATION            |  |                           |
|  | GEOPROBE LOCATION           |  |                           |

#### PROPOSED LEGEND

|  |                |  |                                                        |
|--|----------------|--|--------------------------------------------------------|
|  | BEND           |  | PROPOSED WATERLINE WITH DISTANCE ALONG PIPE TEXT       |
|  | TEE            |  | PROPOSED WATER SERVICE                                 |
|  | GATE VALVE     |  | STATION BASELINE WITH STATION LOCATION TEXT            |
|  | REDUCER        |  | EXISTING WATER, TO BE ABANDONED PER NOTES ON SHEET G01 |
|  | TAPPING SLEEVE |  | PROPOSED STORM DRAIN WITH DISTANCE ALONG PIPE TEXT     |
|  | WATER METER    |  | PROPOSED STORM DRAIN                                   |
|  | CATCH BASIN    |  | EXISTING STORM, TO BE ABANDONED PER NOTES ON SHEET G02 |
|  | STORM MANHOLE  |  | SIDEWALK RESTORATION                                   |
|  |                |  | HMA TRENCH PATCH                                       |

### DRAWING INDEX

| SHEET NO | SHEET TITLE                     | DWG NO |
|----------|---------------------------------|--------|
| 1        | COVER                           | COV    |
| 2        | GENERAL NOTES 1                 | G01    |
| 3        | GENERAL NOTES 2                 | G02    |
| 4        | WATER MAIN PLAN AND PROFILE 1   | W01    |
| 5        | STORM SYSTEM PLAN AND PROFILE 1 | ST1    |
| 6        | STORM SYSTEM PLAN AND PROFILE 2 | ST2    |
| 7        | DETAILS 1                       | DT1    |
| 8        | DETAILS 2                       | DT2    |
| 9        | DETAILS 3                       | DT3    |
| 10       | CONNECTION DETAILS              | DT4    |

### CONTACT PERSONNEL

| CONTACT                        | AGENCY                    | PHONE          |
|--------------------------------|---------------------------|----------------|
| JOHN BURRELL (PROJECT MANAGER) | OREGON CITY               | (503) 496-1556 |
| ERIC HAND (WASTE/STORMWATER)   | OREGON CITY               | (503) 657-8241 |
| KEVIN HANKS (WATER)            | OREGON CITY               | (503) 657-8241 |
| JASON THORNBERG (STREETS)      | OREGON CITY               | (503) 657-8241 |
| 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 KHELER                    | BEAVER CREEK TELEPHONE    | (503) 266-8223 |

### PROJECT PHASING NOTES

THIS PROJECT IS THE SECOND PHASE OF A LARGER MULTI-PHASE PROJECT. THE PHASE 1 IMPROVEMENTS INCLUDED WATER AND STORM SYSTEM IMPROVEMENTS WITHIN HIGH STREET FROM 3RD STREET TO 7TH STREET. THE PROPOSED IMPROVEMENTS INCLUDE WATER AND STORM SYSTEM IMPROVEMENTS WITHIN THE AREA OF 4TH STREET, AND 5TH STREET, HIGH STREET, AND CENTER STREET. PHASE 1 IMPROVEMENTS SHOWN ON THE PLANS ARE FOR REFERENCE ONLY, AND ARE NOT INCLUDED IN THIS CONTRACT.

**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:  
**RH2**

DRAWING NUMBER: **COV**  
SHEET 1 OF 1





# 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:** 03/03/2021

### SUBJECT:

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

### STAFF RECOMMENDATION:

Award the contract and authorize the City Manager to execute the Contract Agreement with Murraysmith in the amount of \$83,682 for professional services for the Water Risk and Resiliency Assessment and Emergency Response Plan (PS 21-002).

### EXECUTIVE SUMMARY:

On October 23, 2018, Congress signed into law America's Water Infrastructure Act (AWIA). Section 2013 of the AWIA requires community drinking water systems serving more than 3,300 people to develop or update Risk and Resiliency Assessments (RRA) and Emergency Response Plans (ERP), with federally-mandated deadlines.

To meet the AWIA-mandated deadlines, this contract will provide professional services to complete the City's Risk and Resiliency Assessments by June 30, 2021, and update its Emergency Response Plans by December 30, 2021.

### BACKGROUND:

Safe drinking water is needed by all communities. Reliability of the water system is integral to ensuring that water is available when needed. The US Environmental Protection Agency signed into law the America's Water Infrastructure Act (AWIA). The AWIA "improves drinking water and water quality, deepens infrastructure investments, enhances public health and quality of life, increases jobs, and bolsters the economy." The AWIA changes the Safe Drinking Water Act, including over 30 mandated programs. One of the mandates is the completion of a water Risk and Resiliency Assessment (RRA) and the preparation of an Emergency Response Plan (ERP) to meet current AWIA standards.

The AWIA requires that the Risk and Resiliency Assessment include:

- The risk to the system from malevolent acts and natural hazards;
- The resilience of the pipes and constructed conveyance, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, and electronic, computer or other automated systems (including the security of such systems) which are utilized by the system;
- The monitoring practices of the system;
- The financial infrastructure of the system;
- The use, storage, or handling of various chemicals by the system; and
- The operation and maintenance of the system.

The assessment may include an evaluation of capital and operational needs for risk and resilience management for the system.

In addition, an Emergency Response Plan that incorporates findings of the assessment is required within six months of completion of the RRA certification. This plan includes:

- Strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;
- Plans and procedures that can be implemented, and identification of the equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water;
- Actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals. This includes the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and
- Strategies that can be used to aid in the detection of malevolent acts or natural hazards and threaten the security or resilience of the system.

The City currently has an ERP but will be revising it to include the results of the RRA and to ensure that the ERP meets current AWIA requirements.

The attached scope of work (Exhibit A) outlines the detail by which the RRA and ERP will be completed. The work under this contract will be complete no later than December 30, 2021.

Murraysmith is a consultant on the City's shortlist to provide professional 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: \$83,682

FY(s): FY 20/21 and FY 21/22

Funding Source(s): Water Fund

**CITY OF OREGON CITY  
PERSONAL SERVICES AGREEMENT**

**RISK AND RESILIENCY STUDY AND EMERGENCY RESPONSE PLAN (PS 21-002)**

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

**RECITALS**

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

B. Consultant 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 30, 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 Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **eighty-three thousand six hundred and eighty-two and no/100 dollars (\$83,682.00)**.

3. Scope of Services. Consultant'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 Consultant:

**Murraysmith, Inc.**  
**888 SW Fifth Avenue, Suite 1170**  
**Portland, OR 97204-2012**  
**Attention: Carissa Shelley, P.E.**

Consultant 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

**MURRAYSMITH, INC.**

By: \_\_\_\_\_  
Anthony J. Konkol, III  
Title: City Manager

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_, 20\_\_\_\_.

DATED: \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
John M. Lewis  
Title: Public Works Director

DATED: \_\_\_\_\_, 20\_\_\_\_.

APPROVED AS TO LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
City Attorney

P:\PublicWorks\CIP\_PS\_RFQ\_RFP\PS\_Open\PS 21-002 Water Risk and Resiliency Study and Emergency Response Plan\COMMISSION REPORTS\Contract AWIA RR Study and ERP-PSA\_Murraysmith V3.docx

# EXHIBIT A

## SCOPE OF WORK

### AWIA RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN

### CITY OF OREGON CITY

## Introduction

The City of Oregon City (City) is pursuing the completion of a Risk and Resilience Assessment (RRA) to meet the requirements of the America's Water Infrastructure Act, signed into law by Congress in late 2018.

## Project Understanding

The America's Water Infrastructure Act (AWIA), signed into law by Congress in late 2018, which provides guidelines to complete an assessment of the risks to and resilience of drinking water systems. The AWIA states that public water systems serving as many people as the City of Oregon City's system will need to submit a certified letter that their Risk and Resilience Assessment has been completed prior to June 30, 2021. Within six months of submitting their RRA certification letter, or at a minimum prior to December 31, 2021, the City must submit a letter certifying that the City has updated its Emergency Response Plan, as required in the AWIA. The Risk and Resilience Assessment will follow AWWA J100, and will include malevolent acts, natural hazards, and critical dependencies.

Additionally, the Risk and Resilience Assessment will be written as a live document to be updated as needed and reviewed and revised at least every five years per AWIA requirements. The Risk and Resilience Assessment will provide a valuable resource for the City to use in planning for emergencies and creating and maintaining a reliable, high-quality water supply to its customers.

To address the AWIA requirements, Murraysmith has developed the following scope of services consisting of two major scopes of work; Risk and Resilience Assessment, and an Emergency Preparedness Plan.

To accomplish this work we respectfully request a Notice to Proceed of no later than March 4, 2021 to meet deadline of June 30 for the Risk and Resilience portion.

The Risk and Resilience portion of the project will be complete by June 30, 2021 so that the City of Oregon City can submit the certification letter in the time required by the Act, and maximize

the time allowed before the next 5-year renewal and completion of their Emergency Response Plan.

The Emergency Response Portion of the work may extend past June 2021 but will be completed by December 1, 2021.

## Scope of Services

Murraysmith will perform the following services.

### Task 1 - Project Management

To provide overall leadership and team strategic guidance aligned with the City of Oregon City staff objectives. To coordinate, monitor, and control the project resources to meet the technical, communication, and contractual obligations required for developing and implementing the project scope.

Note that sensitive documents will be transferred with secure file sharing formats, with specifics to be confirmed in the kick off meeting.

#### 1.1 Kick-Off Meeting

Once the City of Oregon City has issued the Notice to Proceed, a kick-off meeting will be held to officially start the project, review the scope and discuss the City's goals. Murraysmith will lead the meeting to introduce the project team, establish project objectives, review communication protocols, discuss the scope and examine the deliverable schedule. **The meeting will also include a tour of the current water facilities and areas of specific concern to the City.**

The Murraysmith project manager will lead the kick-off meeting lasting up to 2 hours, with the following site visit to not exceed 4 hours.

In the kick off meeting, the City and Murraysmith will discuss the cyber security option. By the conclusion of the meeting, direction will be given by the City.

#### Task Deliverables

1. Agenda and notes with action items from the kick-off meeting will be delivered via email.

#### Assumptions

1. Kick off meeting will be held within a week of NTP.

## 1.2 General Project Management

This task provides management of the project team, scope, schedule, and budget, and includes monthly invoicing, budget and schedule review, updates, and general administrative tasks.

As project manager, Carissa Shelley will maintain regular communication with the City and the team throughout the duration of the project, lead meeting and workshop discussions, keep the City up-to-date on any study issues or details, and make sure the City's input is incorporated into the final product.

The project will be managed to maintain its scope, schedule, and budget. At a minimum, updates on project schedule and budget will be provided as part of the monthly invoicing process.

### *Task Deliverables*

1. Due to the short duration of this project, bi-monthly status meetings will be held virtually with the City to provide updates and identify issues requiring project team action.

### *Assumptions*

1. 2 hours per month for each of the 4-month duration are included for general PM plus two additional hours for the initial month.

## Task 2 – Data Collection

Murraysmith will review information provided by the City for the kick-off meeting and develop a formal data request for any additional information required for completion of the Risk and Resilience Work. To minimize the required City staff time, Murraysmith will endeavor to limit the number of data requests.

The City will be responsible for collecting and delivering any additional information requested. It is anticipated that additional data requests will be made throughout the project, but the majority of the required data will be requested at the beginning of the work.

It is anticipated that the City has several documents that may be relevant in completing the City's RRA. These documents include the City's Water System Master Plan as well as its Vulnerability Assessment and Emergency Response Plan, developed in response to the Public Health Safety and Bioterrorism Preparedness Act of 2002. It is assumed that, in addition to these documents, Murraysmith will review up to five additional documents. Additional documents may include: Hazard-specific plans, Business Continuity Plans, IT Recovery or SCADA Plan, Facility Specific Plans, Emergency Operations Plan or Emergency Management Plan. The City will compile all requested/relevant documents and send them to Murraysmith if they are not available for the kick off meeting. Murraysmith will review the received documents to gather necessary information prior to initiating the work program.



## Task Deliverables

1. Formal data request(s).

## Assumptions

1. Murraysmith and the City will endeavor to identify and collect required data in a timely manner to not impact the project schedule.
2. Murraysmith will endeavor to minimize information requests to the City. All known and readily available existing condition information will be collected and developed into preliminary draft form prior to submitting a data request to the City.
3. Data will be collected in the site visit component of the kick off meeting, a second site visit has not been budgeted.

## Task 3 – AWIA Risk and Resilience Assessment

This task includes completion and certification of the Risk and Resilience Assessment required under AWIA and due at the end of June, 2021. Murraysmith will utilize PARRE, which is a licensed software tool provided by AEM to help water systems complete the AWIA Risk and Resilience Assessment and certification process.

### 3.1 Risk Analysis

Murraysmith will produce a list of the City's water system's critical assets. These critical assets include physical elements, cyber elements, and human/living elements that, if compromised, would significantly disrupt the ability to provide service, result in the loss of human life, or have unacceptable economic impacts. Murraysmith will evaluate each of the City's critical assets. For the purposes of this scope, 20 critical assets are assumed.

Murraysmith will then review the potential threats that each critical asset may face. The AWWA J100 standard uses an all-hazard approach, considering malevolent threats, natural hazards, and dependency and proximity threats. The PARRE tool includes the list of threats defined by the J100 that will be used as a starting point; threats will be added or removed as necessary given applicability to the City's water system. The PARRE tool will generate an asset-threat matrix using all identified critical assets and selected threats that will define all potential "asset-threat pairs". This matrix will be used to evaluate asset-threat pair priority levels against a priority level threshold, that will ultimately determine which asset-threat pairs will be carried through the risk and resilience assessments. A total of 120 asset-threat pairs are assumed to be carried through the risk and resilience assessments. Murraysmith will translate the asset-threat matrix to Excel to be reviewed by the City prior to continuing the analysis.

Next, consequences of failure will be evaluated within the PARRE tool for each pair, including public health and economic consequences.

Murraysmith will then use the PARRE tool to calculate scores for the consequence, vulnerability and threat for each asset-threat pair, which will be used to calculate the baseline risk for each. The consequence analysis will calculate the cost of the consequence in dollars. Consequences will be based on data collected by EPA as well as the City's knowledge of their system and its risks. This analysis within the PARRE tool will look at various consequences of the asset-threat pairs, including number of fatalities and serious injuries, financial loss to the City, and economic losses to the community.

As progress is made through the Risk Analysis process, the project manager will be keeping the City updated and making sure there is "buy-in" as we proceed. Engagement with City staff will be crucial to the success of this work.

The PARRE tool vulnerability analysis will calculate the likelihood that a malevolent event is successful, or a given natural, dependency, or proximity threat causes the estimated consequences. This step will determine the ability of each critical asset to withstand each specified threat. The analysis involves examining existing "countermeasures", including security capabilities, structural components, and other mitigation measures to determine their effectiveness in reducing damages from threats.

The PARRE tool threat likelihood analysis estimates the likelihood of malevolent events, dependency/proximity hazards, or natural hazards. While AWWA J100 offers numerous approaches to estimating the likelihood of each threat, the threat likelihood for most threats will be based on historical records, federal agency records, and professional judgment.

Finally, the PARRE tool risk analysis will use the scores calculated in the consequence, vulnerability, and threat likelihood analyses to calculate the baseline risk for each asset-threat pair. This risk score will help the City evaluate which asset-threat pairs pose the most risk and where countermeasure efforts should be focused.

### *3.2 Resilience Analysis and Management*

Under this subtask, Murraysmith will utilize PARRE's Data Analysis tool to assess two different types of resilience: individual asset-threat pair resilience and system-wide Utility Resilience Index (URI). Asset-threat pair resilience assesses the resilience of a single asset-threat pair, whereas City's URI assesses overall utility resilience by evaluating operational and financial indicators that influence resilience. City's URI is a decision support tool that can help a utility benchmark and monitor their overall capacity to respond to disruptive events. It uses two categories of indicators: operational indicators and financial indicators. Each category is then further broken down into components that will help a utility improve resilience. Output includes a score on how well the utility is doing in each functional area.

After computing the resilience of each asset-threat pair as well as the URI, Murraysmith and the City will meet to discuss potential countermeasures that could be implemented to reduce the highest risk asset-threat pairs. This will be in the form of a workshop hosted by Murraysmith. We will submit the agenda to the City the week before the workshop, and it will be either virtual or at

the City's office. Murraysmith will utilize PARRE's Risk/Resilience Management tool to compile the identified new countermeasures and estimated costs for each and group them with the corresponding asset-threat pairs. Murraysmith will then use the tool to perform a benefit/cost analysis by recomputing the risk for asset-threat pairs with identified potential countermeasures to determine which countermeasures provide the highest net benefit to the City. Information developed in this analysis will be included in the Risk and Resilience Assessment technical memorandum (TM).

### *3.3 Develop Risk and Resilience Assessment and Certification*

After the risk and resilience analyses have been completed, Murraysmith and the City will meet to discuss the findings prior to finalizing the assessment. Murraysmith will then use the PARRE tool to generate a high-level summary of the findings. Murraysmith will prepare a Risk and Resilience Assessment TM summarizing the risk analysis and resilience analysis development and findings and will include the PARRE summary as an appendix. The draft TM will be submitted to the City for review and comment prior to finalizing, incorporating the workshop discussion and decisions/directions from the City.

After the TM has been finalized, Murraysmith will coordinate with the City to complete the secure online EPA certification process, indicating that the City has completed its Risk and Resilience Assessment per the requirements of the AWIA.

#### *Task Deliverables*

- Electronic (Excel) version of the asset-threat matrix.
- Draft and final versions of the Risk and Resilience Assessment TM.

#### *Assumptions*

- Murraysmith will utilize AEM's PARRE tool to complete the Risk and Resilience Assessment and certification process.
- Murraysmith will analyze approximately 20 critical assets and an average of six threats per asset.
- Murraysmith will use the list of threats provided in PARRE by AWWA's J100 standard.
- A draft technical memorandum will be presented to the City in PDF and Microsoft Word.
- The Risk and Resilience Assessment will go through one review cycle. All changes requested by the City will be incorporated into the final Risk and Resilience Assessment.
- Murraysmith will submit two hard copies of the final Risk and Resilience Assessment to the City as well as a copy of the digital final assessment in both PDF and Microsoft Word.

- The City will complete the online certification indicating that the Risk and Resilience Assessment is complete.

## Task 4 – Emergency Response Plan

Following the completion of Risk and Resilience Assessment, Murraysmith work with the City to develop its Emergency Response Plan (ERP). The basis of the ERP shall be based on meeting the new AWIA standards and will utilize aspects of the AWIA requirements for ERP that are already covered in the City's existing relevant documents. An example of this will be to leverage the City's recent Seismic Resilience Study.

Per AWIA standards, the Emergency Response Plan will include the following.

1. Strategies and resources to improve the resilience of the system, including the physical security and cyber security of the system.
2. Plans and procedures that can be implemented in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water.
3. Actions and procedures which can significantly lessen the impact of a malevolent act or natural hazard to the safety and supply of drinking water.
4. Strategies that can be used to detect malevolent acts or natural hazards that threaten the security or resilience of the system.

The Plan will build on the Risk and Resilience Assessment findings, in addition to existing documentation and procedures wherever possible.

### 4.1 Consolidate Additional Documents for Emergency Response Plan

Murraysmith will look for additional content to add to the Emergency Response Plan. This information may include additional action plans for any malevolent acts, natural disasters, or cyber events that were reviewed in the RRA but not discussed in the previous plan. Murraysmith will prepare a list of data needs and/or requests. The City will compile all requested/relevant documents and send them to Murraysmith. Murraysmith will review these documents along with relevant AWWA standards, including G440 and M19, and adjust the plan as necessary to align the ERP with the most up-to-date industry standards.

Murraysmith will consolidate other relevant City documents that were utilized in the development of the RRA in support of the ERP.



## 4.2 Emergency Response Plan Workshop

Murraysmith and the City will meet to present the key components of the ERP, identifying sections and structure, in conjunction with relevant City documents. Murraysmith will use the feedback from this workshop to develop the ERP.

## 4.3 Develop Emergency Response Plan

Murraysmith will use the information collected in prior subtasks and in the workshop to develop the updated ERP.

After the ERP has been finalized, Murraysmith will draft a letter stating that the City has completed its ERP update per the requirements of the AWIA.

The outline of the ERP will be submitted to the City for review and approval of format/structure. We will also submit a draft document to the City to solicit comments and feedback before finalizing. Murraysmith will use the existing ERP as a starting point for the new ERP.

## Task Deliverables

- DRAFT and FINAL versions of the Emergency Response Plan
- DRAFT and FINAL versions of the completion letter for the Emergency Response Plan
- Emergency Response Plan Workshop Meeting Agenda and Meeting Summary

## Assumptions

- Workshop will be four (4) hours and will be attended by three (3) Murraysmith staff. Workshops will be held via video conferencing or at the City.
- The updated ERP will go through one (1) review cycle. All changes requested by the City will be incorporated into the Final ERP.
- The City will submit the letter stating that the ERP is complete to the EPA.

## Budget

The overall \$ 83,682 not to exceed budget for this work is shown in Table 1. The work provided in this Task Order will be billed on a time and expense basis using Murraysmith's current standard Schedule of Charges in effect the time the work is performed (2021 schedule attached)

Murraysmith travel time and mileage will be charged from the closest office for staff. However, Carissa Shelley's travel time will not be charged.

| Task                                         | Total Fee       |
|----------------------------------------------|-----------------|
| Task 1 – Project Management                  | \$9,598         |
| Task 2 – Data Collection                     | \$17,956        |
| Task 3 – AWIA Risk and Resilience Assessment | \$24,438        |
| Task 4 – Emergency Response Plan             | \$19,502        |
| Optional Cyber                               | \$12,188        |
| <b>TOTAL</b>                                 | <b>\$83,682</b> |

## Direct Expenses

Expenses incurred in-house that are directly attributable to the project will be invoiced at actual cost. These expenses include the following

|                                    |                  |
|------------------------------------|------------------|
| Computer Aided Design and Drafting | \$18.00/hour     |
| GIS and Hydraulic Modeling         | \$10.00/hour     |
| Mileage                            | Current IRS Rate |
| Postage and Delivery Services      | At Cost          |
| Printing and Reproduction          | At Cost          |
| Travel, Lodging and Subsistence    | At Cost          |

## Project Schedule

The Risk and Resilience Assessment will be complete approximately 3 months after Notice to Proceed is given. Murraysmith will make every effort to complete the work in a timely manner; however it is agreed that Murraysmith cannot be responsible for delays occasioned by factors beyond its control, nor by factors that could not be reasonably have need foreseen at the time this scope was executed.

An updated and detailed schedule will be provided to the City at the kick-off meeting and modified as required as the work progresses with the following critical items:

- NTP - March 4, 2021
- Kick Off and Site Visit – March 4, 2021
- Risk and Resilience Report Finalized – June 21, 2021
- Emergency Response Plan – August 30, 2021

## STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

2. Payment.

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

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

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

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

3. Independent Contractor Status.

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

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

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

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

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

4. Early Termination.

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

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

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

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

**STANDARD CONDITIONS TO OREGON CITY  
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5. No Third-Party Beneficiaries. City and Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

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

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

(iii) Not permit any lien or claim to be filed or prosecuted against 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 Consultant under this Agreement and, unless Consultant is subject to back-up withholding, City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

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

(b) If Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, 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 Consultant by reason of this Agreement.

(c) The payment of a claim in this manner

shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

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

7. Subconsultants and Assignment.

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

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

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



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**hold Consultant harmless from all claims, damages and expenses, including reasonable attorneys' fees, arising out of such reuse by City or others acting through City.**

10. Compliance With Applicable Law.

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

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

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

13. Indemnity and Insurance.

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

(b) Workers' Compensation Coverage.

Consultant certifies that Consultant has qualified for workers' compensation as required by the state of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All ~~agents or~~ Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance.

Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, ~~agents,~~ and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$1,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance.

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

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written

**STANDARD CONDITIONS TO OREGON CITY  
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notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants ~~and agents~~.

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

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

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

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

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. Should contrary provisions be included in a Personal Services Agreement, those contrary provisions shall control over these conditions.

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

20. Notices. Any notices, bills, invoices,

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

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

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

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

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

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

(b) The party desiring such arbitration shall

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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:

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.

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

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

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

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

25. Governing Law. This Agreement shall be



# CITY OF OREGON CITY

## CITY COMMISSION WORK SESSION

### DRAFT MINUTES

Virtual Meeting

Wednesday, December 16, 2020 at 6:00 PM

#### WORK SESSION OF THE CITY COMMISSION:

#### CONVENE WORK SESSION AND ROLL CALL

*Commission President Lyles Smith called the meeting to order at 6:02 PM.*

**Present:** – 4 Commissioner Rachel Lyles Smith, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, Jr.

**Staffers:** – 10 City Manager Tony Konkol, City Recorder Kattie Riggs, Interim Finance Director Ryan Bredehoeft, Community Development Director Laura Terway, Library Manager Greg Williams, Parks & Recreation Director Kendall Reid, Human Resources Director Patrick Foiles, Police Chief Jim Band, Public Works Director John Lewis, Assistant City Engineer Josh Wheeler

#### DISCUSSION ITEMS

##### 1. Proposed Code Amendments to Oregon City Municipal Code Chapter 12.04

*Josh Wheeler, Assistant City Engineer, gave a presentation on the proposed Oregon City Municipal Code amendments for temporary obstructions. He discussed the Code update categories, background and purpose for the Code amendments, short term obstructions, long term obstructions, fees, sidewalk sales and requirement for a renewable right-of-way permit for sidewalk sales, and next steps.*

*There was discussion regarding permits for storage pods, pedestrians navigating around chairs and tables on the sidewalks, difference between short-term and long-term obstructions, parklets implemented by resolution instead of by Code, simplifying the sidewalk sales process, monitoring and enforcing sidewalk seating, permits being cost prohibitive, timeframe for the obstructions, revisiting special event permit and park use processes, and complaint driven enforcement vs. regular staff inspection. There was consensus to take out the timeline for the obstructions and to allow sidewalk sales in the right-of-way in large sidewalk areas.*

#### COMMUNICATIONS

*Commissioner McGriff suggested that staff solicit community input for the upcoming City Commission Goal Setting Retreat. Commissioner O'Donnell suggested getting input on Urban Renewal as well. There was consensus for staff to move forward with soliciting additional community input for the Goal Setting process.*

#### ADJOURNMENT

*Commission President Lyles Smith adjourned the meeting at 7:06 PM*

Respectfully submitted,

\_\_\_\_\_  
Kattie Riggs, City Recorder





# CITY OF OREGON CITY

## CITY COMMISSION SPECIAL MEETING

### DRAFT MINUTES

Virtual Meeting  
Saturday, February 20, 2021 at 5:30 PM

#### SPECIAL VIRTUAL MEETING OF THE CITY COMMISSION

#### 1. CONVENE MEETING AND ROLL CALL

*Commission President Rocky Smith called the meeting to order at 5:32 PM.*

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

**Staffers:** 7 - City Manager Tony Konkol, City Recorder Kattie Riggs, Community Development Director Laura Terway, Building Official Mike Roberts, Parks & Recreation Director Kendall Reid, and Library Director Greg Williams

#### 2. GENERAL BUSINESS

##### 2a. Resolution No. 21-13, Waiving Electrical Permit Fee for Reconnecting Power Due to the Winter Storm through March 31, 2021

*Laura Terway, Community Development Director, explained that due to the Winter Storm there were several residents that had power separated from their homes. According to Oregon State law they are required to get an electrical permit to have the power fixed. The Resolution would allow residents to apply for this permit without a fee. Those who had already paid the fee would be reimbursed and any permits in the future due to the storm would be fee-free.*

*Commissioner Lyles Smith appreciated the quick action of the Commission and staff to discuss this issue. She encouraged the Commission to approve the Resolution.*

*Commissioner McGriff would like to know how many permits were issued under this permit due to the storm and the amount of lost revenue.*

**Motion made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve Resolution No. 21-13, Waiving Electrical Permit Fee for Reconnecting Power Due to the Winter Storm through March 31, 2021. Motion carried with the following vote:**

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

*Commissioner Lyles Smith provided an update regarding an elected-officials call with Portland General Electric (PGE) providing an update on outages in Clackamas County. PGE answered very pointed and difficult questions.*

*Tony Konkol, City Manager, provided an update on the debris drop-sites in Oregon City at the Clackamette Cove and Clackamas Community College (CCC). The CCC site had to be closed because it was not big enough and had reached capacity. The Clackamette Cove site would be the only site open moving forward.*

**3. ADJOURNMENT**

*The meeting was adjourned at 5:52 PM.*

Respectfully submitted,

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Kattie Riggs, City Recorder



# CITY OF OREGON CITY

## CITY COMMISSION WORK SESSION

### DRAFT MINUTES

**Virtual Meeting**  
**Tuesday, January 12, 2021 at 6:00 PM**

#### **VIRTUAL MEETING INFORMATION:**

#### **CONVENE WORK SESSION AND ROLL CALL**

*Commission President Rocky Smith called the meeting to order at 6:02 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, Assistant 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, Human Resource Director Patrick Foiles, Pete Walter, Senior Planner and Patty Nelson, Project Engineer

#### **FUTURE AGENDA ITEMS**

##### **1. List of Future Work Session Agenda Items**

*Commissioner Lyles Smith asked about the Department Land and Conservation District (DLCD) new guidelines.*

#### **DISCUSSION ITEMS**

##### **2. Proposed Annexation Code Amendments**

*Laura Terway, Community Development Director, provided a background of the agenda item. At the December 8, 2020 City Commission Work Session, the City Commission directed staff to identify draft changes to the annexation factors in Chapter 14.04 of the Oregon City Municipal Code to add clarity and a more detailed analysis of utilities and services at time of annexation. Staff returned on the December 16th meeting with proposed redlines and received additional direction from the Commission. The proposed Code amendments have been revised to implement the feedback of the Commission.*

*The Commission provided additional direction to guide staff in further amending the Code. This included more specificity within the annexation factors to identify the level of planning and infrastructure analysis required to determine that future development can be adequately served, adding more language regarding the funding sources for mitigation, such as public improvements, lower the size of annexation identified for master planning to five acres, adding a factor identifying all historically designated and potentially eligible historic structures be identified and research other city codes such as the City of Sandy for additional criteria.*

*Pete Walter, Senior Planner, walked through the specific changes.*

*Commissioner McGriff had questions about the proposed Code sections and wording used in several paragraphs.*

*There was in-depth discussion and review of edits to the Code regarding the essential factors for annexation, including transportation/intersection access, sewer, water, stormwater, police, fire and emergency services, parks and schools.*

*There was the question of whether an annexation could be denied due to the Police Department not being able to provide law enforcement coverage. Mr. Konkol brought up not having enough funding to cover essential services.*

*The Commissioners had discussion on the condition of the potential annexed properties, including the tree canopy and whether trees can be removed prior to completion of the annexation process.*

*Further revisions will be completed and brought back to the Commission for review.*

### 3. Water Rate Updates and Voter Approval

*John Lewis, Public Works Director, introduced Project Engineer Patty Nelson to provide the presentation.*

*Water rates and water System Development Charges (SDCs) support the City's Capital Improvement Plan (CIP) with \$82.9 million in funding. The City is in the process of amending the 2012 Water Distribution System Master Plan to include the updated 2019 CIP. With the adoption of the Amended 2012 Water Master Plan, the City must update water rates and water SDCs to support the plan. Water rates pay for system improvements needed for the existing system, while SDCs are one-time charges and pay for system improvements needed to support development/growth. Ms. Nelson outlined the ongoing risks if water rates are not increased, as there is substantial growth in the area and with the present aging systems, enforcing user curtailment may be necessary. Ms. Nelson also outlined other financing options, including the Water Infrastructure Finance and Innovation Act (WIFIA), which provides long-term low interest loans for public water improvements. Options available for voter approval are a 5% annual rate increase which is a backloaded revenue requirement, or a 4% debt-supported revenue requirement.*

*Commissioner McGriff asked if there has been an increase in water consumption due to the COVID-19 restrictions and Mr. Lewis indicated he had not looked at comparable data, but last summer the water system was straining to keep up with demand. Wyatt Parno with the South Fork Water Board communicated during the meeting that there was no significant water usage change during the current COVID restrictions.*

*Commissioner O'Donnell asked about the WIFIA loans and whether voter approval was required to pursue them. Ms. Nelson indicated that voter approval was necessary. He also asked if there was demonstrated evidence of system failures. The City does map all system failures and water main system breaks. Commissioner O'Donnell asked if Public Works could at least track the frequency of failures and Ms. Nelson indicated they can but that it was not a predictor of future failures.*

*There was a question if a Local Improvement District (LID's), which are a method of providing public financing for the construction of public works improvement projects that benefit private properties, could be put in place when a single developer owned multiple property lots, prior to sale. That could be done, although the interest rate to the developer would be higher.*

*There was discussion on what portion of the City utility bill would be impacted with an increase and it was clarified that only the water rate would be affected.*

*Commissioner Lyles Smith commented that since there was a history of the City postponing system maintenance, it would only be more expensive in the future. Oregon City is comparable to other local jurisdictions on water rates. Commissioner Lyles Smith asked if needed projects would be completed after twenty years if the approved rate increases were implemented and the response was yes. Mr. Konkol provided clarification on the debt perspective for the long-term basis.*

*Commissioner McGriff commented that a long-term bond might be more desirable.*



*Commissioner O'Donnell asked clarification on whether the current rates collected were being applied to system improvement projects and the responds was that very little are used for future projects with the majority going to operational costs.*

*Commissioner O'Donnell commented that he would like to see more explanatory work done on the WIFIA financing option.*

*Mr. Zook provided some examples of funding opportunities he experienced while working for the City of Newberg and indicated they could look at all the options available.*

*Commissioner McGriff asked Mr. Konkol about available Federal funding and he indicated he would follow-up.*

*Mr. Lewis and Ms. Nelson summarized much of the conversation at this point and Ms. Nelson reviewed the 2021 election schedule.*

*Commissioner Smith commented that he liked the option of the September timeline and Commissioners Lyles Smith, McGriff and O'Donnell felt the November ballot timeline would be better, because of the COVID situation, local business recovery and time to conduct community outreach.*

*Mr. Konkol summarized that there appeared to be Commission consensus on moving forward with a November 2021 ballot measure with the four percent debt requirement and to begin work on the outreach pieces. Mr. Konkol also noted the Commission's request to investigate possible Federal funding.*

*Commissioner Smith expressed concerns on presenting too many priority projects to the voters.*

#### 4. Review of the City Commission Rules of Procedure and Commission Policies

*Kattie Riggs, City Recorder, presented the topic and reminded the Commission of items such as the use of electronic devices at the dais during meetings. The City Commission reviewed and discussed proposed changes to Commission Policies and the Commission's Rules of Procedure.*

*Commissioner Smith expressed concerns on having a complete back-up of meeting recordings and not having the authority to compel a Commissioners attendance at City meetings. Commissioner Lyles Smith concurred. There was review of the City Charter and discussion on the attendance language. The Commission decided to start the review with the Rules of Procedure.*

*The Commission discussed whether the rules of procedure applied to all City boards, committees and the City Commission, or to the City Commission only. There was discussion about how to address questions to the City Attorney and staff during meetings. There was also discussion about receiving public comment during work sessions. The Commission discussed and agreed to rearrange the order of items on meeting agendas. Last minute presentation materials on external media from outside presenters will not be allowed, due to the security risk.*

*Commissioner Smith expressed the desire to have the ability to edit electronic documents in the agenda packets. Ms. Riggs indicated the option was available now with Commission training.*

*There was consensus to address the review and editing of Commission policies at a future work session.*

### CITY MANAGER'S REPORT

*There was no City Manager's report.*

### COMMISSION COMMITTEE REPORTS

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

**B. Brownfield Grant Committee** - Commissioner Frank O'Donnell

**C. Citizen Involvement Committee Liaison** - Commissioner Denyse McGriff

*Commissioner McGriff specified the letters to the inactive neighborhood association residents had been approved and would be mailed out. She also attended the Tower Vista/Hillendale Neighborhood Association first re-activation meeting and they would be meeting again.*

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

*Commissioner Lyles Smith commented that SMART transit out of Wilsonville, requested to be included in C4 and there had been progress in making them a voting member.*

**E. Clackamas County I-205 Tolling Diversion Committee** - Appointed: Commissioner Rachel Lyles Smith      Alternate: Commissioner Frank O'Donnell

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

*Commissioner Smith stated there was a Saturday retreat on January 9, 2021 and a new movie production on a parallel tribal story had been completed through a grant. The End of the Oregon Trail Center had applied for other grants.*

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

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

*Board meeting was held on January 12, 2021 and a successful recent winter promotional campaign was discussed.*

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

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

*Commissioner McGriff and Commissioner Smith requested an update from Ms. Terway to get up to speed.*

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

*Commissioner Lyles Smith indicated there was a legislative bill to create a public corporation to take ownership of the Willamette Falls Locks. They have requested funding, but the Governor did not approve the funding. Commissioner McGriff requested a presentation on the Willamette Falls Locks. Mr. Konkol will coordinate.*

**L. Oregon City Tourism Stakeholder's Group** - Appointed: Commissioners Denyse McGriff

and Rocky Smith, Jr.

Commissioner McGriff announced the second showcase film had been completed and she was featured in the film. There was also work on new promotional materials featuring more diversity.

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

Commissioner Lyles Smith complimented Mr. Konkol for his comments in the most recent Commission meeting that included the Oregon Department of Transportation presentation on the bridge options.

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

Commissioner Smith mentioned an ongoing water rights court case and the honoring of John Collins, SFWB Director, as he retires.

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

The Willamette Falls and Landings Heritage Area Board meeting would be held on Monday, January 18, 2021.

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

Commissioner O'Donnell mentioned the scheduling of another meeting with the Tribes. The Commission discussed the building that had burned in December at the mill site and possible demolition.

**ADJOURNMENT**

Commission President Rocky Smith adjourned the meeting at 10:08 PM.

Respectfully submitted,

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Kattie Riggs, City Recorder



# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING - REVISED MINUTES

Commission Chambers, City Hall, 625 Center Street  
Wednesday, January 06, 2021 at 7:00 PM

### 1. CONVENE MEETING AND ROLL CALL

*Commission President Rachel Lyles Smith called the meeting to order at 7:01 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, City Attorney Bill Kabeiseman, 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, City Engineer Dayna Webb, Asst. City Engineer Josh Wheeler, Patrick Foiles, Human Resources Director and Asst. City Recorder Jakob Wiley

### 2. FLAG SALUTE

### 3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

#### 3a. Oath of Office - The Honorable Laraine McNiece Officiating

*Commission Position No. 2: Denyse McGriff*

*Commission Position No. 3: Frank O'Donnell*

*The Honorable Laraine McNiece officiated the Oath of Office for the newly elected Commissioners Denyse McGriff and Frank O'Donnell.*

#### 3b. Mayoral Appointments to City Boards and Commissions

*Commission President Lyles Smith announced the appointments for 2021 City boards and commissions and provided a statement on how she made the selections as there had been complaints from the public on the process in light of the recent recall of Mayor Holladay.*

*Natural Resources Committee: Nancy Broshot, Brian Kyisler, Samantha Wolf and Carrie Young.*

*Parks and Recreation Advisory Committee: Troy Bolinger, Karin Morey and Tim Wuest.*

*Transportation Advisory Committee: Ben Simmons and Tim Morgan.*

*Planning Commission: Lisa Novak and Daphne Wuest.*

*Historic Review Board: Carrie Crook, Paul Edgar, Sabrina Ferry and Ray Stobie*

*Item 7a. from General Business was moved up to coincide with 3c.*

#### 7a. Election of Commission President for 2021

**Motion made by Commissioner McGriff, Seconded by Commissioner O'Donnell nominating Rocky Smith Jr. as the Commission President for 2021.**



**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

3c. Oath of Office for the 2021 Commission President - The Honorable Laraine McNiece Officiating

*The Honorable Laraine McNiece officiated the Oath of Office for the newly elected Commission President Rocky Smith Jr.*

*Commission President Rocky Smith Jr. led the meeting from this point.*

3d. Library Board Annual Update

*Greg Williams, Library Director, introduced the Library Board Chair Scott Edwards to provide the update.*

*Scott Edwards, Library Board Chair, provided the annual Library Board update. Mr. Edwards commented the Library Board updated the Library Patron Behavior Policy and Library Board bylaws and Municipal Code on the board officer election practices, welcomed a new board member and new Library Director Greg Williams. They reviewed the data supplied to the library district advisory committee and participated in the county district task force when they resumed meetings in June and worked on COVID related issues/health practices and operational services and service resumption. The library staff have continued as much liaison activity and outreach as possible, given the COVID situation.*

*Commissioner McGriff asked about issues in outlying areas and an issue that the City of Canby had with the library district boundary. Mr. Williams indicated that the library district advisory board had not been able to meet until recently and they will be working to address these and other issues facing the district.*

3e. Presentation on Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan

*John Lewis, Public Works Director, introduced the item and the Oregon Department of Transportation staff that would be providing the presentation.*

*Sandra Hikari, Planner for Oregon Department of Transportation, explained the project was to provide a bridge connecting the City of West Linn and the City of Oregon City for pedestrians and bike traffic only. Besides Oregon City and West Linn, project partners also include Clackamas County, Metro and Oregon Department of Transportation (ODOT). Ms. Hikari provided an overview of the purpose of the project and need for the project. She also provided the background and study area, which is close to the current Arch Bridge. The alignment options are north of the arch bridge, south of the arch bridge and two other options. There have been no environment studies and ODOT would like to hear from the Commission before doing further research and studies.*

*The concept plan is part of ongoing coordination with the I-205 improvement project and the I-5/I-205 Tolling Project.*

*Commissioner McGriff wanted to know how the project came about. Mandy Putney, with the Oregon Department of Transportation, indicated ODOT is hosting the efforts and the origins came from local input. Commissioner McGriff questioned the decision-making process and that other viable bridge locations were not being considered, and that the State Historic Preservation Office (SHPO) needed to be included in the stakeholder committee groups along with the Oregon Tribal Historic Preservation Office (THPO).*

*Commissioner O'Donnell questioned the need and the timing of the project.*

*Ms. Putney explained that during the conversations and community outreach it may be determined that there is, or is not, a need for a bike/pedestrian bridge.*

*Commissioner Lyles Smith explained that the C4 (Clackamas County Coordinating Committee) Committee she sits on has had these conversations and the focus has been from a safety perspective and providing better pedestrian/bicycle access to the communities of Gladstone, Oregon City and West Linn.*

*Ms. Putney indicated ODOT is not providing a replacement vehicular bridge if the Arch Bridge were chosen for this project.*

*Mr. Konkol provided the background as to why the bike/ped bridge is being discussed at the meeting. He explained the bike/ped portion of the Abernethy Bridge had been eliminated from the project, but the state requires a multi-modal transportation option.*

*Commissioner Smith commented that he felt ODOT had purposely split apart the three projects that affect the local area and Oregon City and that they should be the same conversation with the community. He does not support closing the Arch Bridge to pedestrian/bike traffic.*

#### **4. CITIZEN COMMENTS**

*Karla Laws, resident of Oregon City, brought up tree-cutting situation at 279 Molalla Avenue, Electric Lettuce. Ms. Laws would like to see the property owner be more protective of their trees.*

*Dorothy Dahlsrud, resident of Oregon City also commented on the same tree-cutting situation.*

#### **5. ADOPTION OF THE AGENDA**

*7a was moved to coincide with item 3c. The agenda was adopted as amended.*

#### **6. PUBLIC HEARINGS**

- 6a. 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)

*Laura Terway, Community Development Director, introduced Christina Robertson-Gardiner to present the item.*

*Christina Robertson-Gardiner, Senior City Planner, provided the background regarding the first reading of Ordinance No. 21-1003. Staff proposed code revisions to the Geologic Hazards Overlay District and other 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. As there are multiple chapters proposed for revision, the larger package of amendments will be 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.*

*Commission President Smith opened the public hearing.*

*There were no public comments.*

*Commissioner O'Donnell questioned the language used regarding access to water meters/water shut offs. Josh Wheeler, Asst. City Engineer, explained why the water and sewer verbiage is different in the ordinance. Commissioner Lyles Smith concurred with Commissioner O'Donnell's comments.*

*The Commissioners discussed verbiage changes to amend the ordinance regarding water, sewer, site plans, as there was consensus more revisions were needed.*

*Commission President Smith mentioned the public hearing would be continued.*

**Motion made by Commissioner McGriff, Seconded by Commissioner O'Donnell. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

## 7. GENERAL BUSINESS

*Item 7a. from General Business was moved up to coincide with 3c.*

### 7a. Election of Commission President for 2021

**Motion made by Commissioner McGriff, Seconded by Commissioner O'Donnell. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

### 7b. Second Reading of Ordinance No. 21-1002, Amending the Development Agreement with John Jones Construction, Inc.

*Mr. Konkol introduced Matt Zook, the City's new Finance Director. Mr. Zook provided an outline. The City had received a request from a developer to extend the duration of a development agreement. The City entered into a development agreement with John Jones Construction, Inc. ("Jones") in 2008 whereby Jones would construct a stormwater facility to accommodate 442 current and future lots in the area. The cost of construction was to be reimbursed to Jones to the extent these lots were issued a building permit within the life of the agreement. The agreement was subsequently amended on two separate occasions to extend the time period for reimbursement of the cost; first in December of 2009 and again in December of 2019. With the Development Agreement, as previously amended, scheduled to expire on December 31, 2020, and with there still being additional potentially developable lots for which Jones could receive additional reimbursement, the City and Jones desired to amend the Development Agreement, as previously amended, by extending the time period for reimbursement of the cost to March 19, 2023, fifteen (15) years from the date Page 2 of 2 the Development Agreement was originally entered into which, per ORS, is the maximum duration a development agreement may be entered into with a city. The City Commission approved the first reading of this Ordinance at the December 16, 2020 meeting.*

**Motion made by Commissioner McGriff, Seconded by Commissioner Smith, Amending the Development Agreement with John Jones Construction, Inc. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

### 7c. Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

*Ms. Terway provided a brief presentation regarding the changes to the Guidelines for Transportation Impact Analyses. The Guidelines for Traffic Impact Analysis (TIA's) consist of Technical Engineering Study, Analyses traffic impact of development, but does not include criteria for development review. The Guidelines are used by consultants to assemble the components of a proper traffic study to address transportation 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 results of the analysis demonstrate how much impact a development will have on the transportation system which are reviewed against the criteria in the Oregon City Municipal Code in order to determine if any capacity or safety improvements such as a turn lane or traffic signal are needed due to the increase in traffic. 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. The City Commission preliminary reviewed the changes on December 2, 2020 and asked staff to review the policy for the following: 1. Require the City's review be completed by a Professional Engineer licensed in Oregon. Section 2.4 has been modified to implement this request. 2. The language in section 1.1 be reworded for clarity in plain language. The goals of the current TSP in section 1.1 have been reworded and summarized for clarity. 3. The off-site impacts are properly analyzed in section 2.2. Staff did not identify any off-site calculation or analysis which should be included and thus no additional changes were made related to this request. Page 2 of 8 4. Accessory dwelling units are subject to review. Staff believes that requiring a ADU to conduct a transportation study is not allowed by law and it would not provide a benefit substantial due to the relatively minor transportation impact.*

*Commissioner O'Donnell expressed some concerns with system development charges (SDC's) in relation to the guidelines. Ms. Terway, Mr. Lewis and Commissioner O'Donnell had further discussion. Mr. Lewis indicated a bond measure is sometimes needed to resolve funding gaps.*

*Mr. Konkol suggested this may be a topic for the Commission Retreat at the end of the month.*

*There was consensus by the majority of the Commission to proceed with the remainder of the meeting past 10:00 PM.*

**Motion made by Commissioner Lyles Smith, Seconded by Commissioner McGriff to approve Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses. The motion failed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Rachel Lyles Smith

**Voting Nay:** Commissioner Frank O'Donnell, Commissioner Rocky Smith.

## **8. CONSENT AGENDA**

**Motion made by Commissioner McGriff, Seconded by Commissioner Lyles Smith approving the Consent Agenda. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

- 8a. Amendment No. 1 to the Personal Services Agreement with RH2 Engineering for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)
- 8b. Minutes of the October 21, 2020 Regular Meeting
- 8c. Minutes of the October 13, 2020 Work Session
- 8d. Minutes of the November 4, 2020 Regular Meeting



## 9. COMMUNICATIONS

### City Manager

*Mr. Konkol suggested to the Commission that they move to virtual meeting format going forward.*

### Commissioners

*Commissioner Lyles Smith provided information about conversations she had with business owners in the downtown area and that they are struggling with the current COVID restrictions. They are also having difficulties with the parklets.*

*Commission President Smith thanked everyone for the community service time provided as volunteers on the City Commission.*

*Commissioner McGriff also mentioned concerns for the businesses struggling.*

### Mayor

## 10. ADJOURNMENT

*Commission President Rocky Smith adjourned the meeting at 10:21 PM.*

Respectfully submitted,

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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:** 04/07/2021  
**From:** Community Development Director Laura Terway

### SUBJECT:

First 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 first reading of Ordinance No. 21-1007 and continue the Public Hearing to April 21, 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.

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](http://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 5, 2021 City Commission Hearing (Package #3)**

Proposed 1st Reading for the adoption of the following chapters:

- OCMC 17.44 Geologic Hazards Overlay District

#### **May 19, 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 first reading of Ordinance No. 21-1007 and continue the Public Hearing to April 21, 2021.
2. Continuation of first reading of Ordinance No. 21-1007 to April 21, 2021.
3. Continuation to a different date certain.



**ORDINANCE NO. 21-1007**

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**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. 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)

### 13.34.20 - 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 |
|-----------------------|----------------------------------------------|--------------------|----------------|---------------|------------------------------------------------------|-----------------|-----------|----------------|------------------|--------|
| <b>Major Arterial</b> | 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<br>12 feet              | Two-Way<br>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.

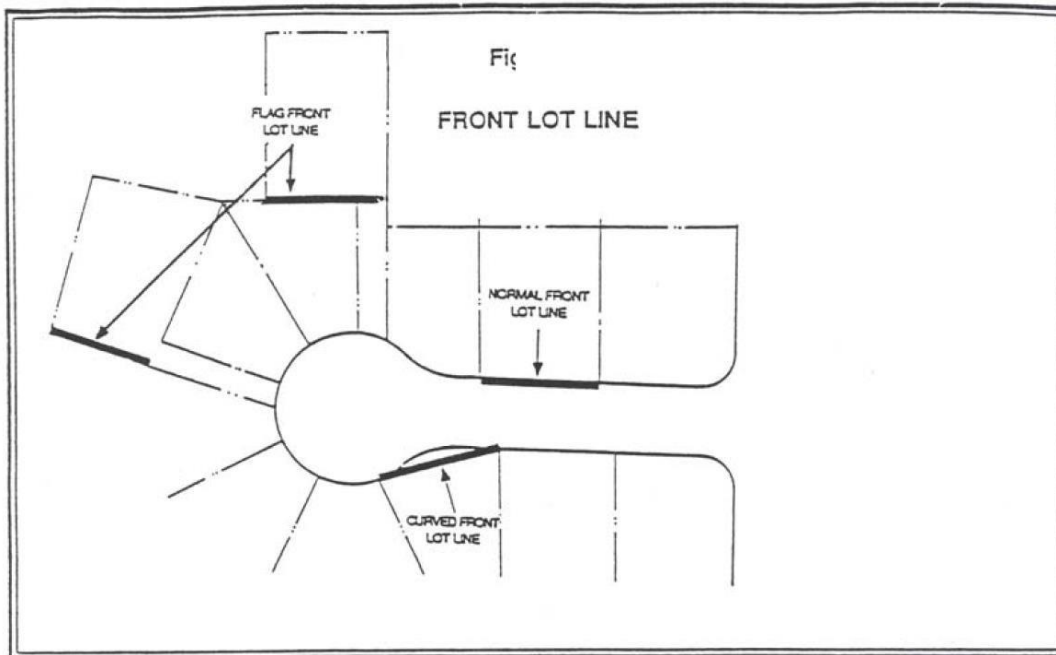


Figure 17.04.490

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 <sup>1</sup>             | 10,000 sq. ft.                                | 8,000 sq. ft.                                 | 6,000 sq. ft.                                 |
| Maximum height                            | 35 ft.                                        | 35 ft.                                        | 35 ft.                                        |
| Maximum building lot coverage<br>With ADU | 40%, except<br>45%                            | 40%, except<br>45%                            | 40%, except<br>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<br>15 ft. - Porch              | 15 ft., except<br>10 ft. - Porch              | 10 ft., except<br>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<br>15 ft - Porch<br>10 ft - ADU | 20 ft, except<br>15 ft - Porch<br>10 ft - ADU | 20 ft, except<br>15 ft - Porch<br>10 ft - ADU |
| Garage setback                            | 20 ft. from ROW,<br>except<br>5 ft. Alley     | 20 ft. from ROW,<br>except<br>5 ft. Alley     | 20 ft. from ROW,<br>except<br>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

| <b>Standard</b>     | <b>R-10</b> | <b>R-8</b>  | <b>R-6</b>  |
|---------------------|-------------|-------------|-------------|
| 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.


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## 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 <sup>1</sup>           |                                                    |                                                    |
| 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<br>5 ft. - Porch.                   | 5 ft., except<br>0 ft. - Porch                     |
| Minimum interior side yard setback      | 5 ft., except<br>0 ft. (attached) /5 ft.<br>(side) | 5 ft., except<br>0 ft. (attached) /5 ft.<br>(side) |
| Minimum corner side yard setback        | 7 ft.                                              | 7 ft.                                              |
| Minimum rear yard setback               | 20 ft., except<br>15 ft. - porch<br>10 ft. - ADU   | 20 ft., except<br>15 ft. - porch<br>5 ft. - ADU    |
| Garage setbacks                         | 20 ft. from ROW,<br>except<br>5 ft. from alley     | 20 ft. from ROW,<br>except<br>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.



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# 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 <sup>1</sup> <ul style="list-style-type: none"> <li>• Duplex</li> <li>• Single-family attached</li> <li>• 3-4 plex and multifamily</li> </ul> | 4,000 sq. ft.<br>2,000 sq. ft.<br>6,000 sq. ft.       |
| Maximum height<br>All, except<br>Multifamily                                                                                                                   | 35 ft., except<br>45 ft.                              |
| Maximum building lot coverage                                                                                                                                  | 85%                                                   |
| Minimum lot width<br>All, except<br>Single-family attached                                                                                                     | 50 ft., except<br>20 ft.                              |
| Minimum lot depth<br>All, except<br>Multifamily                                                                                                                | 70 ft., except<br>75 ft.                              |
| Minimum front yard setback                                                                                                                                     | 5 ft., except<br>0 ft. - Porch                        |
| Maximum front yard setback                                                                                                                                     | 20 ft.                                                |
| Minimum interior side yard setback<br>All, except<br>Single-family attached                                                                                    | 5 ft. <sup>1</sup><br>0 ft. (attached) / 5 ft. (side) |
| Minimum corner side yard setback                                                                                                                               | 5 ft.                                                 |
| Minimum rear yard setback                                                                                                                                      | 10 ft. <sup>1</sup> , except                          |

|                                                                           |                                             |
|---------------------------------------------------------------------------|---------------------------------------------|
|                                                                           | 5 ft. - Porch                               |
| Garage setbacks                                                           | 20 ft. from ROW, except<br>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.



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## 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

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## 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 rental<sup>2</sup> (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**

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## 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

## 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; infirmity 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 rental<sup>2</sup> (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

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## 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

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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.


**Community Development – Planning**

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Ph (503) 722-3789 | Fax (503) 722-3880

## 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

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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:<br>Front and Street<br>Facing Facades | Upper floor(s):<br>Front and Street<br>Facing Facades | Ground Floor:<br>Side(s) Facades | Upper Floor(s):<br>Side(s) Facades |
| Non-Multi-Family<br>(or Portions of<br>Buildings Thereof) | 60%                                                 | 10%                                                   | 30%                              | 10%                                |
| Multi-Family (or<br>Portions of<br>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](http://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.”<sup>1</sup>*

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 jurisdiction’s 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*

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<sup>1</sup> 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.”<sup>2</sup>*

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”<sup>3</sup>*

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.

<sup>2</sup> Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (page 2)

<sup>3</sup> 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 7<sup>th</sup> 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 3<sup>rd</sup> 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
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- 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**

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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](http://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.<sup>4</sup> 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 |
|-----------------------|----------------------------------------------|--------------------|----------------|---------------|------------------------------------------------------|-----------------|-----------|----------------|------------------|--------|
| <b>Major Arterial</b> | 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 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, ~~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 <del>and between driveways</del> 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 <del>and between driveways</del> for all uses other than detached single and two-family dwellings            | 175 ft.  |
| Collector Streets                                    | Minimum distance from a street corner to a driveway <del>and between driveways</del> for all uses other than detached single and two-family dwellings            | 100 ft.  |
| Local Streets                                        | Minimum distance from a street corner to a driveway <del>and between driveways</del> <del>for all uses other than detached single and two-family dwellings</del> | 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 <del>Attached</del>                                               | 10 feet                         |                    | <del>124</del> feet             |
| <del>Single-Family Detached in R-5 &amp; R-3.5</del>                            | <del>10 feet</del>              |                    | <del>124</del> feet             |
| <del>Single-Family Detached in R-10, R-8, &amp; R-6</del>                       | <del>12 feet</del>              |                    | <del>24</del> feet              |
| Duplexes                                                                        | 12 feet                         |                    | 24 feet                         |
| 3-4 Plexes                                                                      | 12 feet                         |                    | <del>24</del> 36 feet           |
| Multi-Family                                                                    | 18 feet                         |                    | 30 feet                         |
| Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential | One-Way<br>12 feet              | Two-Way<br>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.

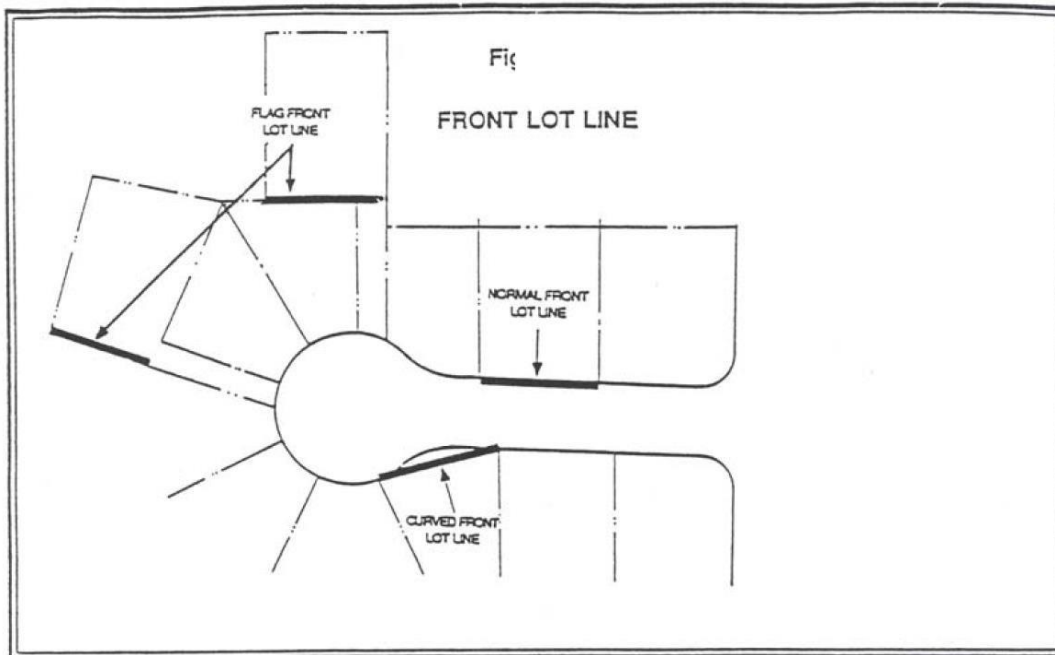


Figure 17.04.490

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 <sup>1</sup>             | 10,000 sq. ft.                                | 8,000 sq. ft.                                 | 6,000 sq. ft.                                 |
| Maximum height                            | 35 ft.                                        | 35 ft.                                        | 35 ft.                                        |
| Maximum building lot coverage<br>With ADU | 40%, except<br>45%                            | 40%, except<br>45%                            | 40%, except<br>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<br>15 ft. - Porch              | 15 ft., except<br>10 ft. - Porch              | 10 ft., except<br>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<br>15 ft - Porch<br>10 ft - ADU | 20 ft, except<br>15 ft - Porch<br>10 ft - ADU | 20 ft, except<br>15 ft - Porch<br>10 ft - ADU |
| Garage setback                            | 20 ft. from ROW,<br>except<br>5 ft. Alley     | 20 ft. from ROW,<br>except<br>5 ft. Alley     | 20 ft. from ROW,<br>except<br>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

| <b>Standard</b>     | <b>R-10</b> | <b>R-8</b>  | <b>R-6</b>  |
|---------------------|-------------|-------------|-------------|
| 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 <sup>1</sup><br>Single-family detached<br>Duplex<br>Single-family attached<br>3-4 plex                     | 5,000 sq. ft.<br>6,000 sq. ft.<br>3,500 sq. ft.<br>2,500 sq. ft. per unit | 3,500 sq. ft.<br>4,000 sq. ft.<br>2,500 sq. ft.<br>2,000 sq. ft. per unit |
| Maximum height                                                                                                              | 35 ft.                                                                    | 35 ft.                                                                    |
| Maximum building lot coverage<br>Single-family detached and all duplexes<br>With ADU<br>Single-family attached and 3-4 plex | 50%<br>60%<br>70%                                                         | 55%<br>65%<br>80%                                                         |
| Minimum lot width<br>All, except<br>Single-family attached                                                                  | 35 ft., except<br>25 ft.                                                  | 25 ft., except<br>20 ft.                                                  |
| Minimum lot depth                                                                                                           | 70 ft.                                                                    | 70 ft.                                                                    |
| Minimum front yard setback                                                                                                  | 10 ft., except<br>5 ft. - Porch.                                          | 5 ft., except<br>0 ft. - Porch                                            |
| Minimum interior side yard setback<br>All, except<br>Single-family attached                                                 | 5 ft., except<br>0 ft. (attached) /5 ft.<br>(side)                        | 5 ft., except<br>0 ft. (attached) /5 ft.<br>(side)                        |
| Minimum corner side yard setback                                                                                            | 7 ft.                                                                     | 7 ft.                                                                     |
| Minimum rear yard setback                                                                                                   | 20 ft., except<br>15 ft. - porch<br>10 ft. - ADU                          | 20 ft., except<br>15 ft. - porch<br>5 ft. - ADU                           |
| Garage setbacks                                                                                                             | 20 ft. from ROW,<br>except<br>5 ft. from alley                            | 20 ft. from ROW,<br>except<br>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 <ul style="list-style-type: none"> <li>• Single-family detached</li> <li>• Single-family attached</li> <li>• 3-4 plexes</li> </ul> | 8.7 du/acre<br>12.4 du/acre<br>17.4 du/acre | 12.4 du/acre<br>17.4 du/acre<br>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

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# 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 <sup>1</sup> <ul style="list-style-type: none"> <li>• Duplex</li> <li>• Single-family attached</li> <li>• 3-4 plex and multifamily</li> </ul> | 4,000 sq. ft.<br>2,000 sq. ft.<br>6,000 sq. ft.       |
| Maximum height<br>All, except<br>Multifamily                                                                                                                   | 35 ft., except<br>45 ft.                              |
| Maximum building lot coverage                                                                                                                                  | 85%                                                   |
| Minimum lot width<br>All, except<br>Single-family attached                                                                                                     | 50 ft., except<br>20 ft.                              |
| Minimum lot depth<br>All, except<br>Multifamily                                                                                                                | 70 ft., except<br>75 ft.                              |
| Minimum front yard setback                                                                                                                                     | 5 ft., except<br>0 ft. - Porch                        |
| Maximum front yard setback                                                                                                                                     | 20 ft.                                                |
| Minimum interior side yard setback<br>All, except<br>Single-family attached                                                                                    | 5 ft. <sup>1</sup><br>0 ft. (attached) / 5 ft. (side) |
| Minimum corner side yard setback                                                                                                                               | 5 ft.                                                 |
| Minimum rear yard setback                                                                                                                                      | 10 ft. <sup>1</sup> , except                          |

|                                                                           |                                             |
|---------------------------------------------------------------------------|---------------------------------------------|
|                                                                           | 5 ft. - Porch                               |
| Garage setbacks                                                           | 20 ft. from ROW, except<br>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

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## 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; infirmity 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

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## 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; infirmity 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 rental<sup>2</sup> (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**

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## 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 rental<sup>2</sup>(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.





## 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

## 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. ~~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

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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:<br>Front and Street<br>Facing Facades | Upper floor(s):<br>Front and Street<br>Facing Facades | Ground Floor:<br>Side(s) Facades | Upper Floor(s):<br>Side(s) Facades |
| Non-Multi-Family<br>(or Portions of<br>Buildings Thereof) | 60%                                                 | 10%                                                   | 30%                              | 10%                                |
| Multi-Family (or<br>Portions of<br>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 3<sup>rd</sup> 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 1<sup>st</sup> 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:** 04/07/2021  
**From:** Community Development Director Laura Terway

### SUBJECT:

First 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 first 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. 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 public comment period is open until closed by the City Commission.

### BACKGROUND:

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 April 21, 2021.
3. Continue to a different date certain and provide staff direction.

**ORDINANCE NO. 21-1008**

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**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 21<sup>st</sup> 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



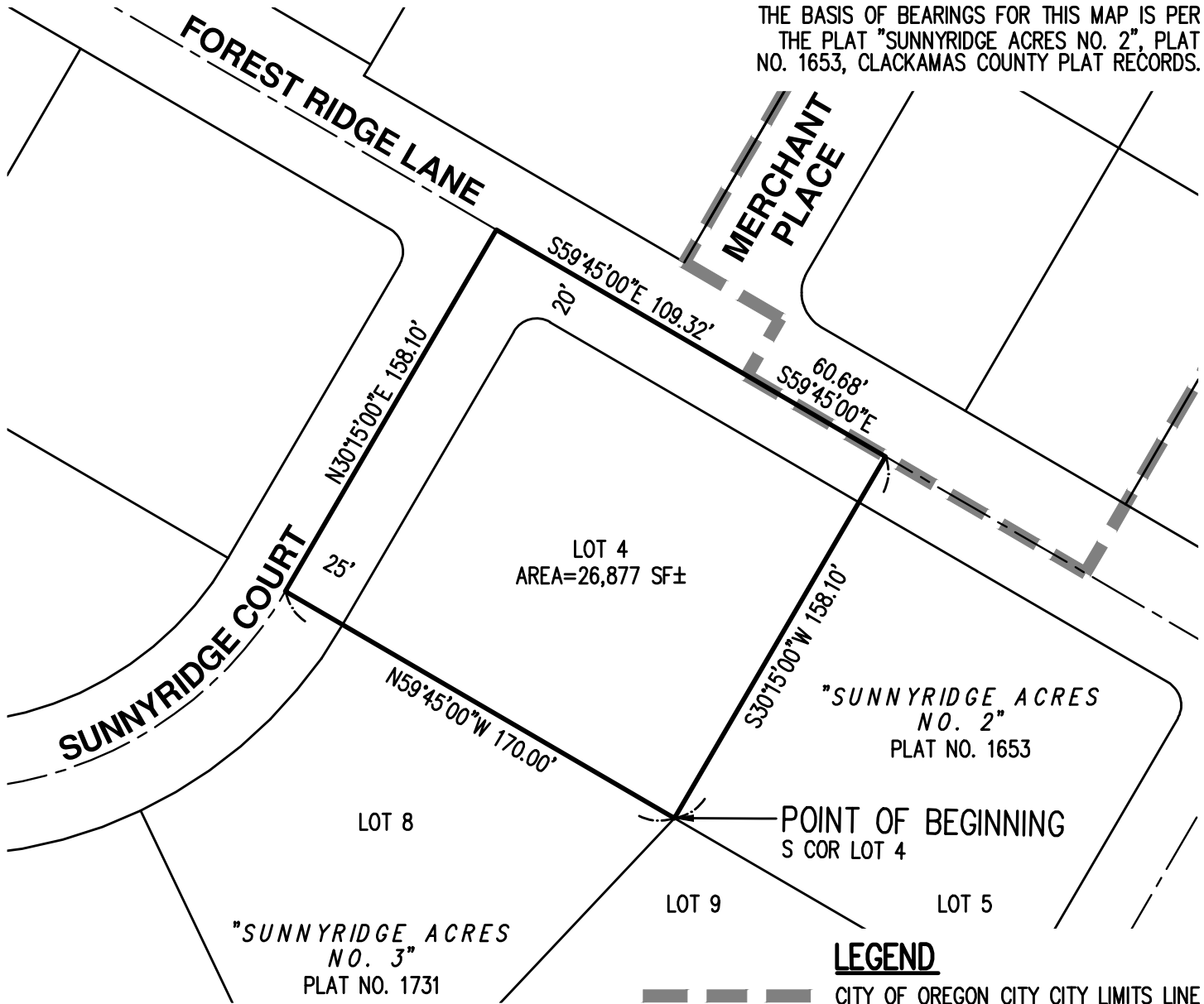
OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

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

**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**

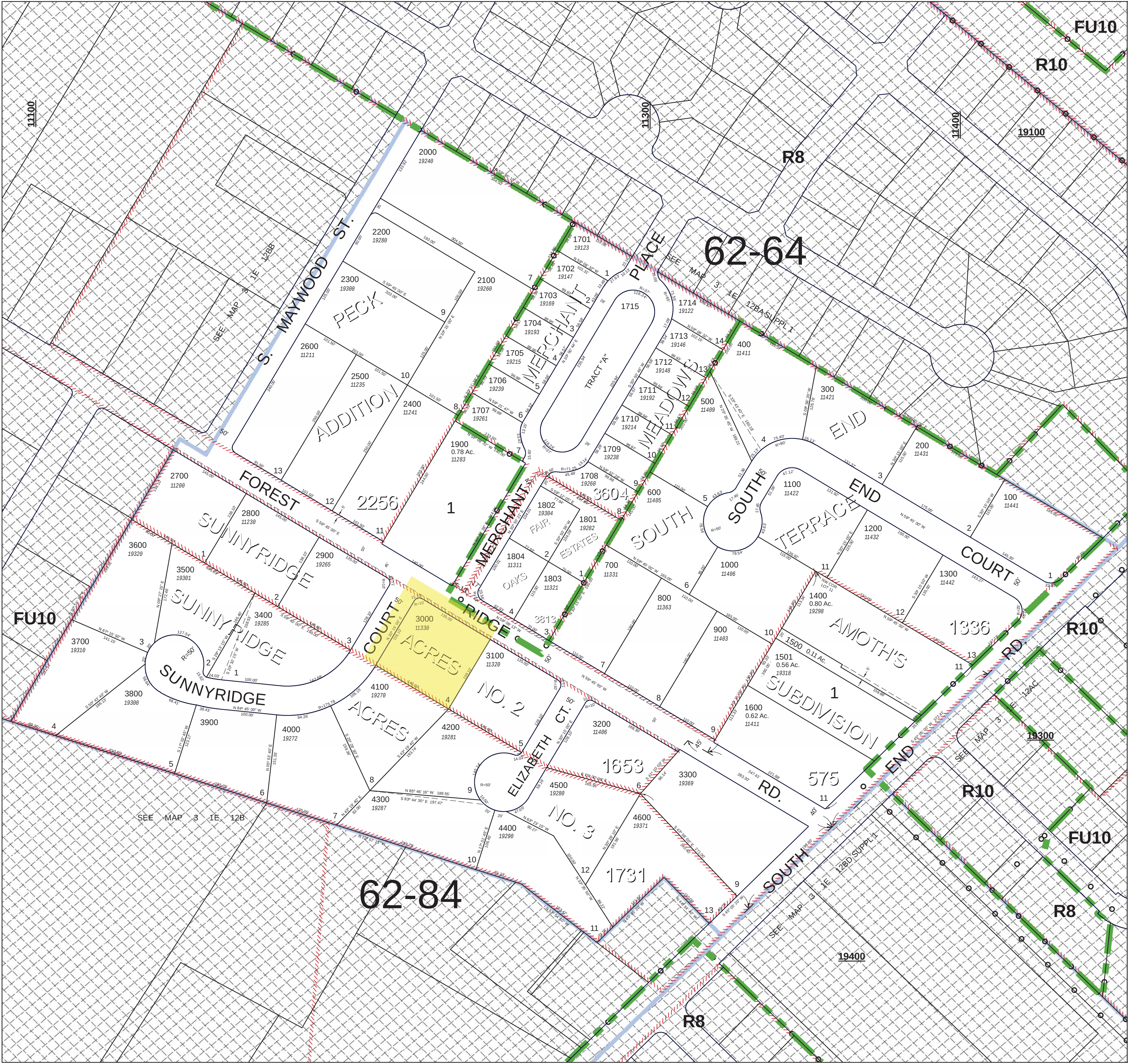
DRWN: WCB  
CHKD: NSW

Page 536

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/22



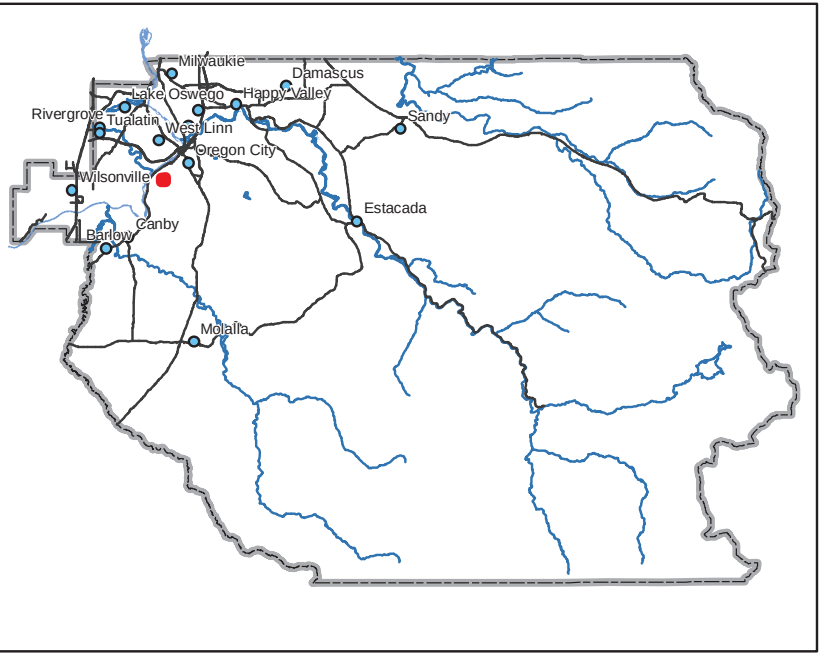


3 1 E 12BA  
OREGON CITY  
N.E.1/4 N.W.1/4 SEC.12 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

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**

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Property Owners / Voters: 2

Applicant(s): David and Melody Hay

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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.

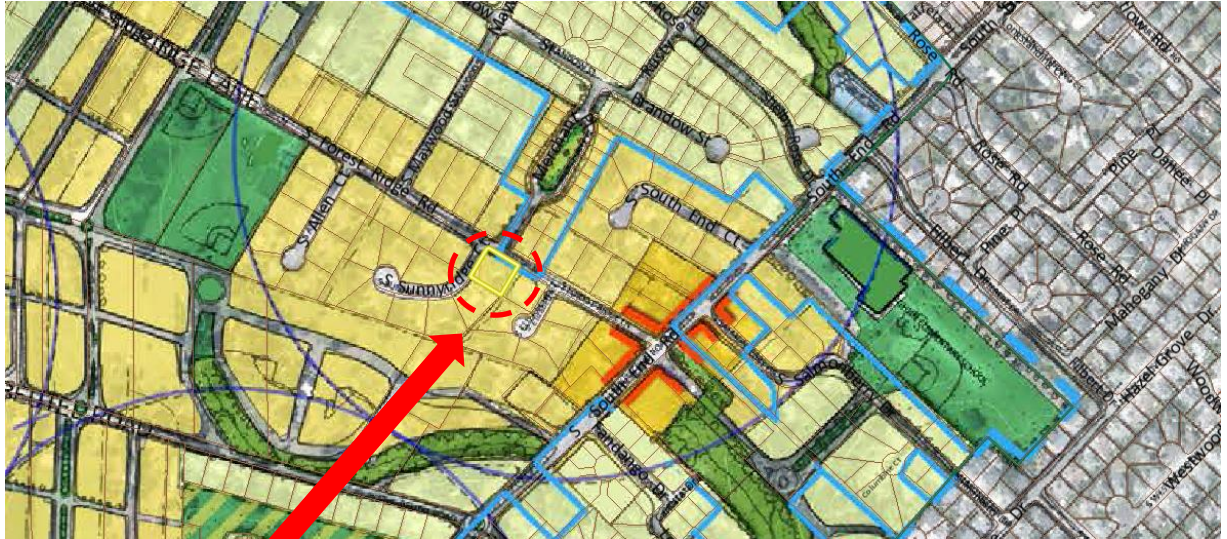


FIGURE 2. SOUTH END CONCEPT PLAN



FIGURE 3. STREET VIEW (2012)

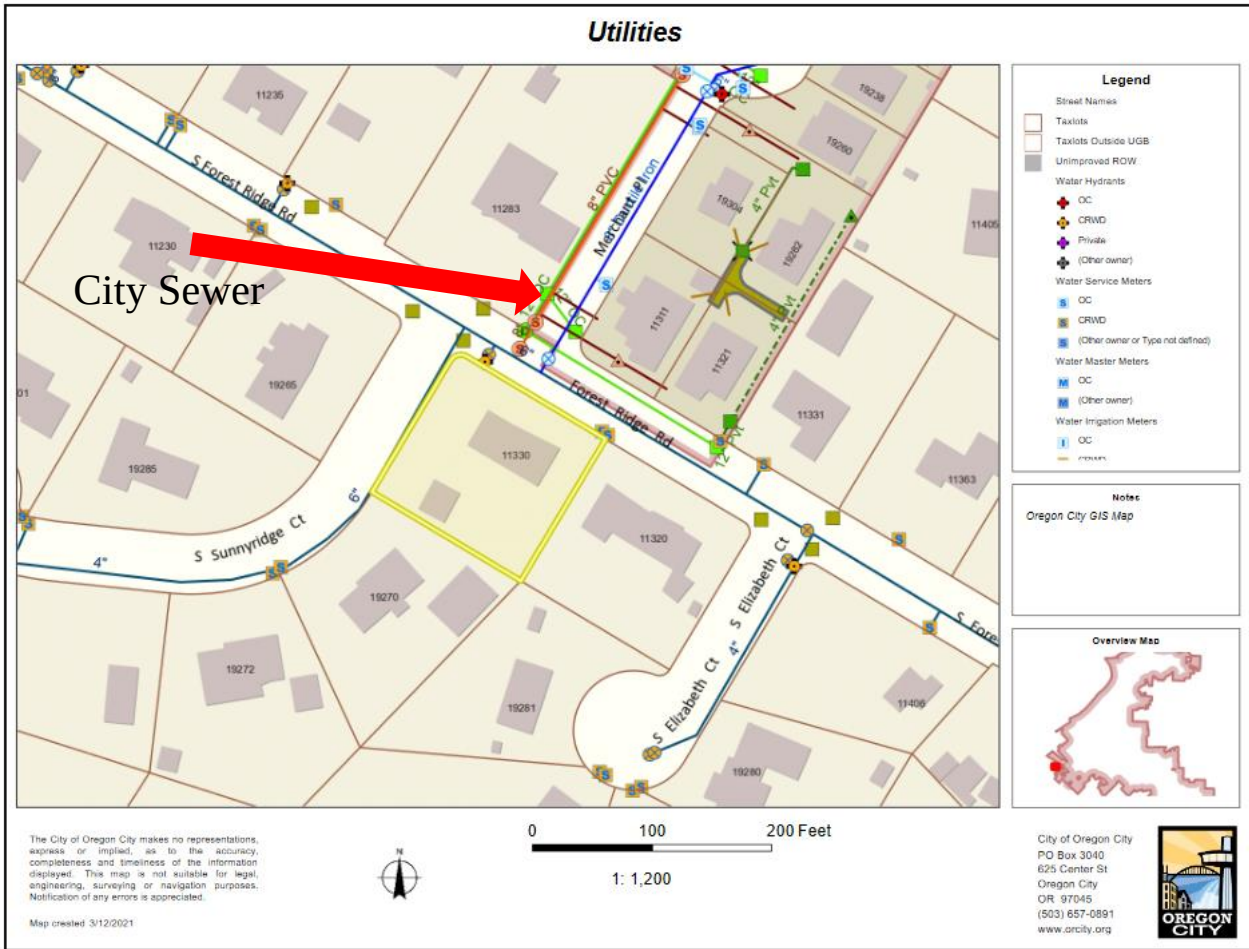


FIGURE 4. UTILITIES

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.



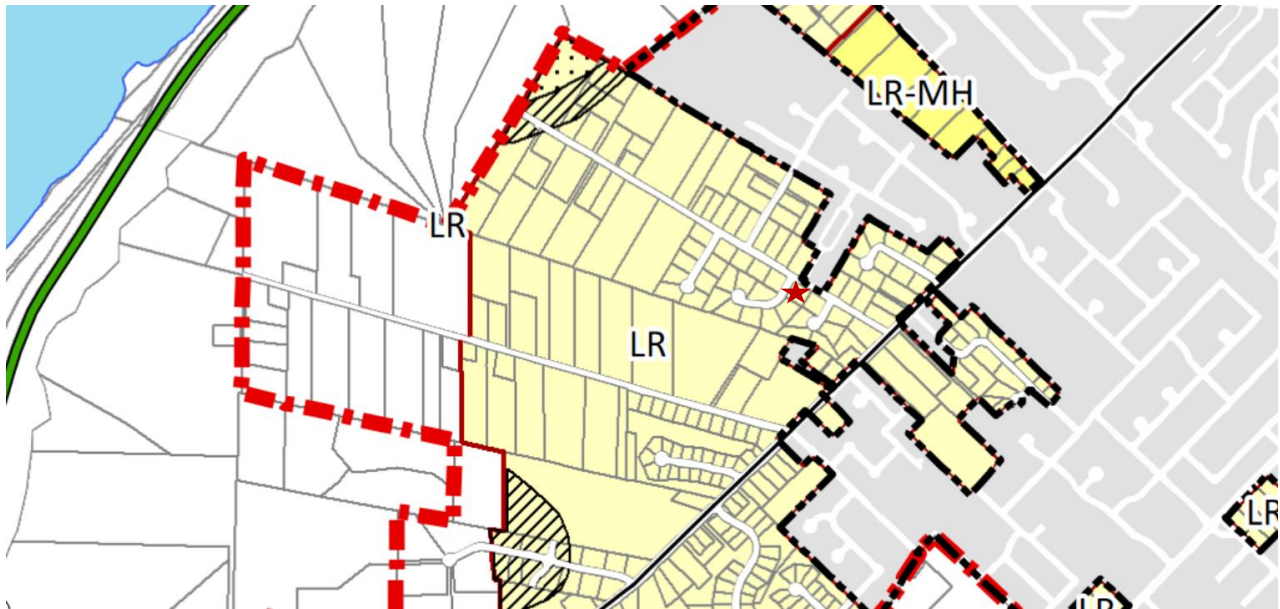


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION LR

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.

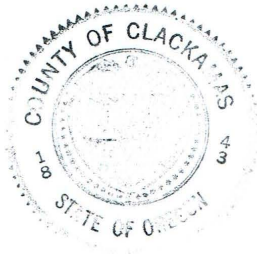
**Exhibits:**

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





REGISTERED VOTERS

[illegible]

## 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 1.994

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<br>(Tax Lot #s) | Name of Owner | Acres | Assessed Value | Signed Petition<br>(Y/N) |
|--------------------------------------|---------------|-------|----------------|--------------------------|
| 31E12BA03000                         | DAVID HAY     | .494  | 249,792        | Y                        |
| 31E12BA03000                         | MELODY HAY    | .494  | 249,792        | Y                        |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
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|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
|                                      |               |       |                |                          |
| 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<br>FILE # | DATE OF<br>APPROVAL | FUTURE<br>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 family 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.

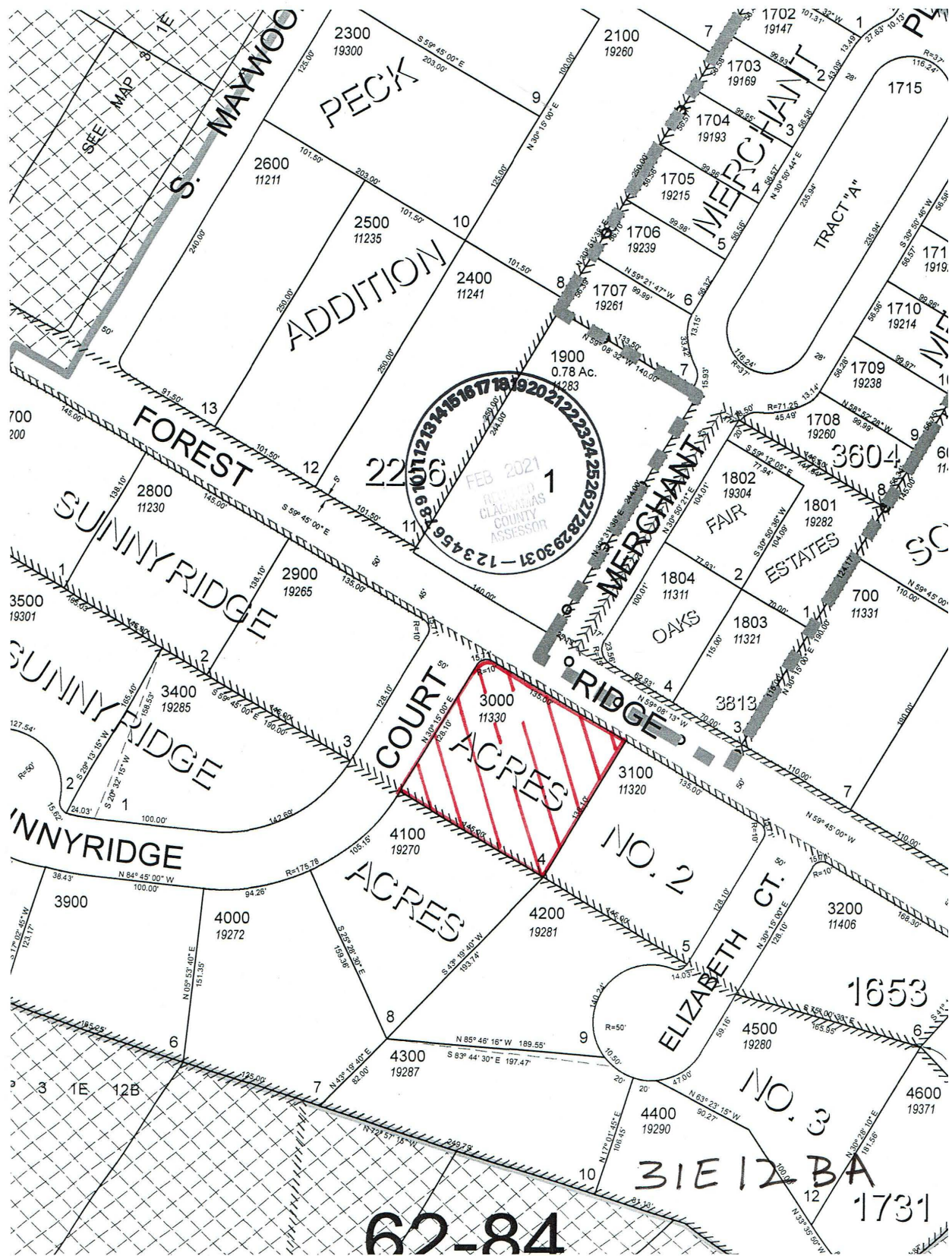
## CERTIFICATION OF LEGAL DESCRIPTION AND MAP

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 Amoth's Subdivision. 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, 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 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

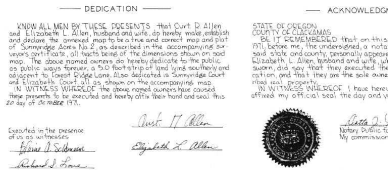
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Allen and  
rest duly  
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above desc-  
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written.

6  
of Oregon  
8/3/75

1653

A SUBDIVISION OF PART OF LOTS 8 & 9, A  
NW1/4 SEC.12 T.3S, R.1E, W.4E

SCALE: 1 = 100



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

**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.

Page 576

**To:** [dave@wco2000@comcast.net](mailto:dave@wco2000@comcast.net)  
**Cc:** Aaron Parker <[aparker@city.oreg.gov](mailto:aparker@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](mailto:lasalleb@city.oreg.gov) to get on their next available agenda. They hold meetings via Zoom, the 1<sup>st</sup> 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  
[crobertson@city.oreg.gov](mailto:crobertson@city.oreg.gov)  
 503-496-1560 Direct  
 (503) 722-3789 Main

[Interactive Map and Survey](#)  
[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 4:45 PM  
**To:** [dave@wco2000@comcast.net](mailto:dave@wco2000@comcast.net)  
**Cc:** Aaron Parker <[aparker@city.oreg.gov](mailto:aparker@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](mailto:jkies1@gmail.com)

**Vice-Chair:** Kristina Bromberg, [kubrick@PortlandHomeLife.com](mailto:kubrick@PortlandHomeLife.com)

**Secretary/Treasurer:** TBD

**CIC Primary Representative:** John Kies, [jkies1@gmail.com](mailto:jkies1@gmail.com)

**CIC Alternate Representative:** TBD

**Planning Division Contact:** Dilara Vasileva, [dvasileva@city.oreg.gov](mailto: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](mailto:dave@wco2000@comcast.net)  
**Cc:** Aaron Parker <[aparker@city.oreg.gov](mailto:aparker@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 <[aparker@city.oreg.gov](mailto:aparker@city.oreg.gov)>  
**Sent:** Friday, July 31, 2020 8:26 AM  
**To:** Christina Robertson-Gardner <[crobertson@city.oreg.gov](mailto:crobertson@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  
[aparker@city.oreg.gov](mailto:aparker@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](http://www.oregcity.org) | [facebook](https://www.facebook.com/oregcity) | [Twitter](https://www.twitter.com/oregcity)

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 <[dave@wco2000@comcast.net](mailto:dave@wco2000@comcast.net)>  
**Sent:** Thursday, July 30, 2020 5:05 PM  
**To:** Aaron Parker <[aparker@city.oreg.gov](mailto:aparker@city.oreg.gov)>  
**Cc:** Josh Wheeler <[jwheeler@city.oreg.gov](mailto:jwheeler@city.oreg.gov)>; Christina Robertson-Gardner <[crobertson@city.oreg.gov](mailto:crobertson@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 <[aparker@city.oreg.gov](mailto:aparker@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  
[aparker@city.oreg.gov](mailto:aparker@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](http://www.oregcity.org) | [facebook](https://www.facebook.com/oregcity) | [Twitter](https://www.twitter.com/oregcity)

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-----Original Message-----  
From: Dave Hay <[davehay@comcast.net](mailto:davehay@comcast.net)>  
Sent: Thursday, July 30, 2020 3:16 PM  
To: Aaron Parker <[aparker@comcast.net](mailto:aparker@comcast.net)>  
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

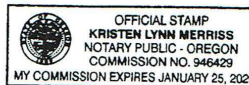
Linda H. Conlee  
Linda H. Conlee

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](mailto: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](mailto: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.*

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### 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@orc.org](mailto:crobertson@orc.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

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- 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.**



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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



# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission **Agenda Date:** 04/07/2021  
**From:** Community Development Director Laura Terway

### SUBJECT:

Public Hearing for Adoption of Conservation Easement on Lazy Creek Lane

### STAFF RECOMMENDATION:

Approval and acceptance of the conservation easement

### EXECUTIVE SUMMARY:

The owner of property on Lazy Creek Lane, James Foglio has received land use approval for a minor partition on Lazy Creek Lane (Planning Files GLUA-20-00025: MP-20-00002, NROD-20-00013, VAR-20-00013). A portion of the property is located within the Natural Resources Overlay District and includes a small wetland area.

The owner has agreed to a conservation easement for the benefit of the City on the wetland area and the 50-foot buffer surrounding wetland area. The easement, which covers approximately 17,519 square feet of the property, protects the natural resource from future development, ensuring that the area remains vegetated and undisturbed. The property owner is responsible for maintenance of the easement area. This easement will fulfill the obligations of the property owner pursuant to Chapter 17.49 Natural Resources Overlay District, of the Municipal Code.

### BACKGROUND:

A preliminary minor partition of the property was approved earlier this year through Planning Files GLUA-20-00025: MP-20-00002, NROD-20-00013, VAR-20-00013. One of the conditions of approval for the partition was to record a conservation easement on the NROD portion of the property. The sale of the property is contingent on the final partition and therefore, this conservation easement. Development on the partitioned land will not encroach into the easement area.

### OPTIONS:



1. Approve and accept the easement
2. Do not approve the easement

**AFTER RECORDING RETURN TO:**

Kattie Riggs  
 Oregon City Recorder  
 625 Center Street  
 Oregon City, OR 97045

**SEND TAX STATEMENTS TO:**

No Change

### **DEED OF CONSERVATION EASEMENT**

THIS DEED OF CONSERVATION EASEMENT (the "Agreement") is entered into between James Foglio and \_\_\_\_\_ (collectively "Grantor") and Oregon City, an Oregon municipal corporation ("City"). Grantor and City are each referred to as a "Party" or collectively as the "Parties" herein.

### **RECITALS**

WHEREAS, Grantor is the owner of certain real property in Clackamas County as described in Exhibit A (the "Property") and wishes to grant a conservation easement over a portion of the Property, with the easement area more particularly depicted and described on Exhibit B (the "Easement Area");

WHEREAS, the Easement Area supports a vegetated corridor for stream and wetland protection, habitat for a diversity of wildlife species, possesses natural beauty and open space, and holds significant scenic and aesthetic values (collectively, the "Conservation Values");

WHEREAS, Grantor, as owner of the Easement Area, has the right and the desire to identify, protect, and preserve in perpetuity the Conservation Values of the Easement Area;

WHEREAS, Oregon law authorizes the City to acquire rights in real property to protect, preserve, maintain, improve, restore, and limit the future use of land and to conserve land for open space purposes, water quality, and habitat conservation, and further directs the City to preserve, protect and maintain such areas that support these purposes, which responsibility City undertakes through the conservation of land and the regulatory protection of water resources and wildlife habitat pursuant to Oregon City Municipal Code Chapter 17.49 – Natural Resource Overlay District; and

WHEREAS, in accepting this Agreement, City agrees to honor the intentions of Grantor to preserve and protect the Conservation Values of the Easement Area in perpetuity according to the Agreement's terms.

NOW THEREFORE, pursuant to the laws of the State of Oregon and the terms and

conditions contained herein, and for valuable consideration, receipt and sufficiency of which are hereby mutually acknowledged, Grantor hereby grants, conveys, and warrants to the City a conservation easement in perpetuity over the Easement Area (the "Easement") consisting of certain rights to the Easement Area, the nature and character of which are set forth in this instrument.

## CONVEYANCE AND TERMS AND CONDITIONS

1. **Purposes.** The purposes of the Easement are:

- a. To protect and preserve the Conservation Values of the Easement Area;
- b. To ensure the Easement Area will be retained in its natural state, and, except as provided in this Agreement, to prevent uses of the Easement Area that will materially impair the Conservation Values of the Easement Area.

Grantor intends that this Agreement will limit the City's uses of the Easement Area to activities consistent with these purposes and consistent with the City's management of properties it maintains as natural area preserves.

2. **Rights Conveyed to City.** To accomplish the purposes of this Agreement, Grantor conveys to City, and City accepts, the following rights:

- a. The right to maintain, preserve and protect the Conservation Values of the Easement Area pursuant to the terms and conditions of this Agreement, to the extent that the Grantor fails to do so.
- b. The right to enter, including the City's employees and contractors, the Easement Area, upon reasonable prior notice, for the purpose of improvement to and management of the Easement Area in a manner consistent with the intent of this Agreement.
- c. The City's rights with regard to improving the Easement Area include, but are not limited to, pruning, invasive species control, planting, habitat restoration, bank and slope stabilization, trash removal, removal of encampments, and habitat and wildlife monitoring;
- d. The right to prevent, through appropriate enforcement actions, including injunction, any activity on or use of the Easement Area that is inconsistent with the purpose of the Easement, and require, pursuant to Section 6 of this Agreement, the restoration of such features of the Easement Area as may be damaged by any inconsistent activity or use;
- e. The right to keep the Easement Area in a good and safe condition, consistent with like properties held by City for natural area purposes; and
- f. The right to assign or transfer City's interest in the Easement in accordance with Section



11 of this Agreement.

**3. Rights Reserved to Grantor.**

- a. Grantor reserves for itself, and for its successors and assigns, any and all rights accruing from its interest in the Easement Area, including the right to engage in, or permit or invite others to engage in, all permitted uses that are consistent with the purpose and terms of the Easement and are not expressly prohibited herein.
- b. Grantor shall be solely responsible to maintain the Easement Area in its natural state so as to preserve and protect its Conservation Values including but not limited to pruning, invasive species control, planting habitat restoration, bank and slope stabilization trash removal and removal of encampments.
- c. Notwithstanding anything to the contrary in this Section 3, in the Easement Area, Grantor may not:
  - i. Use any chemical herbicides, pesticides or fertilizer unless consistent with a mutually agreed upon management plan between the City and Grantor;
  - ii. Remove or disturb any native vegetation, including the harvesting of any trees or other forest resources except if Grantor, in consultation with City, determines that such native vegetation or tree poses a hazard to humans, or is consistent with a mutually agreed upon management plan between the City and Grantor;
  - iii. Place debris or fill or otherwise alter the topography of the Easement Area, including the excavation or removal of sand, gravel or rock from the Easement Area;
  - iv. Engage in any activity that will or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters;
  - v. Install roads or overpasses through or over the Easement Area without express written permission from the City;
  - vi. Divide, subdivide, or partition the Easement Area without the City's prior written approval;
  - vii. Construct or install new utility systems or extensions of existing utility systems, including without limitation, water, sewer, power, fuel, or communication lines or related facilities;
  - viii. Drain, fill, dredge, ditch or dike any portion of the Easement Area or alter any watercourses, water impoundments or wetlands within the Easement Area;
  - ix. Operate motorized vehicles, including, but not limited to, construction equipment, logging equipment, motorcycles, all terrain or off road vehicles, dune buggies, or

snow mobiles within the Easement Area unless consistent with a mutually agreed upon management plan between the City and Grantor; or

- x. Plant any nonnative, noxious or invasive species of vegetation, as identified in the adopted Oregon City native and nuisance plant lists, in the Easement Area.
- xi. Engage in any activity that is prohibited or is not otherwise approved through City review under Oregon City Municipal Code Chapter 17.49, Natural Resource Overlay District.

4. **Request for Approval.** If any provision of this Agreement requires Grantor to obtain the prior approval of the City, or if Grantor intends to undertake any action that is not expressly addressed in this Agreement, then Grantor shall not proceed with the action until Grantor has satisfied the requirements in this Section 4. Grantor's request shall be in writing, shall describe all material aspects of the proposed action, and shall be delivered to the City as set forth in Section 15.b of this Agreement. The City shall have thirty (30) days from receipt to approve, deny, or condition the request. Any objections shall be based upon the City's opinion that the proposed action may cause material damage to the Conservation Values of the Easement or is otherwise in violation of the terms and conditions of this Agreement. Grantor shall not proceed until the request is modified in a sufficient manner to receive the City's written approval. The City shall have thirty (30) days from receipt of the modified request to approve, deny, or condition the request. Nothing in this Section shall prohibit or limit in any manner the ability of the City to obtain injunctive relief relating to any violation of this Agreement.

5. **Grantor's Covenants and Remedies.**

- a. **Grantor's Covenants.** Grantor shall comply with the terms of this Agreement. Grantor shall be solely responsible for the payment of all taxes, assessments and fees of whatever description levied on or assessed against the Property. Grantor and its successors and assigns have the right to enforce the terms of this Agreement against the City.
- b. **Grantor's Remedies.** If Grantor determines a violation of the terms of this Agreement has occurred or is threatened, Grantor must give written notice to the City of such violation and demand corrective action sufficient to cure the violation and, if necessary, restore the Easement Area to its intended condition. If the City fails to cause the violation to be cured and, if necessary, restore the Easement Area to its intended condition within 30 days after receipt of notice thereof from Grantor or, where the violation cannot reasonably be cured within a 30-day period, the City fails to begin curing the violation within such period or fails to continue diligently curing such violation until cured ("City Cure Period"), Grantor will have the following rights and remedies, individually or cumulatively, in addition to all other rights under this Agreement and at law or in equity:
  - i. To bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Agreement;



- ii. To enjoin the violation by temporary or permanent injunction;
- iii. To recover any damages to which it may be entitled for violation of the terms of this Agreement;
- iv. If the violation results in injury to the Easement Area, to require the restoration of the Easement Area to the condition that existed prior to any such injury;
- v. To revoke the Easement if the City fails or unreasonably refuses to carry out its obligations under this Agreement; and
- vi. If Grantor reasonably determines that, due to a violation of the terms and conditions of the Easement by the City, immediate action is required to prevent or mitigate significant damage to the Conservation Values, or to human health and safety, Grantor may, at City's cost, take immediate action to prevent, mitigate, or repair damage without prior written notice to the City or without waiting for the City Cure Period to expire. Grantor must make commercially reasonable efforts to contact the City prior to exercising this right.

**6. City Covenants and City Remedies.**

- a. City shall comply with the terms of this Agreement. City has the right to enforce the terms of this Agreement against Grantor, its successors and assigns.
- b. If the City determines a violation of the terms of this Agreement has occurred or is threatened, the City must give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation. If Grantor fails to cause the violation to be cured within 30 days after receipt of notice thereof or, where the violation cannot reasonably be cured within a 30-day period, Grantor fails to begin curing the violation within such period or fails to continue diligently curing such violation until cured ("Grantor Cure Period"), City will have the following rights and remedies, in addition to all other rights under this Agreement:
  - i. To bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Agreement;
  - ii. To enjoin the violation by temporary or permanent injunction;
  - iii. To recover any damages to which it may be entitled for violation of the terms of this Agreement;
  - iv. If the violation results in injury to the Easement Area, to require the restoration of the Easement Area to the condition that existed prior to any such injury;
  - v. To revoke the Easement if Grantor fails or unreasonably refuses to carry out its obligations under the Agreement; and

- vi. If the City reasonably determines that, due to a violation of the terms and conditions of this Agreement by Grantor, immediate action is required to prevent or mitigate significant damage to the Conservation Values, or to human health and safety, City may, at Grantor's cost, take immediate action to prevent, mitigate, or repair damage without prior written notice to Grantor or without waiting for the Grantor Cure Period to expire. City must make commercially reasonable efforts to contact Grantor prior to exercising this right.
7. **Acts Beyond Parties' Control.** Nothing contained in this Agreement may be construed to entitle either Party to bring any action against the other Party for any injury to or change in the Easement Area resulting from causes beyond that Party's control; including, without limitation, fire, flood, storm, and earth movement, or from any reasonable action taken by a Party under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Area resulting from such causes
8. **Representations and Warranties.**
- a. **Grantor's Representations and Warranties.** To the actual knowledge of Grantor, without investigation or inquiry other than a review of documents and other materials in Grantor's possession:
    - i. The Easement Area is in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Easement Area and its use and Grantor will continue to comply with all state and federal environmental laws and regulations relating to pollutants or hazardous, toxic or dangerous substances; and
    - ii. There is no pending or threatened litigation affecting, involving, or relating to the Easement Area.
  - b. **City's Representations and Warranties**
    - i. City is a qualified organization within the meaning of Internal Revenue Code section 170(h) and the applicable regulations promulgated thereunder;
    - ii. City has all requisite corporate authorization and authority necessary to enter into this Agreement and to carry out City's obligations hereunder;
    - iii. City will comply with all state and federal environmental laws and regulations relating to pollutants or hazardous, toxic or dangerous substances.
9. **Indemnification.**
- a. Subject to the Oregon Tort Claims Act and the Oregon Constitution, including in both instances future amendments, City hereby agrees to defend, indemnify, and hold harmless Grantor and its affiliates and subsidiaries, members, directors, officers, employees, agents, and contractors, and, the successors, and assigns of each of them, (collectively



"Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, actions, causes of action, suits, claims, demands, orders, judgments, or administrative actions (collectively a "Claim"), including, without limitation, reasonable attorneys' fees and costs, arising from or in any way connected with the City's and public's uses of the Easement Area. City agrees to defend, indemnify and hold harmless the Indemnified Parties against all liabilities, damages, losses, claims, demands, actions, and suits (including attorneys' fees and costs) resulting from a release or threat of release of hazardous substances, as defined in ORS 465.200(16), into the soil, or groundwater, on the Easement Area. However, City's obligations under this paragraph do not apply to the extent a Claim arises from or is related to the acts or omissions of Grantor or its officers, employees or agents in exercising rights reserved to Grantor under Section 3 of this Agreement, or from Grantor's intentional, willful or negligent conduct.

- b. Grantor agrees to defend, indemnify and hold harmless City, its officers, agents, and employees against all liabilities, damages, losses, claims, demands, actions, and suits (including attorney fees and costs) resulting from a release or threat of release of hazardous substances, as defined in ORS 465.200(16), into the soil, or groundwater, on the Easement Area, if such release is caused by Grantor. This provision does not apply to release of hazardous substances onto or from the Easement Area caused by the officers, agents or employees of City. However, Grantor's obligations under this paragraph do not apply to the extent that a Claim arises from or is related to the acts of omissions by the officers or agents or employees of City in exercising rights conveyed to City under Section 2 of this Agreement, or City's intentional, willful, or negligent conduct. City, by accepting the Easement, is not accepting any liability for any earlier release of hazardous substances onto or from the Easement Area, and Grantor is not attempting to convey any such liability.

10. **City's Insurance.** Grantor acknowledges and understands that City is self-insured.
11. **Transfer or Assignment.** City may transfer this Agreement to a qualified governmental or nonprofit entity with at least ninety (90) days advance written notice to Grantor, and such transfer will not relieve City of its obligations under this Agreement. All other transfers or assignments will require the express prior written consent of Grantor.
12. **Amendment.** If circumstances arise under which an amendment to or modification of this Agreement would be appropriate, City and Grantor may jointly amend this Agreement. Any such amendment must be consistent with the purpose of the Easement and no such amendment will be effective unless signed by City and Grantor.
13. **Subsequent Transfers.** Any future conveyance of any interest in the Easement Area, including without limitation, a leasehold interest, will be subject to the terms of this Agreement.
14. **Extinguishment.** The Easement may only be extinguished, whether in whole or in part, under one or more of the following circumstances:



- a. When Grantor and the City jointly have agreed to extinguish the Easement, or release a portion of the Easement Area from the Easement, based on the City's determination, in its sole discretion, that circumstances have rendered the purpose of the Easement impractical to achieve;
- b. When a court having jurisdiction over this Agreement determines in judicial proceedings that circumstances have rendered the purpose of the Easement impossible to achieve; or,
- c. When all or any of the Easement Area is taken by exercise of the power of eminent domain, condemnation, or acquisition in lieu of condemnation, whether by public, corporate, or other authority.

15. **Miscellaneous.**

- a. **Controlling Law and Forum.** This Agreement will be governed by and construed in accordance with the laws of the State of Oregon. Any litigation arising under this Agreement will occur in the State of Oregon, Clackamas County Circuit Court having proper jurisdiction.
- b. **Notices.** Any notice, demand, request, consent, approval, or other communication required or permitted hereunder must be in writing and either served personally, by overnight courier service or by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed given on the earlier of actual delivery or refusal of a party to accept delivery thereof if personally delivered, or sent by certified or registered U.S. mail, return receipt requested, or sent by nationally recognized overnight carrier to the following addresses or at such other addresses as the Parties or their successors/assigns may provide from time to time:

If to Grantor:

Name J. FOGGIO  
 Address 6565 SE CAVALIER WAY  
Milwaukie OR 97267

If to City:

City of Oregon City  
 625 Center Street  
 Oregon City, OR 97045

- c. **Headings.** Section and subsection headings are for convenience only and shall not be deemed to have legal effect.
- d. **Recording.** City must record this instrument in the official real estate records of Clackamas County, Oregon.

- e. **Severability.** If any provision of this Agreement is found to be invalid, the remaining portion thereof and all other provisions of this Agreement will, nevertheless, remain in full force and effect.
- f. **Entire Agreement.** This Agreement is the final and entire Agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous oral or written understandings or Agreement between the Parties.
- g. **Successors.** The covenants, terms, conditions, and restrictions of this Agreement are binding upon, and inure to the benefit of, the Parties hereto and their respective personal representatives, heirs, successors, and permitted assigns. Both the benefits and burdens of this Agreement will run with the land in perpetuity.
- h. **Termination of Rights and Obligations.** Except for the obligations of City, Grantor's rights and obligations under this Agreement terminate upon transfer of Grantor's interest in the Property or Easement granted hereby, but liability for acts or omissions occurring prior to a transfer shall survive such transfer.
- i. **Counterparts.** The Parties may execute this instrument in two or more counterparts, and when taken together will constitute one and the same instrument.
- j. **No Third Party Beneficiaries Created.** This Agreement is intended solely for the benefit of Grantor and City and there are no third party beneficiaries hereto, intended or otherwise. This Agreement may be enforced only by Grantor and City, their successors and permitted assigns. As used in this Agreement, the term "third party" means individuals or entities other than Grantor and City.
- k. **Exhibits and Recitals.** The exhibits and recitals are incorporated herein by this reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and effective this 9 day of MARCH, 2021.

[signature and notary page follows]

By: Jim Foglio  
Owner

OREGON CITY,  
an Oregon municipal corporation

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

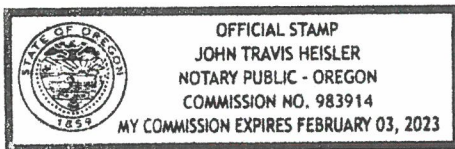
By: \_\_\_\_\_  
Owner

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

STATE OF OREGON     )  
County of Clackamas     ) ss.

This instrument was acknowledged before me on March 9<sup>th</sup>, 2021 by James Foglio.



John Heisler  
Notary Public for Oregon  
My Commission Expires: 2/3/2023

**EXHIBIT A****PROPERTY DESCRIPTION**

***A REPLAT OF PARCEL 2 AND TRACT "A",  
PARTITION PLAT NO. 2019-064, LOCATED IN THE  
N.E. 1/4 AND THE S.E. 1/4 SECTION 8, T.3S., R.2E., W.M.  
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON***

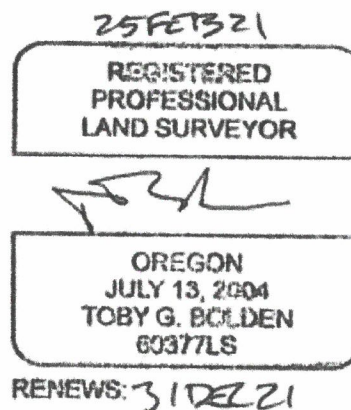


**EXHIBIT B****EASEMENT AREA DESCRIPTION*****Conservation Easement  
Legal Description***

Tract "A", Partition Plat No. 2019-064, Clackamas County Plat Records, located in the Northeast one-quarter and the Southeast one-quarter of Section 8, Township 3 South, Range 2 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" found at the northeast corner of adjoining Parcel 1 of said Partition Plat, being on the south right of way line of S.E. Lazy Creek Lane, being 50.00 feet south of the north right of way line thereof, when measured at right angles; thence along said south right of way line, North 76°51'52" East, 34.65 feet to the northwest corner of adjoining Parcel 2 of said Partition Plat; thence along the following three courses of the west line of said adjoining Parcel 2: South 08°04'08" East, 10.12' feet; thence South 12°04'21" West, 13.72 feet; thence South 10°06'40" East, 51.25 feet to the southwest corner of said adjoining Parcel 2; thence along the south line of said adjoining Parcel 2, North 76°51'52" East, 89.49 feet to the west line of that adjoining Tract of land described in Deed recorded as Document No. 2002-085492, Clackamas county deed records; thence along said west line of said adjoining Tract of land described in Deed recorded as Document No. 2002-085492, South 13°10'29" East, 160.93 feet to the north line of adjoining Lot 5, "LANDS END" (plat no. 3508), Clackamas County Plat Records; thence along the north line of said adjoining Lot 5, and continuing along the north line of adjoining Tract "B" of said "LANDS END", South 76°49'31" West, 78.80 feet to the southeast corner of said adjoining Parcel 1; thence along the following 4 courses along the east line of said adjoining Parcel 1; North 08°11'53" West, 38.44 feet; thence North 25°30'14" West, 50.39 feet; thence North 77°01'30" West, 36.33 feet; thence North 11°20'47" West, 131.21 feet to the **POINT OF BEGINNING**.

Contains 17,519 square feet, more or less.





## Community Development – Planning

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

### TYPE II STAFF REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL

October 6, 2020

**FILE NUMBERS:** GLUA-20-00025: MP-20-00002, NROD-20-00013, VAR-20-00013

**APPLICANT:** Jessey Cereghino  
13820 S John Wayne Ln, Mulino, OR 97042

Application Submitted: June 17, 2020  
Application Complete: July 9, 2020  
120-Day Deadline: 11/6/2020

**OWNER:** Jim Foglio  
6565 SE Cavalier Way, Milwaukie, OR 97267

**REQUEST:** Two-lot partition in the R-3.5 Medium Density Zone with replat of a conservation tract as a conservation easement to create two buildable lots for duplexes, including Natural Resources Overlay Review with Density Transfer, including a Minor Variance for lot width.

**LOCATION:** Lazy Creek Lane, W. of Molalla Ave, No Situs Address, Oregon City, OR 97045  
Clackamas County Map 3-2E-08AD, Tax Lots 01201 and 01202

**PROJECT WEBPAGE:** <https://www.orcity.org/planning/project/glua-20-00025>

**REVIEWER:** Pete Walter, AICP Planner, (503) 496-1568, [pwalter@orcify.org](mailto:pwalter@orcify.org)  
Jeremy Tamargo, PE – Project Engineer. 971-204-0423, [jtamargo@orcify.org](mailto:jtamargo@orcify.org)

**DECISION:** Approval with Conditions.

**PROCESS:** Pursuant to OCMC 17.50. The decision of the Community Development Director is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who commented in writing to the Community Development Director 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 applicable criteria. 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. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

## Conditions of Approval

**Planning Files GLUA-20-00025: MP-20-00002, NROD-20-00013, VAR-20-00013**

(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.

**The following conditions of approval shall be met to the satisfaction of the City during the process of design to issuance of public improvement permit through construction in association with the proposed land use application.**

1. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
2. All driveways (curb cuts), new or replaced, shall meet the minimum and maximum driveway width standards identified in Table 16.12.035.D. Approved driveway widths will need included on plans prior to receiving a Public Works permit and beginning construction. (DS)

**The following conditions of approval shall be met to the satisfaction of the City prior to issuance of a public improvement permit for construction in association with the proposed land use application.**

3. The applicant shall obtain a right-of-way permit from Public Works for any new or replaced driveways. (DS)
4. The applicant shall provide a 4" sanitary service lateral and two-way cleanout for the new lot per City standards. The applicant shall obtain all Public Works and Building Department permits for new connections and pay appropriate System Development Charges. (DS)
5. The applicant shall provide the new lot with a new 1" water service line and meter per City standards. The applicant shall obtain all Public Works and Building Department permits for new connections and pay appropriate System Development Charges. (DS)
6. The applicant shall provide a Residential Lot Grading Plan adhering to the State of Oregon Structural Specialty Code, Chapter 18 and the Oregon City Public Works Stormwater and Grading Design Standards. (DS)
7. A city-issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
8. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
9. The applicant shall provide a final, revised calculation of NROD impacts and mitigation that includes all new impervious surfaces prior to issuance of a construction permit. (P)

**The following conditions of approval shall be met to the satisfaction of the City prior to recordation of a final partition plat.**

10. Prior to recordation of a final plat, the applicant shall agree to, sign and record a Restrictive Covenant or Conservation Easement approved in form by the Community Development Director. The restrictive covenant or conservation easement shall require owners of the property to comply and maintain the

applicable mitigation requirements and plantings. The covenant or easement will run with the land and permit the City to complete mitigation work in the event of default by the responsible party. Should the city need to complete the mitigation work, such cost will be borne by the owner. The final recorded plat shall include a note and illustration indicating the area affected by the recorded covenant or conservation easement. The covenant or conservation easement is the responsibility of the property owner, assign, or designee. (P)

11. Prior to recordation of the final plat, the applicant shall provide the following:

- A signed bid or quote for the establishment of the mitigation area that includes labor and materials including removal of invasive species within the mitigation area.
- A financial guarantee for 115% of the signed bid or quote in a form acceptable to the Community Development Director. (P)

**The following conditions of approval shall be met to the satisfaction of the City prior to occupancy except as noted.**

1. The applicant shall restore any impacts to the delineated vegetated corridor pursuant to the recommendations of the proposed mitigation plan. (P)
2. Street trees or fee-in-lieu of street trees shall be required at the time of building permit review pursuant to OCMC 17.14.(P)
3. Upon applying for building permits, the applicant shall provide calculations to show total created or replaced impervious area, cumulative over a five-year period. If the applicant's proposal exceeds the City's Stormwater and Grading Design Standards General Thresholds, cumulative over a five-year period, the applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to full address all applicable Stormwater and Grading Design Standards. The applicant shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a building permit and beginning construction. (DS)
4. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. At the of the application, the pavement restoration requirement for Lazy Creek Lane is the Moratorium Standard. However, specific pavement cut standard requirements are determined at the time of construction. (DS)
5. All new franchise utilities shall be placed underground. (DS)
6. The public improvements shall be constructed prior to occupancy. (DS)
7. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. (DS)



## I. BACKGROUND:

### 1. Existing Conditions

Portions of the following existing conditions description are an excerpt from the applicants submitted NROD report.

The current parcel configuration for the subject properties under review is as follows, based on the previously recorded partition plat (Plat No. 2019-064 – Planning Files MP 16-01 / NR 16-03):

Tract A: APN 3-2E-08AD-01202 - .40 acres

Parcel 2: APN 3-2E-08AD-01201 – 0.15 acres

Tract A was created for the protection of a delineated wetland and its associated 50-foot vegetated corridor when the original property was partitioned in 2016 (Plat No. 2019-064 – Planning Files MP 16-01 / NR 16-03) to create Parcel 1: 3-2E-08AD-01200, and Parcel 2: APN 3-2E-08AD-01201. The site is located in a fully residential area, with recent subdivisions located to the southwest and southeast. Immediately adjoining to the south is an undeveloped parcel that includes a forested wetland.

The study area gently slopes to the south, rising slightly to the east. Though largely lawn, the southeast corner of the study area includes a small grove of trees with an understory of Himalayan blackberry (*Rubus armeniacus*) which is a known invasive plant. Trees along the creek include red alder (*Alnus rubra*) and English hawthorn (*Crataegus monogyna*). The creek channel is well defined and overbank flooding appears to be uncommon except for the highest of flows. Off-site, the creek flows through a forested wetland, and then through several road crossing culverts before flowing into Caufield Creek approximately four tenths of a mile downstream of the study area.

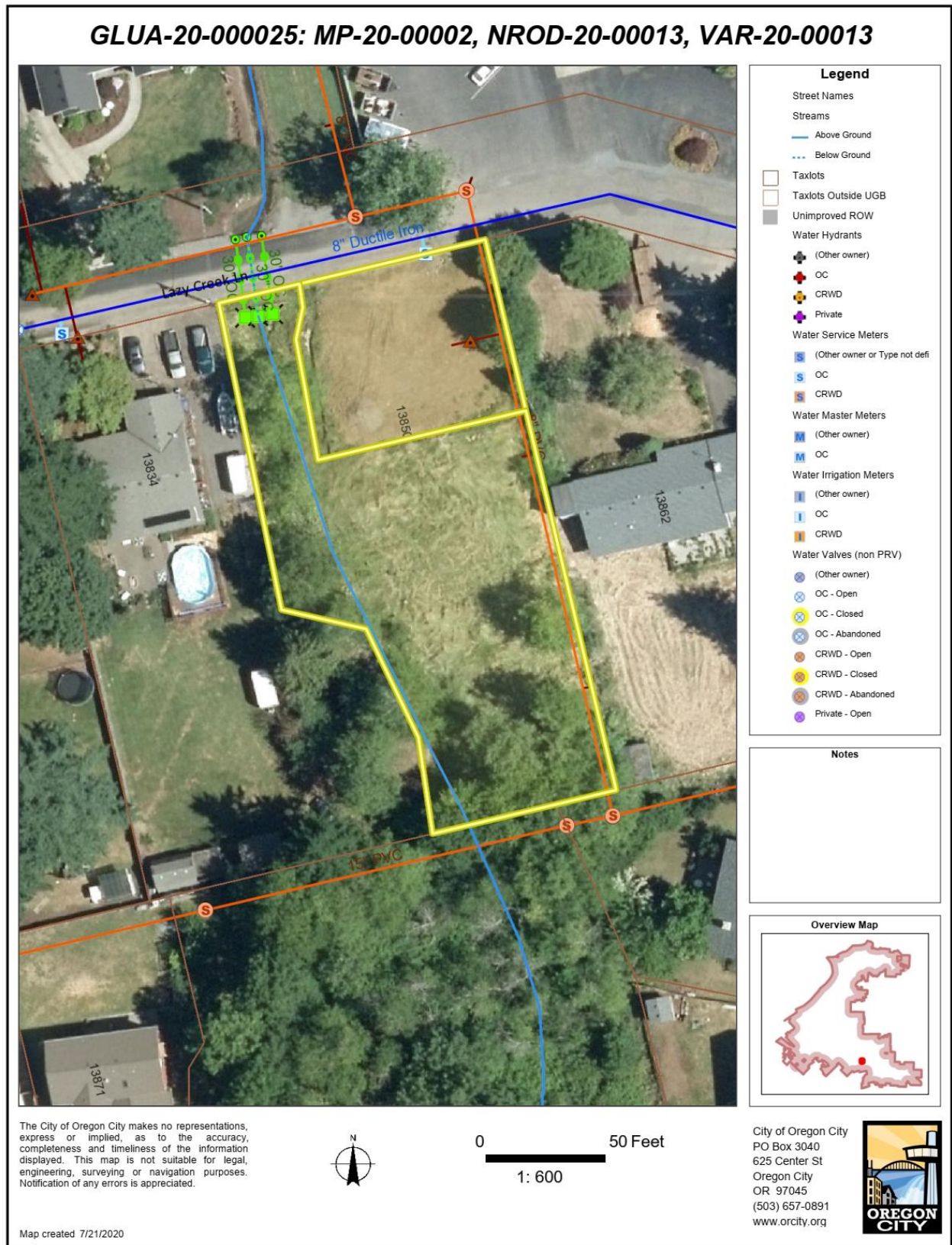


Figure 1. Vicinity Map and Aerial Photo (2019)

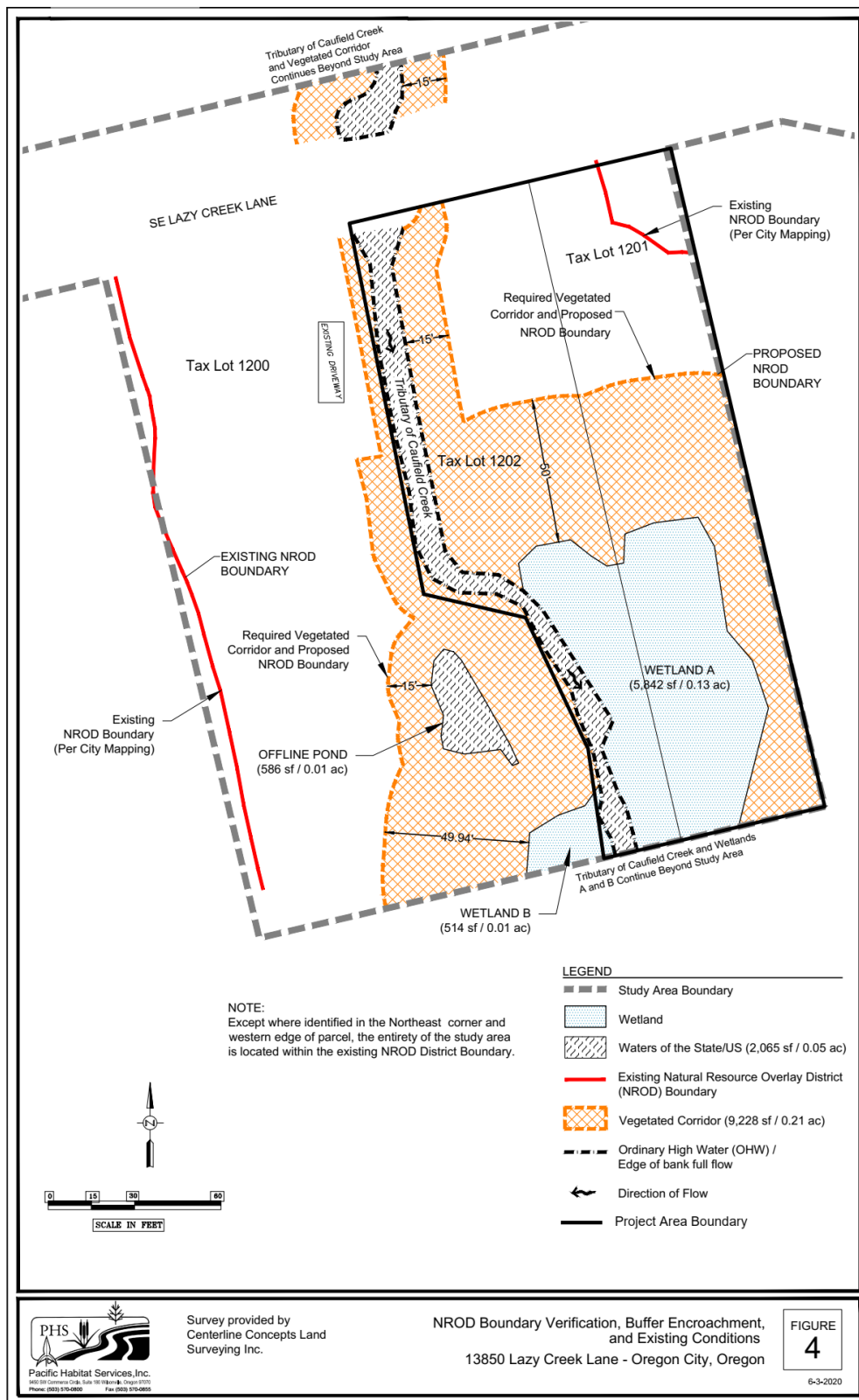


Figure 2: Existing Conditions – From Applicant’s submitted NROD Report

## 2. Project Description

The following description is from the applicant's submitted narrative:

Subject property is currently 23,881sf and consists of two parcels. A previous land division created a 6360sf buildable lot and a 17,521sf conservation tract for the preservation of a creek, wetland, and riparian area.

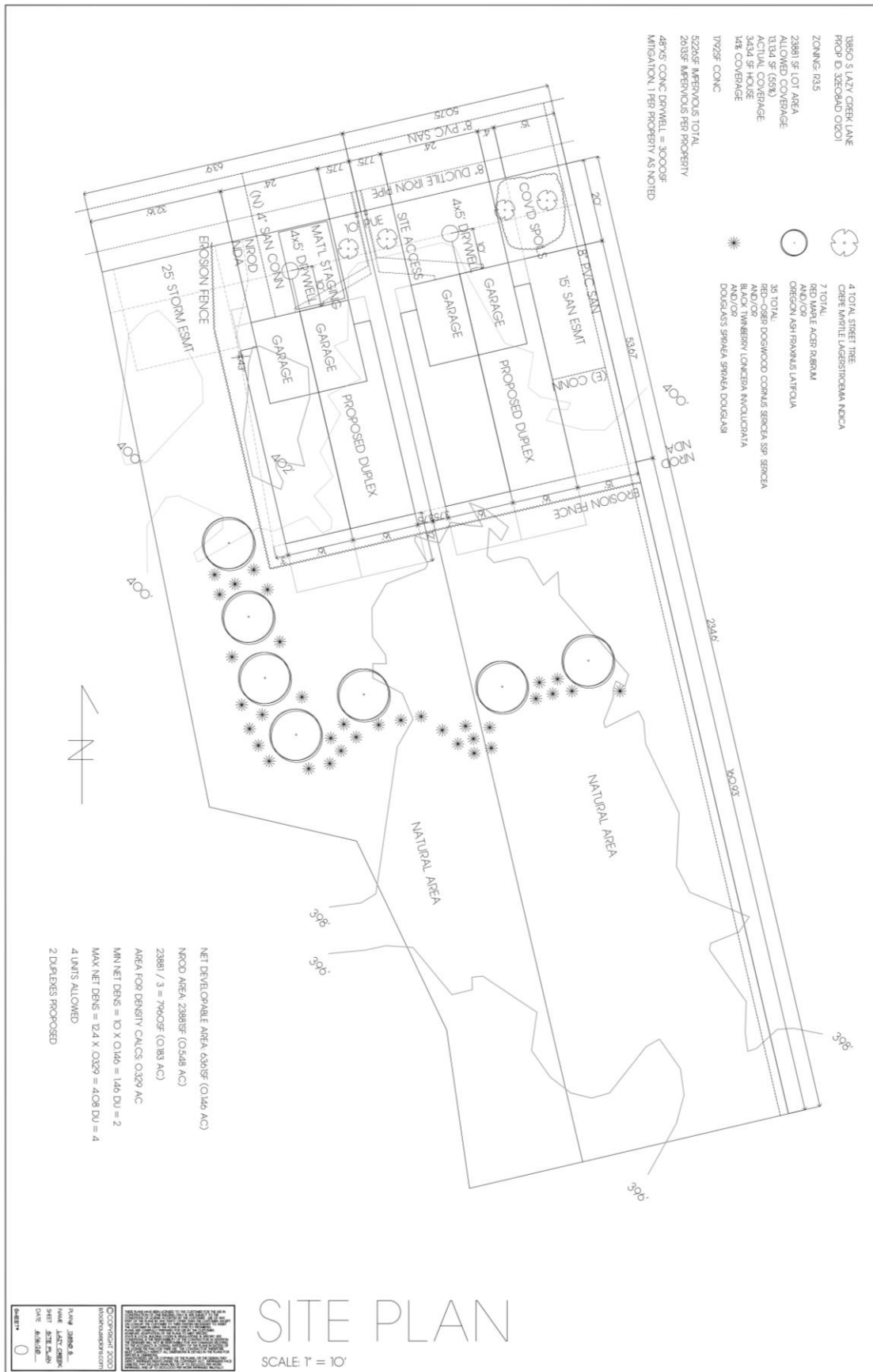
The applicant seeks to modify this proposal and create two buildable lots. Each lot would contain a portion of the buildable area and a portion of the conservation tract. The portion that is a conservation tract would become a conservation easement on each respective lot. The eastern lot (parcel 1) is proposed as 11,919sf with 3738sf of buildable area and 8181sf of conservation easement. The western lot (parcel 2) is proposed as 11,962sf with 2621sf of buildable area and 9341sf within a conservation easement.

The subject property is in R3.5 zoning. Each lot has more than enough net developable area (when including density transfer from the NROD) to support the construction of a duplex. Each duplex is proposed to contain two units of 1762sf each.

The partition allows for a more effective use of the land by creating two buildable lots instead of one. It also preserves the entirety of the conservation portion and allows building density transfer to be applied to both lots. While the buildable portion of both lots is used as much as possible, the conservation area more than enough open space in the immediate area.

Figure 3: Proposed Site Plan

Item 8c.



Note: Building elevations are not reviewed as part of this land use application. Building design will be reviewed for compliance with duplex design standards in OCMC 17.14 at the time of building permit review.

**3. Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

**4. Public Comment**

Public comments submitted include (Exhibit 3):

Mary Morss and Gerald Shrives

Mary and Gerald submitted a joint comment letter citing concerns about impacts to Lazy Creek Lane.

John Kies

John Kies submitted comments indicating no conflicts with the application.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

**II. ANALYSIS AND FINDINGS:**

**Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

| CHAPTER                                                                                | PAGE |
|----------------------------------------------------------------------------------------|------|
| CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES .....                              | 10   |
| CHAPTER 13.12 – STORMWATER MANAGEMENT .....                                            | 12   |
| CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING .....                                  | 16   |
| CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT ..... | 18   |
| CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL .....                                     | 33   |
| CHAPTER 12.08 PUBLIC AND STREET TREES .....                                            | 34   |
| CHAPTER 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS .....                               | 35   |
| CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS .....    | 38   |
| CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT .....                                 | 38   |
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## **CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES**

### *12.04.005 - Jurisdiction and management of the public rights-of-way.*

- A. *The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.*
- C. *The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.*
- D. *No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.*
- E. *The exercise of jurisdiction and regulatory management of a public 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.*

**Finding: Complies with Conditions.** All requirements for Public Works were addressed with the previous partition, MP 16-01. The only requirements for this partition are right-of-way permits for new water and sanitary services, which don't require engineering plans. A grading permit for stormwater may be triggered with the building permits, depending on how much impervious area is created when duplex buildings are proposed, and this will be reviewed following land use approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES**

### *12.04.005 - Jurisdiction and management of the public rights-of-way.*

- A. *The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.*
- C. *The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.*
- D. *No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.*
- E. *The exercise of jurisdiction and regulatory management of a public 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.*

**Finding: Complies as proposed.** The applicant acknowledges the City's jurisdiction and management of the public right-of-way. The applicant shall receive all necessary approvals from the City prior to installation of any public improvements within the adjacent right-of-way.



#### 12.04.025 - Driveways.

*Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.*

**Finding: Applicable.** See 16.12.035 for more information.

#### 12.04.030 - Maintenance and repair.

*The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.*

**Finding: Not Applicable.** There is no existing sidewalk adjacent to the proposed development.

#### 12.04.032 - Required sidewalk repair.

*A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.*

*B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.*

*1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.*

*2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.*

*C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.*

*D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.*

**Finding: Not applicable.** There is no existing sidewalk adjacent to the proposed development.

#### 12.04.050 - Retaining walls—Required.

*Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.*

**Finding: Not applicable.** No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

#### 12.04.100 - 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 Standard in effect at the time a right-of-way 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.*

**Finding: Complies with conditions.** Pavement cuts are proposed within Lazy Creek Lane due to utility service installation. Pavement cuts or other improvements made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. At the time of the

application, the pavement restoration requirement for Lazy Creek Lane is the Moratorium Standard. However, specific pavement cut standard requirements are determined at the time of construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.120 - Obstructions—Permit required.

**Finding: Not applicable.** No obstructions are proposed within the right of way.

12.04.150 - Street and alley vacations—Cost.

*At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.*

**Finding: Not applicable.** No vacations are proposed as part of this application.

12.04.170 - Street design—Purpose and general provisions.

*All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.*

**Finding: Complies with conditions.** See findings from chapter 16.12 of this report.

12.04.270 - Standard construction specifications.

*The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.*

**Finding: Complies with conditions.** The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 13.12 – STORMWATER MANAGEMENT**

13.12.050 - Applicability and exemptions.

*This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.*

*A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:*

- 1. The conveyance facilities are located entirely on one privately owned parcel;*
- 2. The conveyance facilities are privately maintained; and*

3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the Building Official.

**Finding: Applicable.** Connection to a public stormwater conveyance system is required to serve this development.

*B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:*

1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or

2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.

**Finding: Complies with conditions.** The proposed development for the minor partition will not create or replace 5,000 square feet of impervious surface, cumulated over a five-year period. The proposed development for the minor partition will not create or replace 500 square feet of impervious surface within the NROD, cumulated over a five-year period.

The frontage improvements associated for the minor partition (new and replaced driveways) do not trigger the General Thresholds for water quality and flow control. However, the applicant is cautioned that construction of homes on the partitioned lots, coupled with the frontage improvements, may trigger the General Thresholds for water quality and flow control.

Upon applying for building permits, the applicant shall provide calculations to show total created or replaced impervious area, cumulative over a five-year period. If the applicant's proposal exceeds the General Thresholds outlined above, cumulative over a five-year period, the applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to full address all applicable Stormwater and Grading Design Standards. The applicant shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a building permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*C. Exemptions. The following exemptions to subsection B of this section apply:*

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:

a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and

b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.

2. Projects in the following categories are generally exempt from the water quality and flow control requirements:

a. Stream enhancement or restoration projects approved by the City.

- b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
- c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*
- d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*
- e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*
- f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
- g. Maintenance or repair of existing utilities.*

**Finding: Not applicable.** No exemptions apply to the proposed development.

*D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:*

- 1. Bulk petroleum storage facilities;*
- 2. Above ground storage of liquid materials;*
- 3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
- 4. Exterior storage of bulk construction materials;*
- 5. Material transfer areas and loading docks;*
- 6. Equipment and/or vehicle washing facilities;*
- 7. Development on land with suspected or known contamination;*
- 8. Covered vehicle parking for commercial or industrial uses;*
- 9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
- 10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

**Finding: Not applicable.** The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

#### *13.12.080 - Submittal requirements.*

- A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*
- B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

**Finding:** See findings from Section 13.12.050B.

#### *13.12.090 - Approval criteria for engineered drainage plans and drainage report.*

*An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:*

- A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.*
- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.*
- C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.*
- E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

**Finding:** See findings from Section 13.12.050B.

*13.12.100 - Alternative materials, alternative design and methods of construction.*

*The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.*

**Finding: Not Applicable.** The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

*13.12.110 - Transfer of engineering responsibility.*

*Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.*

**Finding: Not applicable.** A project engineer is not required for this minor partition.

*13.12.120 - Standard construction specifications.*

*The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.*

**Finding: Complies with conditions.** The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city (also written in the findings of section 12.04.270). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*13.12.140 - Maintenance of public stormwater facilities.*

**Finding: Not applicable.** The applicant has not proposed public stormwater management facilities.

*13.12.145 - Maintenance of private stormwater facilities.*

**Finding: Not applicable.** The applicant has not proposed private stormwater management facilities with this application.

*13.12.170 - Permits from other jurisdictions.*

*A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and*

cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

**Finding: Not applicable.** The development does not exceed 1.0 acre in disturbed area.

*B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.*

**Finding: Not applicable.** A permit from DSL or USACOE is not required of this project.

*C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.*

**Finding: Not applicable.** A permit from ODFW is not required of this project.

## **CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING**

*15.48.030 Applicability—Grading permit required.*

*A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:*

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

*B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.*

**Finding: Complies with conditions.** The applicant provided a preliminary site plan demonstrating general compliance with the City's Public Works requirements for grading standards. The preliminary plan presents grading and paving activities that will result in the creation of impervious surfaces greater than two thousand square feet in area, thus triggering the requirements of Chapter 15.48. City standards for grading, fill and excavation are found in Chapter 3 of the Oregon City Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*15.48.040 - Grading permit exemptions.*

*The following filling and grading activities shall not require the issuance of a grading permit:*

- A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;*

*B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:*

- 1. It exceeds fifty cubic yards,*
- 2. More than ten cubic yards are removed from the site, or*
- 3. The fill is placed on the site to a depth greater than one foot;*

*C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;*

*D. Excavation for cemetery graves;*

*E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;*

*F. Repaving of existing paved surfaces that does not alter existing drainage patterns;*

*G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.*

**Finding: Not Applicable.** The application does not qualify for an exemption.

#### *15.48.090 Submittal requirements.*

*An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.*

*A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:*

*1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and*

*2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

*B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.*

*C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:*

*1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*

*2. When an embankment for a stormwater pond is created by the placement of fill;*

*3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.*

*D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.*

**Finding: Complies with conditions.** The developer shall provide a Residential Lot Grading Plan adhering to the State of Oregon Structural Specialty Code, Chapter 18 and the Oregon City Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**



## **CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT**

### *16.12.010 - Purpose and general provisions.*

*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.*

**Finding: Applicable.** 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.

### *16.12.011 - 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. 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, 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.*

**Finding: Applicable.** The application is a minor partition; therefore, the development shall follow the standards set forth in OCMC 16.12.

### *16.12.012 - 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.*

**Finding: Applicable.** The City has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way.

### *16.12.013 - 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. Compliance with the following criteria is required:

- A. The modification meets the intent of the standard;
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
- C. The modification is consistent with an adopted transportation or utility plan; and
- D. The modification is complementary with a surrounding street design; or, in the alternative;
- E. 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.

**Finding: Not Applicable.** No modification has been requested.

#### 16.12.015 - 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.

**Finding: Complies as Proposed.** The location, widths, and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. See findings in Section 16.12.016 for required street design and required frontage improvements for the proposed development.

#### 16.12.016 - 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    |

|  |                    |               |               |                |              |                |              |              |                         |            |
|--|--------------------|---------------|---------------|----------------|--------------|----------------|--------------|--------------|-------------------------|------------|
|  | <i>Industrial</i>  | <i>88 ft.</i> | <i>62 ft.</i> | <i>0.5 ft.</i> | <i>5 ft.</i> | <i>7.5 ft.</i> | <i>6 ft.</i> | <i>7 ft.</i> | <i>(3) 12 ft. Lanes</i> | <i>N/A</i> |
|  | <i>Residential</i> | <i>85 ft.</i> | <i>59 ft.</i> | <i>0.5 ft.</i> | <i>5 ft.</i> | <i>7.5 ft.</i> | <i>6 ft.</i> | <i>7 ft.</i> | <i>(3) 11 ft. Lanes</i> | <i>N/A</i> |

| <i>Road Classification</i> | <i>Comprehensive Plan Designation</i>               | <i>Right-of-Way Width</i> | <i>Pavement Width</i> | <i>Public Access</i> | <i>Sidewalk</i>                                             | <i>Landscape Strip</i> | <i>Bike Lane</i>               | <i>Street Parking</i> | <i>Travel Lanes</i>     | <i>Median</i> |
|----------------------------|-----------------------------------------------------|---------------------------|-----------------------|----------------------|-------------------------------------------------------------|------------------------|--------------------------------|-----------------------|-------------------------|---------------|
| <i>Local</i>               | <i>Mixed Use, Commercial or Public/Quasi Public</i> | <i>62 ft.</i>             | <i>40 ft.</i>         | <i>0.5 ft.</i>       | <i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i> |                        | <i>N/A</i>                     | <i>8 ft.</i>          | <i>(2) 12 ft. Lanes</i> | <i>N/A</i>    |
|                            | <i>Industrial</i>                                   | <i>60 ft.</i>             | <i>38 ft.</i>         | <i>0.5 ft.</i>       | <i>5 ft.</i>                                                | <i>5.5 ft.</i>         | <i>(2) 19 ft. Shared Space</i> |                       | <i>N/A</i>              |               |
|                            | <i>Residential</i>                                  | <i>54 ft.</i>             | <i>32 ft.</i>         | <i>0.5 ft.</i>       | <i>5 ft.</i>                                                | <i>5.5 ft.</i>         | <i>(2) 16 ft. Shared Space</i> |                       | <i>N/A</i>              |               |

- 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.*

**Finding: Complies as Proposed.** Street and frontage improvements along Lazy Creek Lane were completed under MP 16-01. Roadway improvements along Lazy Creek Lane consist of 20-foot-wide roadway in order to accommodate minimum fire vehicle access requirements. It has been determined that no further street improvements will be required with this proposed development.

*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.*

**Finding: Complies as Proposed.** See findings in Section 16.12.016.

*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.*

**Finding: Complies as Proposed.** See findings in Section 16.12.016.

*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.*

**Finding: Not applicable.** Installation of street signs and traffic control devices is not required for this proposed development.

*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.*

**Finding: Not Applicable.** Street and frontage improvements, including street lighting, along Lazy Creek Lane were completed under MP 16-01. It has been determined that no further street improvements will be required with this proposed development.

*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.*

**Finding: Not Applicable.** No new streets are proposed.

*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.*

**Finding: Complies as Proposed.** See findings in Section 16.12.016.

*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.*

**Finding: Not Applicable.** The decision maker has not approved access easements in lieu of streets nor has dedication of a street been deemed impracticable.

*H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.*

**Finding: Not Applicable.** No vehicular or pedestrian easements are proposed.

#### *16.12.017 - 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."*

**Finding: Not Applicable.** No new streets with dead ends are proposed for this development.

**16.12.018 - 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.*

**Finding: Not Applicable.** No new streets are proposed.

**16.12.019 - Traffic sight obstructions.**

*All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.*

**Finding: Not Applicable.** No new streets are proposed.

**16.12.020 - 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.*

**Finding: Not Applicable.** No new intersections are being created.

**16.12.021 - Street design—Grades and curves.**

*Grades and center line radii shall conform to standards approved by the City Engineer.*

**Finding: Not Applicable.** No new streets are proposed.

**16.12.022 - 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.*

**Finding: Not Applicable.** The development does not abut or create an arterial or collector street.

**16.12.023 - 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.*

**Finding: Not Applicable.** No new streets are proposed.

**16.12.024 - 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.*

**Finding: Not Applicable.** This application does not propose any half streets.

**16.12.025 - 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.*

**Finding: Not Applicable.** No cul-de-sacs or dead-end streets are proposed or required for this development.

*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.*

**Finding: Not Applicable.** No cul-de-sacs or dead-end streets are proposed or required for this development.

*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.*

**Finding: Not Applicable.** No cul-de-sacs or dead-end streets are proposed or required for this development.

*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.*

**Finding: Not Applicable.** No cul-de-sacs or dead-end streets are proposed or required for this development.

*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).*

**Finding: Not Applicable.** No cul-de-sacs or dead-end streets are proposed or required for this development.



**16.12.026 - 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.*

**Finding: Not Applicable.** Alleys are not proposed or required for this development.

**16.12.027 - 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.*

**Finding: Not Applicable.** Off-site street improvements are not proposed or required for this development.

**16.12.028 - 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.*

**Finding: Complies as Proposed.** No new streets are required or proposed and the existing streets adjacent to the development are laid out in a manner that promotes pedestrian and bicycle circulation.  
**Complies with conditions.**

**16.12.029 - 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.*

**Finding: Complies with conditions.** Pavement cuts are proposed within Lazy Creek Lane due to utility service installation. Pavement cuts or other improvements made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. At the time of the application, the pavement restoration requirement for Lazy Creek Lane is the Moratorium Standard. However, specific pavement cut standard requirements are determined at the time of construction.  
**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**16.12.030 - 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.

**Finding: Not Applicable.** This is an infill development to provide for one additional lot. No new streets are required or proposed.

**16.12.031 - 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.

**Finding: Not Applicable.** No new streets are required or proposed.

**16.12.032 – Public off-street pedestrian and bicycle accessways.**

**Finding: Not Applicable.** No public off-street pedestrian or bicycle accessways are required or proposed.

**16.12.033 - Mobility standards.**

**Finding: Not Applicable.** The proposed partition is served via a local street, Lazy Creek Lane. It would create one additional building site over the existing condition. The impact upon the existing street system is negligible. No traffic analysis was required for this development.

**16.12.035 - Driveways.**

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

| 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 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 for all uses other than detached single and two-family dwellings | 175 ft.  |
| Collector Streets                                    | Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings | 100 ft.  |
| Local Streets                                        | Minimum distance from a street corner to a driveway 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.

**Finding: Not Applicable.** The driveway spacing standards do not apply to single and two family dwellings.

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

**Finding: Not Applicable.** The development will include only single-family residential uses. The applicant's proposed driveways shall not be treated as an intersection.

*C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways 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.*

**Finding: Complies as Proposed.** The applicant proposes one driveway for each lot.

*D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. 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.*

**Finding: Not Applicable.** The property does not front multiple roads.

*E. 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                         |                    | 12 feet                         |
| Single-Family Detached in R-5 & R-3.5                                           | 10 feet                         |                    | 12 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 feet                         |
| Multi-Family                                                                    | 18 feet                         |                    | 30 feet                         |
| Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential | One-Way<br>12 feet              | Two-Way<br>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.*

**Finding: Complies with conditions.** All driveways (curb cuts), new and replaced, shall meet the minimum driveway width standards identified in Table 16.12.035.D. Approved driveway widths will need to be included on plans prior to receiving a permit and beginning construction. Any new or replaced driveways for the proposed lots shall meet City standards. The applicant shall obtain a right-of-way permit from Public Works for any new or replaced driveways. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*F. 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.

**Finding: Not Applicable.** No restrictions are proposed by the City Engineer.

G. 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.

**Finding: Complies with conditions.** Any driveway approach built within the public right-of-way shall be built and permitted per City requirements as approved by the City Engineer. All driveways, proposed and existing, shall be made ADA compliant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. 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 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.

**Finding: Not Applicable.** No exceptions are proposed.

#### 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.

**Finding: Applicable.** See Findings under Section 15.48 of this report.

#### 16.12.085 - 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. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

**Finding: Complies as Proposed.** A 10-foot-wide public utility easement (PUE) exists along all property lines fronting existing or proposed right-of-way and is proposed to remain.

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.

**Finding: Not applicable.** The applicant has not proposed unusual facilities.

*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.*

**Finding: Not Applicable.** The application does not affect any watercourses.

*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.*

**Finding: Not Applicable.** The application has not proposed any joint access use; therefore, no access easements are required

*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.*

**Finding: Not Applicable.** The application does not impact any natural resources; therefore, no access easements are required

#### *16.12.090 - 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.*

**Finding: Complies with conditions.** Commencement of improvement work is further restricted by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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.*

**Finding: Complies as Proposed.** Applicant shall obtain right-of-way permits from Public Works prior to 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.*

**Finding: Complies with Condition.** See findings from section 17.47, 17.49 of this report.

*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 franchise utility easement within private property.*

**Finding: Not Applicable.** No new streets are proposed.

*E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.*

**Finding: Not applicable.** As-builts are not required for this development.

*F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.*

**Finding: Complies as proposed.** Permitted hours of construction shall be set forth in the right-of-way permit conditions.

**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.*

**Finding: Complies as Proposed.** The proposed partition is served via a local street, Lazy Creek Lane. It would create one additional building site over the existing condition. The impact upon the existing street system is negligible. No traffic analysis was required for this development. No street improvements are required.

*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.*

**Finding: Complies with conditions.** See findings from section 13.12 for the design of stormwater management facilities to serve the development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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.*

**Finding: Complies with conditions.** A sanitary lateral was installed with the improvements associated with MP 16-01. The applicant is required to provide individual services to each lot. The development will be required to provide a 4" sanitary service lateral and two-way cleanout for the new lot per City standards. The applicant shall obtain a right-of-way permit from Public Works for the new sanitary

service. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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.*

**Finding: Complies with conditions.** A water service was installed with the improvements associated with MP 16-01. The applicant is required to provide individual services to each lot. The applicant will be required to provide the new lot with a new 1" water service line and meter per City standards. The applicant shall obtain a right-of-way permit from Public Works for the new service. A special tap will be required for the connection to the cast iron main. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*E. Street Trees. Refer to OCMC 12.08, Street Trees.*

**Finding:** See findings from section 12.08.

*F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.*

**Finding: Not Applicable.** The applicant has not proposed a subdivision.

*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. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.*

**Finding: Complies with conditions.** All new franchise utilities shall be placed underground. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*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.*

**Finding: Not Applicable.** No facilities are required to be oversized as part of this application.

*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.*

**Finding:** See findings from section 17.47 of this report

*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.

**Finding: Not Applicable.** The creation of a new public street is not proposed or required.

*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.*

**Finding: Not Applicable.** The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

*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.*

**Finding: Not Applicable.** Public improvements are not required with this development.

*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.*

**Finding: Not applicable.** See findings from section 16.12.090 of this report.

*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.*

**Finding:** Please see findings from Section 17.50.140 of this report.

*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.*

**Finding:** Please see findings from Section 17.50.141 of this report.

*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.*

**Finding: Not applicable.** The property owner has signed a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property as part of MP 16-01.



## **CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL**

### *17.47.030 - Applicability.*

*A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.*

*B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.*

**Finding: Applicable.** The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

### *17.47.060 - Permit required.*

*The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.*

**Finding: Complies with conditions.** The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. The applicant shall obtain an erosion control permit prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### *17.47.070 - Erosion and sediment control plans.*

*A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.*

*B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:*

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

*C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.*

*D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.*

*E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.*

*F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the*

*revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.*

*G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).*

**Finding: Complies as conditioned.** Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *17.47.080 - Plan implementation.*

*An approved erosion control and sediment control plan shall be implemented and maintained as follows:*

*A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.*

*B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.*

*C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.*

*D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.*

*E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.*

*F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.*

**Finding: Applicable.** The Oregon City Erosion Control Officer ensures that the development will comply with the city's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance.

#### *17.47.090 - Plan performance guarantee and security.*

*After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.*

**Finding: Complies as conditioned.** See Findings in Chapter 17.50.

## **CHAPTER 12.08 PUBLIC AND STREET TREES**

### *12.08.015 - Street tree selection, planting and maintenance requirements.*

*All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.*

- A. *One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.*
- B. *The following clearance distances shall be maintained when planting trees:*
  - 1. *Fifteen feet from streetlights;*
  - 2. *Five feet from fire hydrants;*
  - 3. *Twenty feet from intersections;*
  - 4. *Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);*
- C. *All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.*
- D. *All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*
- E. *All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.*
- F. *All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.*
- G. *Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.*
- H. *Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).*

**Finding: Complies with conditions.** All requirements for the public right-of-way were addressed with the previous partition, MP 16-01. The only requirements for this partition are right-of-way permits for new water and sanitary services, which do not require engineering plans. A grading permit for stormwater may be triggered with the building permits, depending on how much impervious area is created when duplex buildings are proposed, and this will be reviewed following land use approval. Street trees or fee-in-lieu of street trees shall be required at the time of building permit review pursuant to OCMC 17.14.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS**

### **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.*

**Finding: Permitted.** The applicant proposed to construct two duplexes, allowed in OCMC 17.10.020.D. The design of the duplexes will be reviewed for compliance with OCMC 17.14 if a building permit application is submitted following approval of this application.

*17.10.040 - Dimensional standards.*

*Dimensional standards in the R-5 and R-3.5 districts are as follows:*

*Table 17.10.040*

| <b>Standard</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>R-3.5</b>                                                                                                    | <b>Applicant's Proposal</b>                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <i>Minimum lot size<sup>1</sup></i><br><i>Single-family detached</i><br><i>Duplex</i><br><i>Single-family attached</i><br><i>3-4 plex</i>                                                                                                                                                                                                                                                                                                                               | <i>3,500 sq. ft.</i><br><i>4,000 sq. ft.</i><br><i>2,500 sq. ft.</i><br><i>2,000 sq. ft.</i><br><i>per unit</i> | >11,900 sf                                                                  |
| <b>Finding: Complies as Proposed.</b> Both proposed lots would greatly exceed the minimum requirement for a duplex. If the portion of each proposed lot that includes the proposed NROD easement is subtracted, then the buildable "lot" sizes would be approximately 2,624 s.f. and 3,737 s.f. respectively. The smaller size may also be permitted under density transfer pursuant to OCMC 17.49.240. Please see findings under that section for further information. |                                                                                                                 |                                                                             |
| <i>Maximum height</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>35 ft.</i>                                                                                                   | Height of building is reviewed when a building permit application is filed. |
| <b>Finding: Complies as Proposed.</b> Tallest structure proposed: The applicant proposes building heights less than 35 feet tall. Height of building is reviewed when a building permit application is filed.                                                                                                                                                                                                                                                           |                                                                                                                 |                                                                             |
| <i>Maximum building lot coverage</i><br><i>Single-family detached</i><br><i>and all duplexes</i><br><i>With ADU</i><br><i>Single-family attached and</i><br><i>3-4 plex</i>                                                                                                                                                                                                                                                                                             | <i>55%</i><br><i>65%</i><br><i>80%</i>                                                                          |                                                                             |
| <b>Finding: Complies as Proposed.</b> Lot coverage proposed: approximately 15%.                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                 |                                                                             |
| <i>Minimum lot width</i><br><i>All, except</i><br><i>Single-family attached</i>                                                                                                                                                                                                                                                                                                                                                                                         | <i>25 ft., except</i><br><i>20 ft.</i>                                                                          |                                                                             |

|                                                                                                                         |                                                                 |  |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--|
| <b>Finding: Complies as Proposed.</b> Smallest width proposed: 50'.                                                     |                                                                 |  |
| <i>Minimum lot depth</i>                                                                                                | <i>70 ft.</i>                                                   |  |
| <b>Finding: Complies as Proposed.</b> Smallest depth proposed: 234'.                                                    |                                                                 |  |
| <i>Minimum front yard setback</i>                                                                                       | <i>5 ft., except<br/>0 ft. - Porch</i>                          |  |
| <b>Finding: Complies as Proposed.</b> Smallest setback proposed: 20'.                                                   |                                                                 |  |
| <i>Minimum interior side yard setback<br/>All, except<br/>Single-family attached</i>                                    | <i>5 ft., except<br/>0 ft.<br/>(attached) /5<br/>ft. (side)</i> |  |
| <b>Finding: Minor Variance Requested.</b> Smallest setback proposed: 3.75' between the units. See findings under 17.60. |                                                                 |  |
| <i>Minimum corner side yard setback</i>                                                                                 | <i>7 ft.</i>                                                    |  |
| <b>Finding: Not applicable.</b> The site is not a corner lot.                                                           |                                                                 |  |
| <i>Minimum rear yard setback</i>                                                                                        | <i>20 ft., except<br/>15 ft. - porch<br/>5 ft. - ADU</i>        |  |
| <b>Finding: Complies as Proposed.</b> Smallest setback proposed: approximately 158'.                                    |                                                                 |  |
| <i>Garage setbacks</i>                                                                                                  | <i>20 ft. from<br/>ROW, except<br/>5 ft. from alley</i>         |  |
| <b>Finding: Complies as Proposed.</b> Smallest setback proposed: 20'.                                                   |                                                                 |  |

**Notes:**

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

**Finding: Not applicable.** The applicant has not proposed a reduction in lot size pursuant to OCMC 16.08.065.

**17.10.050 - Density standards.**

A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

| <b>Standard</b>                                                                                                                                   | <b>R-5</b>                                                       | <b>R-3.5</b>                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|
| <i>Minimum net density</i>                                                                                                                        | <i>7.0 du/acre</i>                                               | <i>10 du/acre</i>                                                 |
| <i>Maximum net density</i>                                                                                                                        |                                                                  |                                                                   |
| <ul style="list-style-type: none"> <li><i>Single-family detached</i></li> <li><i>Single-family attached</i></li> <li><i>3-4 plexes</i></li> </ul> | <i>8.7 du/acre</i><br><i>12.4 du/acre</i><br><i>17.4 du/acre</i> | <i>12.4 du/acre</i><br><i>17.4 du/acre</i><br><i>21.8 du/acre</i> |
|                                                                                                                                                   |                                                                  |                                                                   |

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**Finding: Complies as Proposed.** The applicant calculated the following density.

- NET DEVELOPABLE AREA: 6361SF (0.146 AC)
- NROD AREA: 23881SF (0.548 AC)  
NROD DENSITY TRANSFER:  $23881 / 3 = 7960\text{SF}$  (0.183 AC)
- AREA FOR DENSITY CALCS:  
0.329 AC (0.146 ac + 0.183 ac)
- MIN NET DENS =  $10 \times 0.146 = 1.46\text{DU} = 2$   
MAX NET DENS =  $12.4 \times .0329 = 4.08 \text{ DU} = 4$   
4 UNITS (2 DUPLEXES) ALLOWED  
2 DUPLEXES PROPOSED

**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.

**Finding: Complies as Proposed.** The applicant's calculations are correct. However, duplexes and corner duplexes count as a single dwelling for the purposes of density calculation, which the applicant may not have understood. The minimum number of units permitted is two duplex units (4 units) and the maximum permitted is two duplex units (4 units).

#### **CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS**

##### *17.41.020 - Tree protection—Applicability.*

1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.
2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.
3. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.
5. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.

**Finding: Not applicable.** There are no existing trees within the site proposed for construction. No tree removal has been proposed.

#### **CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT**

*17.49.035 - Addition of wetlands to map following adoption.*

*The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon's definition of a "Locally Significant Wetland". In such cases, the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The amended NROD boundary may be relied upon by the Community Development Director for the purposes of subsequent development review.*

**Finding: Not applicable.** There are no wetlands proposed to be added to the map.

*17.49.040 - NROD permit and review process.*

*An NROD permit is required for those uses regulated under OCMC 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to OCMC 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.*

**Finding: Complies with Conditions.** A previous land division created a 6360 s.f. buildable lot and a 17,521 s.f. conservation tract for the preservation of a creek, wetland, and riparian area. This application was processed pursuant to a Type II procedure. No adjustments to the standards of OCMC 17.49 are proposed. The purpose of the current proposal has the following objectives:

1. to replat the property and convert the conservation tract to a conservation easement, in order to accommodate larger buildable area for the duplexes while maintaining the same level of protection for the creek, wetland and riparian area. Both forms of resource protection are permitted under OCMC 17.49. Larger setbacks for the duplexes would occur because of the measurement from the re-platted property lines rather than the current tract A boundary.
2. To analyze and mitigate for proposed impacts to the NROD resulting from the construction of two duplexes, with associated driveways, decks, walkways, and stormwater treatment.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.49.050 - Emergencies.*

**Finding: Not applicable.** This proposal is not responding to an emergency.

*17.49.060 - Consistency and relationship to other regulations.*

*A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the OCMC, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.*

**Finding: Complies as proposed.** There are no regulations that are less restrictive or which conflict with the goal of providing protection of the identified resource.

*B. Compliance with Federal and State Requirements.*

*1. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make an application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.*

**Finding: Complies with Conditions.** The original wetland and stream onsite were identified by Pacific Habitat Services, Inc. in the Wetland Delineation (March 18, 2016), and verified by the City's NROD consultant, David Evans and Associates. This application includes a second NROD report prepared by Pacific Habitat Services on June 12, 2020, based on the original assessment, and reflecting the proposed site plan, along with an analysis of impacts and proposed mitigation. The methods utilized for the delineation are sound and the findings reflect the boundaries provided in the document. No conflicts with the provisions of the Oregon City Municipal Code; other City requirements; or with regional, state or federal law have been identified for the proposed project. The wetland resources within the proposed project area were delineated by PHS on February 8, 2016 and April 14, 2017. As impacts to the creek or the wetland are not proposed, a concurrence is not required. The applicant states that the proposed project does not propose impacts to jurisdictional wetlands or waters that would warrant coordination with DSL and the Corps, and that because of this, further documentation of coordination with appropriate regulatory/resource agencies, as required in Section 17.49.230C, is not necessary. A DEQ 1200-C NPDES Stormwater Discharge Permit will be submitted once the City provides Conditions of Approval for the Land Use application.

Staff provided notification of the proposed land use to the Department of State Lands on 9/3/2020 pursuant to

*2. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to OCMC 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.*

**Finding: Not applicable.** The applicant's submitted NROD report confirms that the stream and wetland on the subject property is within the mapped NROD boundary as indicated on Figure 5 of the report.

#### *17.49.070 - Prohibited uses.*

*The following development and activities are not allowed within the NROD:*

- A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.*
- B. New lots that would have their buildable areas for new development within the NROD are prohibited.*
- C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.*
- D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.*

**Finding: Not applicable.** The application does not propose any prohibited uses. Permanent impacts (678 SF) to the NROD will occur due to the construction of the driveway, walkway, and four patios/decks. Temporary impacts (658 SF) will occur due to grading for the new four-plex. The placement of ten cubic yards or greater of fill, or the removal of more than ten percent of the existing native vegetation within the NROD is not proposed.



*17.49.080 - Uses allowed outright (exempted).*

*The following uses are allowed within the NROD and do not require the issuance of an NROD permit:*

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.*
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.*
- C. Utility service using a single utility pole.*
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.*
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.*

**Finding: Not applicable.** The applicant did not propose any exempt uses (A) through (E).

*F. Trails meeting all of the following:*

- 1. Construction shall take place between May 1 and October 30 with hand held equipment;*
- 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;*
- 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;*
- 4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;*
- 5. No impervious surfaces; and*
- 6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.*

**Finding: Not applicable.** The applicant did not propose any exempt use (F).

*G. Land divisions provided they meet the following standards, and indicate the following on the final plat:*

- 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of forty feet wide by forty feet deep;*
- 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;*
- 3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and*
- 4. The NROD portions of all lots are protected by:*
  - a. A conservation easement; or*
  - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.*

**Finding: Not applicable.** The applicant did not propose any exempt use (G).

*H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.*

**Finding: Not applicable.** The applicant did not propose any exempt use (H).

*I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.*

**Finding: Complies as proposed.** The applicant will make repairs within the existing roadway in order to install utility lines.

*J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.*

**Finding: Not applicable.** The applicant did not propose any exempt use (J).

*K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.*

**Finding: Not applicable.** The applicant did not propose any exempt use (K).

*L. Tree Removal. The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this Section (L) shall be replaced with a new tree of at least ½-inch caliper or at least six foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).*

*The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.*

*M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:*

- 1. All work is done using hand-held equipment;*
- 2. No existing native vegetation is disturbed or removed; and*
- 3. All work occurs outside of wetlands and the top-of-bank of streams.*

*N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.*

*O. New fences meeting all of the following:*

- 1. No taller than three and a half feet and of split rail or similar open design.;*
- 2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;*
- 3. Six inches of clearance from ground level;*
- 4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.*

*P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.*

**Finding: Not applicable.** The applicant did not propose any exempt use (L) through (O).

*17.49.090 - Uses allowed under prescribed conditions.*

*The following uses within the NROD are subject to the applicable standards listed in OCMC 17.49.100 through 17.49.190 pursuant to a Type II process:*

*A. Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.*

*B. A residence on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.*

*C. A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.*

*D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.*

*E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).*

*F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.*

*G. Roads, bridges/creek crossings Subject to OCMC 17.49.150.*

*H. Utility lines subject to OCMC 17.49.140.*

*I. Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.*

*J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.*

*K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.*

*L. Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.*

*M. Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.*

**Finding: Complies with Conditions.** The subject properties are almost entirely within the NROD boundary of the City's adopted NROD map. The proposal consists of a land division that would create a new lot within the NROD for proposed residences. As a condition of approval of the prior application MP 16-01 / NR 16-03, the applicant is required to widen the pavement on Lazy Creek Lane. Subsection J above is applicable to that portion of Lazy Creek Lane that is within the NROD and currently contains impervious surface. Also proposed are some small impacts due to rear yard decks on the duplexes. The applicant must mitigate in accordance with OCMC Section 17.49.180 for any new impervious surface within the NROD. The proposed partition is not exempted by 17.49.080, and is therefore subject to the standards of 17.49.160. The proposal includes a land division and residential deck encroachments into the NROD. The applicant shall provide a final, revised calculation of impacts and mitigation that includes all new impervious surfaces prior to issuance of a building permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.49.100 - General development standards.*

*The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to OCMC 17.49.150), trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), land divisions (subject to OCMC 17.49.160), and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):*

*A. Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;*

**Finding: Not applicable.** The application does not propose tree removal within the NROD.

*B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.*

**Finding: Not applicable.** The applicant proposed to follow the NROD landscaping standards.

C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);

**Finding: Complies as proposed.** The proposed vegetation plantings are native and the mitigation plan was prepared by a professional wetland biologist.

D. Grading is subject to installation of erosion control measures required by the City;

**Finding: Complies as proposed.** Compliance with this standard will be enacted at the time a construction or building permit is applied for.

E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;

**Finding: Not applicable.** The applicant did not propose a reduction to the front, street, or garage setback.

F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;

**Finding: Not applicable.** This is not a multi-family, commercial or institutional development.

G. Fences in compliance with OCMC 17.49.080.N;

**Finding: Not applicable.** The applicant did not propose any fences within the NROD.

H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;

**Finding: Complies with Conditions.** The applicant has not applied for any building permits, pending approval of this land use application. Upon review of any building permits, and prior to occupancy, the applicant shall provide assurance that no exterior lighting shall be placed or else it shall be shielded so that lights do not shine directly in the NROD area. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and

**Finding: Not applicable.** The development is not within the one-hundred year floodplain.

J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

**Finding: Complies as proposed.** See also findings under OCMC 17.49.180 below. The applicant stated that mitigation of impacts will be provided subject to Section 17.49.180, Mitigation Planting Option 2. Refer to section 5.3 Mitigation Plan of the Applicant's NROD report for details.

17.49.110 - Width of vegetated corridor.

A. Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear.

The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

Table 17.49.110

| Protected Water Feature Type (see definitions)                                            | Slope Adjacent to Protected Water Feature       | Starting Point for Measurements from Water Feature              | Width of Vegetated Corridor (see Note 1)                                                                             |
|-------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Anadromous fish-bearing streams                                                           | Any slope                                       | • Edge of bankfull flow                                         | 200 feet                                                                                                             |
| Intermittent streams with slopes less than 25 percent and which drain less than 100 acres | < 25 percent                                    | • Edge of bankfull flow                                         | 15 feet                                                                                                              |
| All other protected water features                                                        | < 25 percent                                    | • Edge of bankfull flow<br>• Delineated edge of Title 3 wetland | 50 feet                                                                                                              |
|                                                                                           | ≥25 percent for 150 feet or more (see Note 2)   |                                                                 | 200 feet                                                                                                             |
|                                                                                           | ≥25 percent for less than 150 feet (see Note 2) |                                                                 | Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet. |

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥25percent slope.

**Finding: Complies as proposed.** The applicant delineated the extent of the vegetated corridor in accordance with Table 17.49.110 as discussed in the submitted report, Section 4.1. A total of approximately 9,228 square feet (0.21 acres) of vegetated corridor is present within the study area, as shown on Figure 4. Slopes within the study area are less than 25%. The tributary to Caufield Creek is intermittent and appears to drain less than 100 acres. As such, the VC associated with the tributary to Caufield Creek was determined to be 15 feet from the ordinary high water mark (OHWM). The VC associated with Wetland A is 50 feet the edge of the wetland.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.

**Finding: Not applicable.** The applicant did not request approval for a maximum disturbance area. The NROD easement area that is proposed to remain undeveloped is outside the proposed construction area.

17.49.130 - Existing development standards.

*In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to OCMC 17.49.080.J. shall submit a Type II or Type III application pursuant to this section.*

*Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.*

**Finding: Complies with Conditions.** The proposed development is new construction. A total of 678 square feet of development is proposed within the NROD boundary. Mitigation for this development will be provided as described in the Applicant's NROD report Section 5.3 Mitigation Plan. No existing development areas have been proposed for alteration or addition with this proposal. As a condition of approval of the prior application MP 16-01 / NR 16-03, the applicant is required to widen the pavement on Lazy Creek Lane. Subsection J above is applicable to that portion of Lazy Creek Lane that is within the NROD and currently contains impervious surface. Also proposed are some small impacts due to rear yard decks on the duplexes. The applicant must mitigate in accordance with OCMC Section 17.49.180 for any new impervious surface within the NROD. . The applicant shall provide a final, revised calculation of impacts and mitigation that includes all new impervious surfaces prior to issuance of a building permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.49.140 - Standards for utility lines.*

**Finding: Not applicable.** No utility lines are proposed within the NROD.

*17.49.150 - Standards for vehicular or pedestrian paths and roads.*

**Finding: Not applicable.** No new roads, bridges/stream crossings, driveways or pedestrian paths were proposed within the NROD.

*17.49.155 - Standards for stormwater facilities.*

**Finding: Not applicable.** No new stormwater facilities were proposed within the NROD.

*17.49.160 - Standards for land divisions.*

*Other than those land divisions exempted by OCMC 17.49.070.G., new residential lots created within the NROD shall conform to the following standards.*

*A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:*

- 1. There is an existing house on the site that is entirely within the NROD area; and*
- 2. The existing house will remain; and*
- 3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.*

**Finding: Not applicable.** The application does not include a land division for an existing residence.

*B. Protection and ownership of NROD areas in land divisions:*

- 1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.*

**Finding: Complies with Conditions.** A previous minor partition (MP 16-01) and NROD review (NR 1603) created a 6360 s.f. buildable lot and a 17,521 s.f. conservation tract for the preservation of a creek,

wetland, and riparian area. This application was processed pursuant to a Type II procedure. No adjustments to the standards of OCMC 17.49 are proposed. The purpose of the current proposal has the following objectives:

1. to replat the property and convert the conservation tract to a conservation easement, in order to accommodate larger buildable area for the duplexes while maintaining the same level of protection for the creek, wetland and riparian area. Both forms of resource protection are permitted under OCMC 17.49. Larger setbacks for the duplexes would occur because of the measurement from the re-platted property lines rather than the current tract A boundary.
2. To analyze and mitigate for proposed impacts to the NROD resulting from the construction of two duplexes, with associated driveways, decks, walkways, and stormwater treatment.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:*

- a. A tract of private open space held by the homeowners association;*
- b. For residential land divisions, a tract of private open space held by a homeowner's association subject to an easement conveying stormwater and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document;*
- c. Public open space where the tract has been dedicated to the City or other governmental unit;*
- d. Conservation easement area pursuant to OCMC 17.49.180.G. and approved in form by the Community Development Director; or*
- e. Any other ownership proposed by the owner and approved by the Community Development Director.*
- f. NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.*

**Finding: Complies with Conditions.** The applicant has proposed a conservation easement to be held privately by the owners of the individual lots pursuant to (d) above. Prior to recordation of a final plat, the applicant shall agree to, sign and record a Conservation Easement approved in form by the Community Development Director. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.49.170 - Standards for trails.*

*All trails that are not exempt pursuant to OCMC 17.49.80.F shall be processed through a Type II or Type III process pursuant to this chapter; and shall provide mitigation, subject to OCMC 17.49.180 or 17.49.190.*

**Finding: Not applicable.** The applicant has not proposed trails within the NROD.

*17.49.180 - Mitigation standards.*

*The following standards (or the alternative standards of OCMC 17.49.190) apply to required mitigation:*

*A. Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;*

**Finding: Complies with Conditions.** The applicant proposed to provide mitigation for project-related impacts pursuant to the standards of this section using Mitigation Planting Option 2. The proposed disturbance area, excluding disturbance to existing impervious surface areas is 678 square feet, which requires 1,356 square feet of mitigation. Mitigation for this development will be provided as described

in the applicant's proposed mitigation plan. As a condition of approval of the prior application MP 16-01 / NR 16-03, the applicant is required to widen the pavement on Lazy Creek Lane. Subsection J above is applicable to that portion of Lazy Creek Lane that is within the NROD and currently contains impervious surface. Also proposed are some small impacts due to rear yard decks on the duplexes. The applicant must mitigate in accordance with OCMC Section 17.49.180 for any new impervious surface within the NROD. . The applicant shall provide a final, revised calculation of impacts and mitigation that includes all new impervious surfaces prior to issuance of a building permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*B. Mitigation shall occur on the site where the disturbance occurs, pursuant to the following:*

- 1. The mitigation required for disturbance associated with a right-of-way or utility in the right-of-way shall be located as close to the impact area as possible within the NROD;*
- 2. If not possible to locate mitigation on the same site, the mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and*
- 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.*

**Finding: Complies with Conditions.** Mitigation for this development will be provided within the same stream tributary as described in the applicant's proposed mitigation plan. Additionally, the applicant shall establish an easement that allows access to the mitigation site for monitoring and maintenance. The access agreement may be made part of the Conservation Easement proposed by the applicant or else proposed in another form for approval by the Community Development Director. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.*

**Finding: Complies as proposed.** The applicant proposed mitigation within the NROD area of the site and it appears feasible.

*D. Invasive and nuisance vegetation shall be removed within the mitigation area;*

**Finding: Complies as proposed.** Mitigation for this development will be provided within the same stream tributary as described in the applicant's proposed mitigation plan. Additionally, the applicant proposed to remove invasive vegetation listed on the Oregon City Nuisance Plant List including, but not limited to cut-leaf birch, Himalayan blackberry, multiflora rose, Scotch broom, English ivy, common tansy, common vetch, oxeye daisy, reed canarygrass, Robert's geranium, spotted cat's ear, sweet clover, and common teasel within the mitigation area. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.*

*NOTE: Applications on sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.*



2. *Mitigation Planting Option 2.*

a. *Planting Quantity.* In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees shall be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

**Finding: Complies as proposed.** The applicant proposed Mitigation Planting Option 2 to be used as it results in more tree plantings. All trees and shrubs selected for the mitigation plan are from the Oregon City Native Plant List. The plant species listed in Table 4 and shown on Figure 6 are subject to adjustment based on site conditions and plant availability at the time of planting; however, no more than one-third of the trees will be of the same genus, and shrubs will consist of at least three different species. At least 7 trees and 35 shrubs will be planted within the vegetated corridor, adjacent to Wetland A and the tributary to Caufield Creek.

b. *Plant Size.* Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.

c. *Plant Spacing.* Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.

d. *Mulching and Irrigation* shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.

e. *Plant Diversity.* Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.

f. An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

**Finding: Complies as proposed.** Option 2 will be used for the mitigation plan as it results in a greater number of trees and shrubs to be planted than Option 1. The plant species listed on Figure 6 are subject to adjustment based on site conditions and plant availability at the time of planting; however, no more than one-third of the trees will be of the same genus, and shrubs will consist of at least three different species, as required in Section 17.49.180(E)(2)(e). All plantings will be a minimum of twelve inches in height and will be live cuttings, bare root stock, and/or container stock. Trees will be planted at average intervals of seven feet on center. Shrubs will be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.

g. *Monitoring and Maintenance.* The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the Community Development Director. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and

*areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species.*

**Finding: Complies as proposed.** The applicant's mitigation plan proposed that the proposed mitigation will be monitored and maintained for a minimum of five years, with approved annual progress reports submitted to the City's planning division. Mulching and irrigation will be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period. The new plantings may be watered with an installed irrigation system, hand watered, or water truck service for the duration of the maintenance and monitoring period.

The mitigation area will be inspected annually during the active growing season. During site monitoring, survival rates of planted trees and shrubs and invasive plant species cover will be documented. This information, along with photo-documentation of the mitigation area, will be used to inform the annual progress report. Should survival rate drop below 80 percent or invasive plant coverage exceed 10 percent at any time during the maintenance period, immediate remedial action will be taken. Monitoring and maintenance is the on-going responsibility of the property owner, assign, or designee.

*H. Covenant or Conservation Easement. The applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.*

**Finding: Complies with conditions.** The applicant has proposed a conservation easement to be held privately by the owners of the individual lots. The applicant will record a restrictive covenant or conservation easement in the form provided by the City that will require owners of the property to comply with the applicable mitigation requirements. The covenant or easement will run with the land and permit the City to complete mitigation work in the event of default by the responsible party. Should the city need to complete the mitigation work, such cost will be borne by the owner. The covenant or conservation easement is the responsibility of the property owner, assign, or designee. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*I. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.*

**Finding: Complies with conditions.** The applicant proposed that a financial guarantee will be provided to the city prior to development within the NROD disturbance area. The financial guarantee is the responsibility of the property owner, assign, or designee. Prior to recordation of the final plat, the applicant shall provide the following:

- A signed bid or quote for the establishment of the mitigation area that includes labor and materials including removal of invasive species within the mitigation area.
- A financial guarantee for 115% of the signed bid or quote in a form acceptable to the Community Development Director.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.49.190 - Alternative mitigation standards.*

**Finding: Not applicable.** The applicant did not propose alternative mitigation standards.

*17.49.200 - Adjustment from standards.*

**Finding: Not applicable.** The applicant has not requested an adjustment from the standards of this Chapter.

*17.49.210 - Type II development permit application.*

*Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by OCMC 17.49.220—17.49.230, and 17.50.080 as well as a discussion of how the proposal meets all of the applicable NROD development standards in OCMC 17.49.100—17.49.170.*

**Finding: Complies as proposed.** This application was process as a Type II development permit application.

*17.49.220 - Required site plans.*

*Site plans showing the following required items shall be part of the application:*

*A. For the entire subject property (NROD and non-NROD areas):*

- 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;*
- 2. One hundred-year floodplain and floodway boundary (if determined by FEMA);*
- 3. Creeks and other waterbodies;*
- 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;*
- 5. Topography shown by contour lines of two or one foot intervals for slopes less than fifteen percent and by ten foot intervals for slopes fifteen percent or greater;*
- 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.*
- 7. Extent of the required Vegetated Corridor required by Table 17.49.110.*

**Finding: Complies as proposed.** The applicant submitted an NROD report which included a site plan with items 1-7 as applicable.

*B. Within the NROD area of the subject property:*

- 1. The distribution outline of shrubs and ground covers, with a list of most abundant species;*
- 2. Trees six inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;*
- 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of six inches or greater shall be specifically identified as to number, trunk diameters and species;*
- 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at two foot vertical contours in areas of slopes less than fifteen percent and at five foot vertical contours of slopes fifteen percent or greater.*

**Finding: Complies with Conditions.** The applicant submitted an NROD report which included a site plan which did not include item 1-4 as applicable. Prior to plat recordation the applicant shall provide a revised site plan indicating the missing items. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*C. A construction management plan including:*

1. Location of site access and egress that construction equipment will use;
2. Equipment and material staging and stockpile areas;
3. Erosion control measures that conform to City of Oregon City erosion control standards;
4. Measures to protect trees and other vegetation located outside the disturbance area.

**Finding: Complies with Conditions.** The applicant submitted an NROD report which included a site plan which did not include items 1-4 as applicable. Prior to plat recordation the applicant shall provide a revised site plan indicating the missing items. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*D. A mitigation site plan demonstrating compliance with OCMC 17.49.180 or 17.49.190, including:*

1. Dams, weirs or other in-water features;
2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
3. Distribution, species composition, size, and spacing of shrubs to be planted;
4. Location, species and size of each tree to be planted;
5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
6. Water bodies or wetlands to be created, including depth;
7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

**Finding: Complies with Conditions.** The applicant submitted an NROD report which included a site plan which did not include the percent cover of ground covers, size and spacing of plantings, or stormwater management features. Prior to plat recordation the applicant shall provide a revised site plan indicating the missing items. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.49.230 - Mitigation plan report.*

*A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:*

- A. *Written responses to each applicable Mitigation Standard in OCMC 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;*
- B. *The resources and functional values to be restored, created, or enhanced through the mitigation plan;*
- C. *Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);*
- D. *Construction timetables;*
- E. *Monitoring and Maintenance practices pursuant to OCMC 17.49.230.F and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first five years of the mitigation area establishment.*

**Finding: Complies as proposed.** The applicant's NROD report included items A-E.

*17.49.240 - Density transfer.*

*The NROD allocates urban densities to the non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential.*

*For lots of record that are located within the NROD, density transfer is allowed, subject to the following provisions:*

- A. *Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;*

**Finding: Complies as proposed.** The applicant requested a minimal density transfer. The applicant's calculations are correct. The minimum number of units permitted is 2 and the maximum permitted is four.

The allowable density transfer (7,960 s.f.) greatly exceeds the small amount of additional area needed create 7,000 square feet of buildable area for 4 duplex units (639 s.f.). The density transfer would allow the applicant to comply with the minimum and maximum density standards for the R-3.5 zone. Per OCMC 17.10.050.B.(2), duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards. The applicant calculated the following density.

- Net developable area: 6361sf (0.146 ac)
- NROD area: 23881sf (0.548 ac)  
NROD density transfer:  $23881 / 3 = 7960\text{sf}$  (0.183 ac)
- Area for density calculation (Net developable + Density Transfer):  
0.329 ac (0.146 ac + 0.183 ac)
- Minimum net density =  $10 \times 0.146 = 1.46 \text{ du} = 2 \text{ du}$   
max net dens =  $12.4 \times .0329 = 4.08 \text{ du} = 4 \text{ du}$   
4 units (2 duplexes) allowed  
2 duplexes proposed
- Minimum lot size needed for two duplex units: 7,000 s.f.
- Minimum amount of density transfer needed:  $2 \times 3,500 \text{ s.f.} = 7,000 \text{ s.f.}$   
 $7,000 - 6,361 \text{ (Net developable area)} = 639 \text{ s.f.}$

*B. The residential transfer credit shall be as follows: for new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.*

**Finding: Complies as proposed.** See calculations under (A) above.

*C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B. above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240C.—17.49.240D.*

*D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.*

**Finding: Complies as proposed.** The proposed lot sizes both exceed the minimum requirement at approximately 11,966 square feet and 11,923 square feet respectively. The density calculation is not necessary to increase the lot size, it is only needed to augment the net developable area outside the proposed NROD conservation easement.

*Table 17.49.240 C: Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units*

| <i>Size of Reduced Lot</i>     | <i>Front Yard Setback</i> | <i>Rear Yard Setback</i> | <i>Side yard Setback</i> | <i>Corner Side</i> | <i>Lot Coverage</i> |
|--------------------------------|---------------------------|--------------------------|--------------------------|--------------------|---------------------|
| <i>3,500—7,000 square feet</i> | <i>10 feet</i>            | <i>15 feet</i>           | <i>5/0* feet</i>         | <i>10 feet</i>     | <i>40%</i>          |
| <i>1,800—3,499 square feet</i> | <i>5 feet</i>             | <i>15 feet</i>           | <i>5/0* feet</i>         | <i>10 feet</i>     | <i>55%</i>          |

*\*0 foot setback is only allowed on single-family attached units*

*F. For density transfers on properties zoned Commercial, Institutional, Industrial or Multi-Family, the transfer credit ratio is ten thousand square feet per acre of land within the NROD;*

*G. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.*

*H. The owner of the transferring property shall execute a covenant that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and*

*I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.*

**Finding: Not applicable.** See findings under Chapter 17.60 – Variances. The applicant has proposed two duplexes that are not joined at the property line and has requested a minor variance to allow an interior yard setback between the duplexes of 3.75 feet rather than 5 feet.

#### *17.49.250 - Verification of NROD boundary.*

*The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may be through a site specific environmental survey or a simple site visit in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of OCMC 17.49.100. Verifications shall be processed as either a Type I or Type II process.*

**Finding: Not applicable.** The applicant has not requested a determination that the subject site is not in an NROD area. The original wetland and stream onsite were identified by Pacific Habitat Services, Inc. in the Wetland Delineation (March 18, 2016), and verified by the City's NROD consultant, David Evans and Associates with planning files MP 16-01 / NR 16-03. This application includes a second NROD report prepared by Pacific Habitat Services on June 12, 2020, based on the original assessment, and reflecting original delineation, along with the proposed site plan, an analysis of impacts and proposed mitigation. The methods utilized for the delineation are sound and the findings reflect the boundaries provided in the document.

#### *17.49.265 - Corrections to violations.*

**Finding: Not applicable.** No violations have occurred.

### **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.*

**Finding: Complies as proposed.** The applicant attended the required pre-application conference, planning file PA-19-74, on December 24, 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: Not applicable.** Meeting with the neighborhood association is not required for minor site plans, administrative variances or natural resource overlay district applications.

*17.50.100 - Notice posting requirements.*

*Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.*

*A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.*

*B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.*

**Finding: Complies as proposed.** Public notice was posted on the property in accordance with this section on July 23, 2020.

*17.50.140 – Financial guarantees.*

*When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.*

*A. Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*

*B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.*

*1. After Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*

*2. Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*

*C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete*



the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

D. *Fee-in-lieu.* When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

**Finding: Not Applicable.** The City does not require the permittee to provide financial guarantee for construction of the proposed public utility services, driveways and grading for this proposed development.

#### 17.50.141 – Public improvements – Warranty

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. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. *Duration of Warranty.* Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.

B. *Financial Guarantee.* Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

C. *Amount of Warranty.* The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.

D. *Transfer of Maintenance.* The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.

**Finding: Not Applicable.** The City does not require the permittee to provide financial guarantee for the maintenance of the proposed public utility services, driveways and grading for this proposed development.

## **CHAPTER 17.60 VARIANCES**

### *17.60.020 - Variances—Procedures.*

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.

**Finding: Complies as proposed.** The application for a minor variance was initiated by the property owner and their authorized agent. The applicant paid all applicable review fees.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.

**Finding: Not applicable.** This is a minor variance, which is not required to be heard by the Planning Commission.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.

E. For the purposes of this section, minor variances shall be defined as follows:

1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
2. Variances to width, depth and frontage requirements of up to twenty percent;
3. Variances to residential yard/setback requirements of up to twenty-five percent;
4. Variances to nonresidential yard/setback requirements of up to ten percent;
5. Variances to lot area requirements of up to five percent;
6. Variance to lot coverage requirements of up to twenty-five percent;
7. Variances to the minimum required parking stalls of up to five percent; and
8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.
9. Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.

**Finding: Complies as proposed.** The applicant has requested a 20% minor variance to the 5' minimum interior side setback for the R-3.5 zone (5' x .25 = 1.25'). The requested setback from the interior property lines is 3.75' for each structure.

### *17.60.030 - Variance—Grounds.*

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

**Finding: Complies as proposed.** The dimensional standards for the R-3.5 zone allows either no setback for attached structures or 5' for detached structures, but do not allow a distance in between 0' to 5'. The applicant stated that the 3.75' setback is more than the state minimum 3' setback for fire safety. While true, the applicant is referring to a building code standard and not a zoning standard. Nonetheless, the requested variance is not likely to cause substantial damage to adjacent properties since it only affects the interior setback a little. The R-3.5 zone permits structures to be joined at the property line. The development will exceed the minimum setbacks for the zone in all other respects. The proposed setback of 3.75 feet will not significantly reduce light, air, safe access or other desirable or necessary qualities otherwise protected by this title.

*B. That the request is the minimum variance that would alleviate the hardship;*

**Finding: Complies as proposed.** The applicant stated that the requested variance allows each detached unit to be 16' wide. This allows for a standard 8' garage door, 3' front door and typical shear bracing. Less width would require smaller non-standard garage door or a more expensive engineered solution. The R-3.5 zone allows both attached and detached single family units. The request allows for the permitted use to be constructed in a traditional manner and comply other code and policy requirements.

*C. Granting the variance will equal or exceed the purpose of the regulation to be modified.*

**Finding: Complies as proposed.** The purpose of minimum setbacks is to maintain adequate separation between detached structures for safety as well as aesthetic enjoyment of private yard space and light. The proposed setback of 3.75' will maintain fire and safety distance while allowing for standard construction while minimizing encroachment to the Natural Resource Overlay District.

*D. Any impacts resulting from the adjustment are mitigated;*

**Finding: Complies as proposed.** The smaller setback will not cause any measurable impacts that require mitigation.

*E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

**Finding: Complies as proposed.** Alternatives would require expensive engineering solutions or greater impacts to the natural resources area, neither of which is practical.

*F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

**Finding: Complies as proposed.** The applicant's proposed setback of 3.75' still maintains fire and safety distance.

Generally, this variance allows for the efficient use of land (Goal 2.1 ) by maximizing the reduced allowed building area. Livability Standards (Goal 2.4) will not be impacted as the variance requested still complies with minimum fire and safety standards. No inside spaces are reliant on side windows for air and light. All bedrooms and common rooms face front or back. Therefore privacy is also not impacted.

Duplex units in general help fill in some of the missing middle housing by offering diverse housing opportunities (Goal 10.1) beyond single family homes. This development also helps fill a void by providing housing well below the 2300sf average of new homes. Consequently, rent will be more affordable (Goal 10.2) than a new single-family home.

**III. CONCLUSION AND DECISION:**

Based on the analysis and findings described above, staff concludes that the proposed Minor Partition Minor Variance and Natural Resource Overlay District proposal located at No Address, Lazy Creek Lane, Oregon City, and identified as Clackamas County Map 3-2E-08AD, Tax Lots 01201 and 01202, can meet the requirements of the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director approves files GLUA-20-00025: MP-20-00002, NROD-20-00013, and VAR-20-00013 with conditions, based upon the submitted application and the findings and exhibits contained in this staff report.

**IV. EXHIBITS:**

1. Vicinity Map (On File)
2. Application, Narrative and Plans (On File)
3. Public Comments (On File)



## CITY OF OREGON CITY

### Staff Report

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

**To:** City Commission **Agenda Date:** 04/07/2021  
**From:** Director of Public Works John M. Lewis, P.E.

#### **SUBJECT:**

Real Estate Contract for the Sale of Public Works Property Located at 306 S. Center Street to Yue Cong Zhu.

#### **STAFF RECOMMENDATION:**

Staff recommends that the City Commission authorize the City Manager to execute the real estate contract with Yue Cong Zhu for the sale of City property located at 306 S. Center Street, Oregon City, Oregon.

#### **EXECUTIVE SUMMARY:**

The property at 306 S. Center Street was purchased to aid the development of 122 S. Center into an updated Public Works Operations Center. Plans changed and additional property was purchased to move the Operations Center development to 13895 Fir Street. The 306 S. Center Street property is no longer needed, and Public Works would like to sell the property to Yue Cong Zhu. The buyer is offering a non-refundable earnest money deposit of \$5,000 that would be applied toward the \$475,000.00 purchase price. In addition, the original offer price has been amended to include a buyer credits at closing for a total of \$8,540 toward the Buyers pre-paid closing costs. The closing date shall take place on or before April 9, 2021.

#### **BACKGROUND:**

Oregon City Public Works acquired the property at 306 S. Center Street in September 2015 for \$400,690.12. When this property came up for sale, the City was in the Master Planning land use process to develop the property at 122 S. Center Street into the City's new Public Works Operations Center. Through that process, the purchase of the property at 306 S. Center Street was determined necessary to better control access to the existing single-family residence and to ensure sufficient road width to fully develop two-way through access to the upper portion of the Public Works site. Funding for the purchase was allotted from the City's Community Facilities Fund which receives funding transfers from the Transportation and Utility Funds.

The property at 306 S. Center Street is currently vacant and was managed by Bluestone & Hockley Real Estate Services. The prior tenant rental rate was \$2,700 per month. This property was recently appraised at \$475,000 by a local appraisal firm. The property appraisal is attached as Exhibit B. Comparable properties in the area range from \$480,439 to \$541,858. A small amount of maintenance work was completed on the 306 S. Center Street property prior to this sale being finalized.

With the acquisition and redevelopment of the Fir Street property and the dedication of the upper yard as Parks property, this property is no longer needed for the purpose it was originally acquired. For this reason, Public Works listed the 306 S. Center Street property for sale with a licensed real estate broker.

On January 24, 2021, Yue Cong Zhu made a formal offer of \$475,000 to purchase this property. Pending approval from City Commission, Public Works is requesting that the City Manager execute the necessary documents associated with the sale of the 306 S. Center Street property (see Exhibit C – Real Estate Sales Contract).

**ORS 221.725 Sale of city real property; publication of notice; public hearing,** states “when a city council considers it necessary or convenient to sell real property or any interest therein, the city council shall publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.” In accordance with this statute, notice of this pending sale and public hearing was published in *The Clackamas Review* on March 10, 2021 (Exhibit A). The requirements of this statute have been completed.

#### **OPTIONS:**

1. Authorize the City Manager to execute the real estate sales contract with Yue Cong Zhu.
2. Deny the real estate sales contract with Yue Cong Zhu.

#### **BUDGET IMPACT:**

Amount: \$

FY(s):

Funding Source(s):

**RESOLUTION NO. 21-16**

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**A RESOLUTION AUTHORIZING SALE OF CITY-OWNED PROPERTY LOCATED  
AT 306 S. CENTER STREET, OREGON CITY**

**WHEREAS**, Oregon City Public Works purchased the property at 306 S. Center Street in September 2015 for \$400,690.12; and

**WHEREAS**, this property purchase was part of a Master Planning land use process to develop the property at 122 S. Center Street into the City's new Public Works Operations Center; and

**WHEREAS**, in June 2018, Oregon City Public Works acquired property at 13895 Fir Street that more closely met the needs of the new Oregon City Operations Complex; and

**WHEREAS**, the upper yard area of the current Public Works Operations Center at 122 S. Center Street has since been dedicated as Parks property; and

**WHEREAS**, with the acquisition and redevelopment of the Fir Street property and the dedication of the upper yard as Parks property, this property is no longer needed for the purpose it was originally acquired; and

**WHEREAS**, this property was listed with a professional real estate broker and on January 24, 2021, an offer of \$475,000 was made by Yue Cong Zhu; the City accepted this offer; and

**WHEREAS**, the final agreement has been amended through a variety of addendums including the Closing Change Addendum dated March 18, 2021, whereby seller agrees to credit buyer at closing a total of \$8,540 toward Buyers prepaid closing costs; and

**WHEREAS**, when cities sell real property, ORS 221.725 requires that the City hold a public hearing, provide public notice regarding the public hearing, and provide monetary information regarding the property to be sold; and

**WHEREAS**, a public hearing was held at a regular City Commission meeting on March 17, 2021; and

**WHEREAS**, notice of this public hearing was published in the *Clackamas Review* newspaper on March 10, 2021 (Exhibit A); and

**WHEREAS**, monetary information regarding the property has been provided within the staff report, in the Appraisal Report (Exhibit B), and within the public hearing presentation; and

**WHEREAS**, the maintenance issues identified within the Appraisal Report requiring remediation have been completed; and

**WHEREAS**, the City Manager, Anthony J. Konkol, III, is the official representative of the City of Oregon City and is authorized to execute the necessary sales paperwork throughout the sales process; and

**WHEREAS**, because of the reasons identified, the City Commission gives its support of the sale of property located at 306 S. Center Street, Oregon City.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager will execute all necessary sales paperwork to complete the sale of the property at 306 S. Center Street, Oregon City.

**Section 2.** This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of April, 2021.

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ROCKY SMITH, JR.  
Commission President

Attested to this 7<sup>th</sup> day of April, 2021:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney





## MEMORANDUM

TO: City Commission  
CC: Tony Konkol, City Manager  
FROM: John M. Lewis, Public Works Director  
DATE: March 29, 2021  
SUBJECT: 306 S Center Street Listing and Offer Details

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At the March 17 City Commission Meeting, the Commission moved to approve a continuance of the decision to approve the sale of 306 S. Center Street to April 7, 2021. At the meeting some discussion ensued, and several clarifications were requested to be included in the Commission Report. This memo is in response to the comments I noted:

### **Q1. Please share how a realtor from Keller Williams was used as the listing agent.**

A1. Keller Williams is a real estate brokerage firm very familiar with the 306 S. Center property through evaluation work the City needed related to the Upper Yard and its dedication as a park. Keller Williams staff provided the City with comparable property research for all the City's Center Street Operations property including 306 S. Center. They were also the listing firm when the City bought the property in 2015. Given the familiarity with the property and the familiarity with the Oregon City residential market, Kim Childs was suggested for the listing. Kim has been working in the residential real estate market for 17 years, all of which has included listings in Oregon City.

### **Q2. How was the property advertised for sale?**

A2. 306 S Center Street was advertised for sale on the Realtor Multiple Listing Service (RMLS), Zillow, Realtor.com, Redfin, and about 350 total websites. A floor plan was utilized in marketing, as well as professional photography, drone shots, and a description of the home emphasizing the features a Buyer would enjoy. Many agents called to inquire before viewing, intimating they would be making an offer. We received one offer out of the 27 showings.

### **Q3. How many days was the property on the market?**

A3. The home went pending after four days on the market. With COVID, individual showings are preferred, especially when a property is vacant. While on the market, the property saw 27 showings spread over Friday, Saturday, and Sunday.

**Q4. Why didn't we get more offers?**

A4. Our agent followed up with all buyer agents for feedback, and many replied. Feedback was along the lines of "too much work to be done," "worried about the foundation," "worried about possible mold based on smell. All of the agents with buyers that said they thought their buyer would offer before they had viewed the property (there were about five or six), declined to offer to purchase the home after viewing it in person. A couple agents and buyers just did drive-bys and decided not to view the property based on the steep driveway.

**Q5. Is the property still listed as pending given that the City has not made a decision to sell?**

A5. The property, in accordance with the rules of the multiple listing service, remains in the RMLS as sale pending.

The property sales price as originally accepted was \$475,000. Through the evaluation, inspection, and appraisal process, the City Manager on behalf of the City has agreed to cover \$8,540 toward the buyer's prepaid closing costs. In consideration of the final agreement, I also wanted to offer the following:

Some reasons why the property may be on the low end of value on a square foot basis:

- 1) Access is by way of a very steep driveway;
- 2) The property really has very little backyard;
- 3) The concrete floor in the basement on the downhill side is cracking (it was cracked when the City purchased it, but it is more uneven now)
- 4) There has been some settling of the foundation sloping toward the downhill side;
- 5) The basement room with the wet bar really has no windows and is not optimal space – in total, 1505 of the 3500 square feet are in the basement and not finished to the same level as the main floor (e.g., concrete floors);
- 6) Above-grade square footage sells for more money than below grade, even for daylight basements;
- 7) The home is dated with obsolete fixtures and flooring throughout the home;
- 8) The carpet is stained and torn from some type of animal. It was cleaned before the home was put on the market, but it still presents quite a bit less than optimal;
- 9) The drywall on the walls has some gouges and large paint chips – the entire home interior needs to be painted;

- 10) The past renter was very hard on the home (e.g., the trim molding at the front door is barely hanging on, they removed the garage door openers, there are some wires here and there that are questionable in nature);
- 11) The location, while having a slight view from inside the home (better view outside, but not a really great place to admire it), is located next to a public works yard.

# PamplinMediaGroup

## -Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Charlotte Allsop prior to deadline at (971) 204-7706 or [callsop@pamplinmedia.com](mailto:callsop@pamplinmedia.com).

|                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date:</b> 03/01/21<br><b>Account #:</b> 105466<br><b>Reference #:</b><br><b>Company Name:</b> OREGON CITY, CITY OF<br><b>Contact:</b><br><b>Address:</b> PO BOX 3040<br>OREGON CITY<br><br><b>Telephone:</b> (503) 657-0891<br><b>Fax:</b> (000) 000-0000 | <b>Ad ID:</b> 194804<br><b>Start:</b> 03/10/21<br><b>Stop:</b> 03/11/21<br><br><b>Total Cost:</b> \$50.03<br><b>Ad Size:</b> 2.111<br><b>Column Width:</b> 1<br><b>Column Height:</b> 2.111<br><br><b>Ad Class:</b> 1206<br><b>Phone #</b> (971) 204-7706<br><b>Email:</b> <a href="mailto:callsop@pamplinmedia.com">callsop@pamplinmedia.com</a> |
| <b>Run Dates:</b><br><br>Clackamas Review    03/10/21                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                   |

**PUBLIC HEARING ON PROPERTY SALE – 306 S. CENTER  
STREET, OREGON CITY**

**March 17, 2021**

CITY OF OREGON CITY PUBLIC HEARING REGARDING SALE OF PROPERTY LOCATED AT 306 S. CENTER STREET, OREGON CITY, OREGON. The public hearing will be held virtually on Wednesday, March 17, 2021, at 7 p.m. Contact the City Recorder at [recorderteam@orc.gov](mailto:recorderteam@orc.gov) or 503-657-0891 to register to participate in the public hearing.

The identified property was and remains a single-family dwelling in Oregon City. Oregon City Public Works acquired this property in 2015 as part of the land use process to develop access for the new Public Works Operations Center. With the acquisition and redevelopment of property at a different location, the property at 306 S. Center Street was no longer needed for the purpose it was originally acquired.  
Publish March 10, 2021

CLK194804

# UNIFORM APPRAISAL DATASET (UAD) DEFINITIONS ADDENDUM

(Source: Fannie Mae UAD Appendix D: UAD Field-Specific Standardization Requirements)

## Condition Ratings and Definitions

**C1**  
The improvements have been very recently constructed and have not previously been occupied. The entire structure and all components are new and the dwelling features no physical depreciation.\*

\*Note: Newly constructed improvements that feature recycled materials and/or components can be considered new dwellings provided that the dwelling is placed on a 100% new foundation and the recycled materials and the recycled components have been rehabilitated/re-manufactured into like-new condition. Recently constructed improvements that have not been previously occupied are not considered “new” if they have any significant physical depreciation (i.e., newly constructed dwellings that have been vacant for an extended period of time without adequate maintenance or upkeep).

**C2**  
The improvements feature no deferred maintenance, little or no physical depreciation, and require no repairs. Virtually all building components are new or have been recently repaired, refinished, or rehabilitated. All outdated components and finishes have been updated and/or replaced with components that meet current standards. Dwellings in this category either are almost new or have been recently completely renovated and are similar in condition to new construction.

**C3**  
The improvements are well maintained and feature limited physical depreciation due to normal wear and tear. Some components, but not every major building component, may be updated or recently rehabilitated. The structure has been well maintained.

**C4**  
The improvements feature some minor deferred maintenance and physical deterioration due to normal wear and tear. The dwelling has been adequately maintained and requires only minimal repairs to building components/mechanical systems and cosmetic repairs. All major building components have been adequately maintained and are functionally adequate.

**C5**  
The improvements feature obvious deferred maintenance and are in need of some significant repairs. Some building components need repairs, rehabilitation, or updating. The functional utility and overall livability is somewhat diminished due to condition, but the dwelling remains useable and functional as a residence.

**C6**  
The improvements have substantial damage or deferred maintenance with deficiencies or defects that are severe enough to affect the safety, soundness, or structural integrity of the improvements. The improvements are in need of substantial repairs and rehabilitation, including many or most major components.

## Quality Ratings and Definitions

**Q1**  
Dwellings with this quality rating are usually unique structures that are individually designed by an architect for a specified user. Such residences typically are constructed from detailed architectural plans and specifications and feature an exceptionally high level of workmanship and exceptionally high-grade materials throughout the interior and exterior of the structure. The design features exceptionally high-quality exterior refinements and ornamentation, and exceptionally high-quality interior refinements. The workmanship, materials, and finishes throughout the dwelling are of exceptionally high quality.

**Q2**  
Dwellings with this quality rating are often custom designed for construction on an individual property owner’s site. However, dwellings in this quality grade are also found in high-quality tract developments featuring residence constructed from individual plans or from highly modified or upgraded plans. The design features detailed, high quality exterior ornamentation, high-quality interior refinements, and detail. The workmanship, materials, and finishes throughout the dwelling are generally of high or very high quality.

**Q3**  
Dwellings with this quality rating are residences of higher quality built from individual or readily available designer plans in above-standard residential tract developments or on an individual property owner’s site. The design includes significant exterior ornamentation and interiors that are well finished. The workmanship exceeds acceptable standards and many materials and finishes throughout the dwelling have been upgraded from “stock” standards.

**Q4**  
Dwellings with this quality rating meet or exceed the requirements of applicable building codes. Standard or modified standard building plans are utilized and the design includes adequate fenestration and some exterior ornamentation and interior refinements. Materials, workmanship, finish, and equipment are of stock or builder grade and may feature some upgrades.

# UNIFORM APPRAISAL DATASET (UAD) DEFINITIONS ADDENDUM

(Source: Fannie Mae UAD Appendix D: UAD Field-Specific Standardization Requirements)

## Quality Ratings and Definitions (continued)

### Q5

Dwellings with this quality rating feature economy of construction and basic functionality as main considerations. Such dwellings feature a plain design using readily available or basic floor plans featuring minimal fenestration and basic finishes with minimal exterior ornamentation and limited interior detail. These dwellings meet minimum building codes and are constructed with inexpensive, stock materials with limited refinements and upgrades.

### Q6

Dwellings with this quality rating are of basic quality and lower cost; some may not be suitable for year-round occupancy. Such dwellings are often built with simple plans or without plans, often utilizing the lowest quality building materials. Such dwellings are often built or expanded by persons who are professionally unskilled or possess only minimal construction skills. Electrical, plumbing, and other mechanical systems and equipment may be minimal or non-existent. Older dwellings may feature one or more substandard or non-conforming additions to the original structure

## Definitions of Not Updated, Updated, and Remodeled

### Not Updated

Little or no updating or modernization. This description includes, but is not limited to, new homes.

Residential properties of fifteen years of age or less often reflect an original condition with no updating, if no major components have been replaced or updated. Those over fifteen years of age are also considered not updated if the appliances, fixtures, and finishes are predominantly dated. An area that is 'Not Updated' may still be well maintained and fully functional, and this rating does not necessarily imply deferred maintenance or physical/functional deterioration.

### Updated

The area of the home has been modified to meet current market expectations. These modifications are limited in terms of both scope and cost.

An updated area of the home should have an improved look and feel, or functional utility. Changes that constitute updates include refurbishment and/or replacing components to meet existing market expectations. Updates do not include significant alterations to the existing structure.

### Remodeled

Significant finish and/or structural changes have been made that increase utility and appeal through complete replacement and/or expansion.

A remodeled area reflects fundamental changes that include multiple alterations. These alterations may include some or all of the following: replacement of a major component (cabinet(s), bathtub, or bathroom tile), relocation of plumbing/gas fixtures/appliances, significant structural alterations (relocating walls, and/or the addition of) square footage). This would include a complete gutting and rebuild.

## Explanation of Bathroom Count

Three-quarter baths are counted as a full bath in all cases. Quarter baths (baths that feature only a toilet) are not included in the bathroom count. The number of full and half baths is reported by separating the two values using a period, where the full bath count is represented to the left of the period and the half bath count is represented to the right of the period.

Example:

3.2 indicates three full baths and two half baths.

## UNIFORM APPRAISAL DATASET (UAD) DEFINITIONS ADDENDUM

(Source: Fannie Mae UAD Appendix D: UAD Field-Specific Standardization Requirements)

## Abbreviations Used in Data Standardization Text

| Abbreviation | Full Name                 | Fields Where This Abbreviation May Appear |
|--------------|---------------------------|-------------------------------------------|
| ac           | Acres                     | Area, Site                                |
| AdjPrk       | Adjacent to Park          | Location                                  |
| AdjPwr       | Adjacent to Power Lines   | Location                                  |
| A            | Adverse                   | Location & View                           |
| ArmLth       | Arms Length Sale          | Sale or Financing Concessions             |
| ba           | Bathroom(s)               | Basement & Finished Rooms Below Grade     |
| br           | Bedroom                   | Basement & Finished Rooms Below Grade     |
| B            | Beneficial                | Location & View                           |
| Cash         | Cash                      | Sale or Financing Concessions             |
| CtySky       | City View Skyline View    | View                                      |
| CtyStr       | City Street View          | View                                      |
| Comm         | Commercial Influence      | Location                                  |
| c            | Contracted Date           | Date of Sale/Time                         |
| Conv         | Conventional              | Sale or Financing Concessions             |
| CrtOrd       | Court Ordered Sale        | Sale or Financing Concessions             |
| DOM          | Days On Market            | Data Sources                              |
| e            | Expiration Date           | Date of Sale/Time                         |
| Estate       | Estate Sale               | Sale or Financing Concessions             |
| FHA          | Federal Housing Authority | Sale or Financing Concessions             |
| GlfCse       | Golf Course               | Location                                  |
| Glfvw        | Golf Course View          | View                                      |
| Ind          | Industrial                | Location & View                           |
| in           | Interior Only Stairs      | Basement & Finished Rooms Below Grade     |
| Lndfl        | Landfill                  | Location                                  |
| LtdSght      | Limited Sight             | View                                      |
| Listing      | Listing                   | Sale or Financing Concessions             |
| Mtn          | Mountain View             | View                                      |
| N            | Neutral                   | Location & View                           |
| NonArm       | Non-Arms Length Sale      | Sale or Financing Concessions             |
| BsyRd        | Busy Road                 | Location                                  |
| o            | Other                     | Basement & Finished Rooms Below Grade     |
| Prk          | Park View                 | View                                      |
| Pstrl        | Pastoral View             | View                                      |
| PwrLn        | Power Lines               | View                                      |
| PubTrn       | Public Transportation     | Location                                  |
| rr           | Recreational (Rec) Room   | Basement & Finished Rooms Below Grade     |
| Relo         | Relocation Sale           | Sale or Financing Concessions             |
| REO          | REO Sale                  | Sale or Financing Concessions             |
| Res          | Residential               | Location & View                           |
| RH           | USDA - Rural Housing      | Sale or Financing Concessions             |
| s            | Settlement Date           | Date of Sale/Time                         |
| Short        | Short Sale                | Sale or Financing Concessions             |
| sf           | Square Feet               | Area, Site, Basement                      |
| sqm          | Square Meters             | Area, Site                                |
| Unk          | Unknown                   | Date of Sale/Time                         |
| VA           | Veterans Administration   | Sale or Financing Concessions             |
| w            | Withdrawn Date            | Date of Sale/Time                         |
| wo           | Walk Out Basement         | Basement & Finished Rooms Below Grade     |
| wu           | Walk Up Basement          | Basement & Finished Rooms Below Grade     |
| WtrFr        | Water Frontage            | Location                                  |
| Wtr          | Water View                | View                                      |
| Woods        | Woods View                | View                                      |

## Other Appraiser-Defined Abbreviations

[illegible]







Uniform Residential Appraisal Report

ADDITIONAL COMMENTS

COST APPROACH

INCOME

PUD INFORMATION

SEE ADDENDUM FOR COMMENTS ON THE SALES COMPARISON APPROACH I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. See 1004mc form for reasonable exposure time. AM - 117

COST APPROACH TO VALUE (not required by Fannie Mae)

Provide adequate information for the lender/client to replicate the below cost figures and calculations.

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value)Extraction of land value from comparable sales data in this area range from \$140,000 - \$175,000 depending on size, utility, view and location. Considering the subjects neighborhood setting/location, characteristics and residential view, a value of \$150,000 is reasonable. It is typical for land to value ratios to exceed 30% in this market area. This does not create an adverse affect on value or marketability.

|                                                                                                                                                                                                                                                                                                                      |                                          |                                                          |                                    |                   |                   |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------|------------------------------------|-------------------|-------------------|--------------------|
| ESTIMATED                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> REPRODUCTION OR | <input checked="" type="checkbox"/> REPLACEMENT COST NEW | OPINION OF SITE VALUE              |                   | =\$               | 150,000            |
| Source of cost data                                                                                                                                                                                                                                                                                                  | Marshall & Swift                         |                                                          | DWELLING                           | 2,014 Sq.Ft. @ \$ | 110.00            | =\$ 221,540        |
| Quality rating from cost service                                                                                                                                                                                                                                                                                     | Avg/Gd                                   | Effective date of cost data                              | 03/2021                            | Basement          | 1,466 Sq.Ft. @ \$ | 88.00 = \$ 129,008 |
| Comments on Cost Approach (gross living area calculations, depreciation, etc.)                                                                                                                                                                                                                                       |                                          |                                                          | Porch/Decks                        |                   |                   | = \$ 9,800         |
| Costs are based on Marshall & Swift. The subject has an estimated remaining life of 60 years. It is typical for land to value ratios to exceed 30% in this market area. Neighborhood historic economic life of 60 years is relied on. SEE ATTACHED FLOOR PLAN/BUILDING SKETCH, dimensions rounded to the nearest 1'. |                                          |                                                          | Garage/Carport                     |                   | 486 Sq.Ft. @ \$   | 37.16 = \$ 18,060  |
|                                                                                                                                                                                                                                                                                                                      |                                          |                                                          | Total Estimate of Cost-New         |                   |                   | = \$ 378,408       |
|                                                                                                                                                                                                                                                                                                                      |                                          |                                                          | Less                               | Physical          | Functional        | External           |
|                                                                                                                                                                                                                                                                                                                      |                                          |                                                          | Depreciation                       |                   | 88,283            | = \$( 88,283)      |
|                                                                                                                                                                                                                                                                                                                      |                                          |                                                          | Depreciated Cost of Improvements   |                   |                   | = \$ 290,125       |
|                                                                                                                                                                                                                                                                                                                      |                                          |                                                          | "As-is" Value of Site Improvements |                   |                   | = \$ 6,800         |
|                                                                                                                                                                                                                                                                                                                      |                                          |                                                          | Site/System Development Charges    |                   |                   | = \$ 31,630        |
| Estimated Remaining Economic Life (HUD and VA only) 46 Years                                                                                                                                                                                                                                                         |                                          |                                                          | INDICATED VALUE BY COST APPROACH   |                   |                   | = \$ 478,555       |

INCOME APPROACH TO VALUE (not required by Fannie Mae)

Estimated Monthly Market Rent \$X Gross Rent Multiplier= \$Indicated Value by Income Approach

Summary of Income Approach (including support for market rent and GRM)See 'Final Reconciliation' in the text addendum for comments.

PROJECT INFORMATION FOR PUDs (if applicable)

Is the developer/builder in control of the Homeowners' Association (HOA)?☐ Yes☐ NoUnit type(s)☐ Detached☐ Attached

Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.

Legal Name of Project

Total number of phasesTotal number of unitsTotal number of units sold

Total number of units rentedTotal number of units for saleData source(s)

Was the project created by the conversion of existing building(s) into a PUD?☐ Yes☐ NoIf Yes, date of conversion.

Does the project contain any multi-dwelling units?☐ Yes☐ NoData Source

Are the units, common elements, and recreation facilities complete?☐ Yes☐ NoIf No, describe the status of completion.

Are the common elements leased to or by the Homeowners' Association?☐ Yes☐ NoIf Yes, describe the rental terms and options.

Describe common elements and recreational facilities.

Uniform Residential Appraisal Report

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

**INTENDED USE:** The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

**INTENDED USER:** The intended user of this appraisal report is the lender/client.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing the appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

Uniform Residential Appraisal Report

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

Uniform Residential Appraisal Report

21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.

24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature Frank E. George III

Name Frank E George III

Company Name Integrated Appraisal Services

Company Address PO Box 1294  
Clackamas, OR 97015

Telephone Number (503) 705-8646

Email Address IntegratedAppraisalServices@gmail.com

Date of Signature and Report 03/05/2021

Effective Date of Appraisal 03/02/2021

State Certification # CR00480

or State License # \_\_\_\_\_

or Other (describe) \_\_\_\_\_ State # \_\_\_\_\_

State OR

Expiration Date of Certification or License 07/31/2021

ADDRESS OF PROPERTY APPRAISED

306 S CENTER ST  
OREGON CITY, OR 97045

APPRAISED VALUE OF SUBJECT PROPERTY \$ 475,000

LENDER/CLIENT

Name Valustrust Solutions

Company Name Umpqua Bank

Company Address 6610 SW Cardinal Lane, Suite 300, Tigard,  
OR 97224

Email Address umpquabank.com

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature \_\_\_\_\_

Name \_\_\_\_\_

Company Name \_\_\_\_\_

Company Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Date of Signature \_\_\_\_\_

State Certification # \_\_\_\_\_

or State License # \_\_\_\_\_

State \_\_\_\_\_

Expiration Date of Certification or License \_\_\_\_\_

SUBJECT PROPERTY

- ☐ Did not inspect subject property
- ☐ Did inspect exterior of subject property from street  
Date of Inspection \_\_\_\_\_
- ☐ Did inspect interior and exterior of subject property  
Date of Inspection \_\_\_\_\_

COMPARABLE SALES

- ☐ Did not inspect exterior of comparable sales from street
- ☐ Did inspect exterior of comparable sales from street  
Date of Inspection \_\_\_\_\_

FHA/VA Case No. 431-7293661

431-7293661  
File # 4313862

Item 8d.

Uniform Residential Appraisal Report

SALES COMPARISON APPROACH

| FEATURE                               | SUBJECT                                  | COMPARABLE SALE # 4                                              |    |                     | COMPARABLE SALE # 5                                              |    |                     | COMPARABLE SALE # 6                                              |    |                     |
|---------------------------------------|------------------------------------------|------------------------------------------------------------------|----|---------------------|------------------------------------------------------------------|----|---------------------|------------------------------------------------------------------|----|---------------------|
| Address                               | 306 S CENTER ST<br>OREGON CITY, OR 97045 | 502 S CENTER ST<br>OREGON CITY, OR 97045                         |    |                     | 503 3RD AVE<br>OREGON CITY, OR 97045                             |    |                     | 113 DEERBROOK DR<br>OREGON CITY, OR 97045                        |    |                     |
| Proximity to Subject                  |                                          | 0.19 MILES SW                                                    |    |                     | 0.56 MILES SW                                                    |    |                     | 0.85 MILES SW                                                    |    |                     |
| Sale Price                            | \$ 475,000                               |                                                                  | \$ | 500,000             |                                                                  | \$ | 485,000             |                                                                  | \$ | 550,000             |
| Sale Price/Gross Liv. Area            | \$ 235.85 sq.ft.                         | \$ 279.49 sq.ft.                                                 |    |                     | \$ 221.26 sq.ft.                                                 |    |                     | \$ 386.24 sq.ft.                                                 |    |                     |
| Data Source(s)                        |                                          | RMLS#20205954;DOM 4                                              |    |                     | RMLS#20187275;DOM 5                                              |    |                     | RMLS#19457978;DOM 28                                             |    |                     |
| Verification Source(s)                |                                          | No Doc Selected                                                  |    |                     | No Doc Selected                                                  |    |                     | No Doc Selected                                                  |    |                     |
| VALUE ADJUSTMENTS                     | DESCRIPTION                              | DESCRIPTION                                                      |    | + (-) \$ Adjustment | DESCRIPTION                                                      |    | + (-) \$ Adjustment | DESCRIPTION                                                      |    | + (-) \$ Adjustment |
| Sales or Financing Concessions        |                                          | ArmLth Conv;0                                                    |    |                     | ArmLth Conv;0                                                    |    |                     | ArmLth Conv;0                                                    |    |                     |
| Date of Sale/Time                     |                                          | s08/20;c07/20                                                    |    | +5,963              | s04/20;c03/20                                                    |    | +9,441              | s03/20;c02/20                                                    |    | +12,027             |
| Location                              | N;Res;                                   | N;Res;                                                           |    |                     | N;Res;                                                           |    |                     | N;Res;                                                           |    |                     |
| Leasehold/Fee Simple                  | Fee Simple                               | Fee Simple                                                       |    |                     | Fee Simple                                                       |    |                     | Fee Simple                                                       |    |                     |
| Site                                  | 9005 sf                                  | 1.37 ac                                                          |    | -101,344            | 5000 sf                                                          |    | +8,010              | 12632 sf                                                         |    | -7,254              |
| View                                  | N;Res;Cty/ObtRvr                         | N;Res;Cty/ObtRvr                                                 |    |                     | N;Res;Cty/ObtRvr                                                 |    |                     | B;Res;River                                                      |    | -100,000            |
| Design (Style)                        | DT2;Trad                                 | DT3;Trad                                                         |    | 0                   | DT2;Trad                                                         |    |                     | DT2;DayRanch                                                     |    | 0                   |
| Quality of Construction               | Q3                                       | Q3                                                               |    |                     | Q3                                                               |    | -60,000             | Q3                                                               |    |                     |
| Actual Age                            | 27                                       | 40                                                               |    | 0                   | 14                                                               |    | 0                   | 28                                                               |    | 0                   |
| Condition                             | C3                                       | C3                                                               |    |                     | C3                                                               |    | -25,000             | C3                                                               |    |                     |
| Above Grade                           | Total Bdrms. Baths                       | Total Bdrms. Baths                                               |    |                     | Total Bdrms. Baths                                               |    |                     | Total Bdrms. Baths                                               |    |                     |
| Room Count                            | 6 3 2.1                                  | 7 3 2.0                                                          |    | +3,500              | 7 3 2.1                                                          |    | 0                   | 4 1 2.0                                                          |    | +3,500              |
| Gross Living Area                     | 2,014 sq.ft.                             | 1,789 sq.ft.                                                     |    | +11,250             | 2,192 sq.ft.                                                     |    | -8,900              | 1,424 sq.ft.                                                     |    | +29,500             |
| Basement & Finished Rooms Below Grade | 1466sf1466sfwo1rr0br1.0ba3o              | 476sf476sfin1rr0br0.0ba1o                                        |    | +49,120 +7,000      | 0sf                                                              |    | +58,640 +7,000      | 1424sf1424sfwo1rr2br1.0ba0o                                      |    | 0 0                 |
| Functional Utility                    | Average                                  | Average                                                          |    |                     | Average                                                          |    |                     | Average                                                          |    |                     |
| Heating/Cooling                       | GFA/AC                                   | EFA/AC                                                           |    | 0                   | GFA/AC                                                           |    |                     | GFA/AC                                                           |    |                     |
| Energy Efficient Items                | Adequate                                 | Adequate                                                         |    |                     | Adequate                                                         |    |                     | Adequate                                                         |    |                     |
| Garage/Carport                        | 2gbi2dw                                  | 1ga1gd1dw                                                        |    | 0                   | 2gd2dw                                                           |    | 0                   | 2ga2dw                                                           |    | 0                   |
| Porch/Patio/Deck                      | Porch/Decks                              | Porch/Deck                                                       |    | 0                   | Porch/Patio/Dck                                                  |    | 0                   | Porch/Patio/Dck                                                  |    | 0                   |
| Fireplace                             | 1 Fireplace                              | 2 Fireplaces                                                     |    | -2,100              | 1 Fireplace                                                      |    |                     | None                                                             |    | +2,100              |
| Additional Site Amenities             | Shed                                     | Shed                                                             |    |                     | Shed                                                             |    |                     | Shed                                                             |    |                     |
|                                       |                                          |                                                                  |    |                     |                                                                  |    |                     |                                                                  |    |                     |
| Net Adjustment (Total)                |                                          | <input type="checkbox"/> + <input checked="" type="checkbox"/> - |    | \$ -26,611          | <input type="checkbox"/> + <input checked="" type="checkbox"/> - |    | \$ -10,809          | <input type="checkbox"/> + <input checked="" type="checkbox"/> - |    | \$ -60,127          |
| Adjusted Sale Price of Comparables    |                                          | Net Adj. 5.3 %<br>Gross Adj. 36.1 %                              |    | \$ 473,389          | Net Adj. 2.2 %<br>Gross Adj. 36.5 %                              |    | \$ 474,191          | Net Adj. 10.9 %<br>Gross Adj. 28.1 %                             |    | \$ 489,873          |

SALE HISTORY

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

| ITEM                             | SUBJECT        | COMPARABLE SALE # 4 | COMPARABLE SALE # 5 | COMPARABLE SALE # 6 |
|----------------------------------|----------------|---------------------|---------------------|---------------------|
| Date of Prior Sale/Transfer      |                |                     |                     |                     |
| Price of Prior Sale/Transfer     |                |                     |                     |                     |
| Data Source(s)                   | County Records | County Records      | County Records      | County Records      |
| Effective Date of Data Source(s) | 03/01/2021     | 03/01/2021          | 03/01/2021          | 03/01/2021          |

Analysis of prior sale or transfer history of the subject property and comparable sales

See Page 2

ANALYSIS / COMMENTS

Analysis/Comments

See supplemental text addendum for comments on sales comparison approach.

Freddie Mac Form 70 March 2005

UAD Version 9/2011

Fannie Mae Form 1004 March 2005

Form 1004UAD.(AC) - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

Page 677

Supplemental Addendum

File No. 4313862

|                  |                 |        |           |       |                   |
|------------------|-----------------|--------|-----------|-------|-------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                   |
| Property Address | 306 S CENTER ST |        |           |       |                   |
| City             | OREGON CITY     | County | Clackamas | State | OR Zip Code 97045 |
| Lender/Client    | Umpqua Bank     |        |           |       |                   |

NEIGHBORHOOD COMMENTS

The subject is located in the Rivercrest neighborhood of Oregon City, approximately 15 miles south of the Portland city center. As one of Clackamas Counties most populous cities, situated on the edge of the Willamette River, Oregon City is Oregon's oldest city, serving at one time as the state capitol. A full range of social and economic services are available in Oregon City, but it is suburban in nature with Portland and the broader metro area serving as the economic and employment center. Homes vary widely in age, style and quality and generally include a compatible blend of old and newer traditional, ranch, bungalow and manufactured style homes, comprising a broad housing market. Cascade Mountain Range and open territorial views are positive factors that enhance value and marketability. Access to schools, shopping and employment is average for Oregon City, with Southend Road, Highway 99E, Warner-Milne and Linn serving as the main arterials in the area.

A state of emergency has been declared for the State of Oregon by the Governor due to the COVID19. Currently, Oregon residents are encouraged to remain at home with exception to essential travel or essential workers; bars, restaurants, non-essential retail business have been slowly re-opening, k-12 school campuses are partially statewide and are employing distance learning alternatives; some of which is resulting in some interruptions in employment. No conclusive statistical information affecting the subject neighborhood is available due to the recent development of these events, however, if current conditions continue for a prolonged period, or additional restrictions are added, the real estate market and current trends may be affected. Market conditions remain favorable with generally stable to slightly increasing values throughout the Metro region. Interest rates also remain favorable, although fluctuating. Unemployment and general economic conditions similar to those experienced around the nation are expected to continue the current trends. See attached 'MARKET CONDITIONS' addendum for statistical data and summary support.

SITE DESCRIPTION

The site is an irregular shaped lot containing a total of 9,005 sf. It is located on the east side of Center, which is a typical two lane residential street, the site is set back from the street front and does not experience traffic nusiance from the drive. It has a north and westerly slope that appears to facilitate adequate drainage. The soil type is a typical Willamette - Cascade loam with clay composition subsoil, which has proven bearing qualities for residential weight loads. No settlement due to subsoil failure were observed.

UTILITIES

All utilities commonly anticipated by the range of typical buyers are present at the street and connected to the existing dwelling and site improvements. The site is served by public water and waste disposal system.

OFF SITE IMPROVEMENTS

The street is publicly maintained, asphalt paved and 2 lanes wide. Off site improvements are typical for the area. The road is adequately maintained for vehicle access.

HIGHEST AND BEST USE

Considering physical, legal and economic factors, the subjects current use as a single/multi family home site is it's highest and best use. Land use change is not likely, the site is a legal conforming lot of record, the improvements could be rebuilt in the event of loss.

COMMENTS ON SALES COMPARISON

The subject is a late model traditional style home with a finished basement on a low density lot that overlooks the city skyline, is in close proximity to mixed uses that do not have an unusual or adverse affect, backs to a wooded area to its southeast, and an obstructed view of the Willamette River. Few recent sales that bracket its site and physical characteristics have occurred in the immediate area on the northwest ridgeline of the Oregon City Hill Top, making it necessary to exceed the clients request for all transactions closed within the past 90 days. Six sales from the subjects immediate neighborhood are presented for this analysis. All would compete directly with the subject for potential buyers if offered simultaneously on the open market. The sales presented are the best indicators of value currently available for the subject property, therefore all are given consideration in the final analysis. None of the arterials in the area create a boundary by which a buyer would not consider an alternate property in their respective location.

The mls Market Action report (attached as addendum) indicates a year over year average price increase of 7.6% or a rate of 0.6% per month. The median data above indicates an increase in price for the area and segment (434,900 - 415,000/415,000=2.4%) It is reasonable to conclude that property values are increasing, the median data from above is relied on in the analysis for time adjustments due to the good quantity and quality of data available. All sales are adjusted from their contract date - January 2021, the latest statistical data available on which to base the conclusion. See attached 1004mc form and MLS Market Action Report for additional data and summary.

Analysis of sales indicates a range of \$1-\$5 per sf of surplus site area, given the subjects standard shaped lot appeal and topography, the range is reconciled to \$2 per surplus sf and applied to comparables 1, 2 & 4- 6 for their significantly different site size; adjustment for minor differences in surplus site area of less than 1,000 sf of surplus are not conclusivly supported by sales in the area at this time.

Sales indicate a range of \$25,000 - \$150,000 for elevated unobstructed views of the Willamette River and Willamette Falls, considering the quality of data, the range is reconciled to \$100,000 and applied to comparables 1 & 6 for their superior unobstructed views of the river, city skyline, and woods, contributing to their strong line/net/gross adjustment levels. Comparables 2-5 have similar obstructed river, city skyline and/or wooded views.

Analysis of sales indicates a range of 2% - 10% for quality of finishes and condition depending on extent of updating, built in features, kitchen and bathroom fixtures, cabinetry, wainscoting and/or architectural detailing. Considering the subjects condition and architectural quality and finishes, the range is reconciled to \$25,000 for condition resulting from recent updating and applied to comparable 2 & 5; \$35,000 for comparable 3's superior ranch design/architectural quality which consistently demonstrate higher sales prices in this price segment and location as their cost are higher and incorporate a larger foot print; and for comparable 5's superior quality of finishes such has higher grade cabinetry, mill work, counter tops, fixtures etc - which contributed to strong net/gross adjustment levels in some cases.



Supplemental Addendum

File No. 4313862

|                  |                 |        |           |       |                   |
|------------------|-----------------|--------|-----------|-------|-------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                   |
| Property Address | 306 S CENTER ST |        |           |       |                   |
| City             | OREGON CITY     | County | Clackamas | State | OR Zip Code 97045 |
| Lender/Client    | Umpqua Bank     |        |           |       |                   |

Analysis of sales indicate the following ranges for GLA, below grade size/finish, bathrooms, garage utility and fireplaces and are reconciled as follows based on the quality and quantity of data available with additional consideration to costs:

| Amenity               | Range                         | Reconciled Adj              |
|-----------------------|-------------------------------|-----------------------------|
| GLA                   | \$0 - \$70                    | \$50 per sf                 |
| Below Grade sf/finish | \$0 - \$55                    | \$20sf size/\$20sf finished |
| Bathroom              | \$2,000 - \$7,000 (1/2 - 1)   | \$3,000 per half            |
| Garage                | \$2,500 - \$12,000 (crpt/1-2) | \$5,000 per space           |
| Fireplace             | \$0 - \$3,000 segment         | \$2,100 per FP              |

No adjustment for rooms in addition to that applied for GLA is necessary; adjustments for bathrooms are made per half bathroom. Adjustment for basement area is made based on size then finished area, no adjustment for basement rooms in addition to that applied for basement finished area is applied, adjustment for size of finished area over basement rooms is more supported and gageable as there are wide ranges in configuration of rooms in basement spaces.

It is recognized that the comparables vary in age and improvement size by more than 15% in some cases. This was unavoidable due to the limited number of recent sales available that could be considered comparable in all other respects. The subject would compete with the comparables for potential buyers and its age or improvement size would not receive an adverse or unusual market reaction and should not be considered an out of place or under/over improvement for the market. No adjustment for actual age is warranted as all of similar era of construction, standards and appeal.

After an extensive search of comparable data, no active or pending listings that could be considered comparable and competing with the subject were found in the 1-2 mile area to meet the clients request for inclusion. This is due to continued low inventory levels with relative high demand over an extended period of time.

Adjustments to the comparables are applied in a reasonable and consistent manner based on current market parameters for this market area and price range. The adjusted sales prices indicate a \$68,000 range of value for the subject property. Considering the subjects obstructed river view, improvement size, site size, quality of construction/finishes and its condition, a value of \$475,000 is supported with greatest weight applied to comparables 2-6 as they required the least net adjustment level, with secondary support from comparable 1 as the most recent sale from the area; comparables 2 & 4 are located on the subjects street.

No consideration is given to an seller paid concessions or personal property in the final opinion of value. The utilities were on and operational, water heater was double strapped and Co2/Smoke detectors present at the point of inspection.

THE BEST POSSIBLE PHOTOGRAPHIC ANGLES OF THE COMPARABLES HAVE BEEN PROVIDED. VIEW OF BOTH FRONT AND SIDE ARE PROVIDED WHERE POSSIBLE IN ORDER TO COMPLY WITH FHA REQUIREMENTS. VIEW OF FRONT OR SIDES BEYOND THOSE PROVIDED ARE NOT POSSIBLE DUE TO HEAVY VEGETATION AND/OR FENCE LINES. ADDITIONAL PHOTOS AVAILABLE IN THE MLS SYSTEM HAVE BEEN PROVIDED AS WELL.

SPECIAL DISCLOSURE

The appraiser has no past, present or prospective interest in the subject property. The appraiser has not performed services for the subject property within the 36 months immediately preceding acceptance of the appraisal assignment. See attached 1004mc for absorption and anticipated market exposure time at the estimated opinion of value.

COMPARABLE DATA VERIFICATION

Sales verified by MLS and assessment records, not with a representative to the transaction.

FINAL RECONCILIATION

The market approach is given primary consideration in the final analysis. At the request of the client, development of the cost approach has been attempted by the appraiser as an analysis to support the opinion of the property's market value. Because there is limited market evidence to credibly support the site value and estimate the replacement cost given the subjects age and accrued depreciation, the cost approach is not given any consideration in the final reconciliation. Use of this data, in whole or in part, for other purposes is not intended by the appraiser. Nothing set forth in the appraisal should be relied upon for the purpose of determining the amount or type of insurance coverage to be placed on the subject property. The appraiser assumes no liability for and does not guarantee that any insurable value estimate inferred from this report will result in the subject property being fully insured for any loss that may be sustained. The appraiser recommends that an insurance professional be consulted. Further, the cost approach may not be a reliable indication of replacement or reproduction cost for any date other than the effective date of this appraisal due to changing costs of labor and materials, and due to changing building codes and governmental regulations and requirements. The subject is located in a predominantly owner occupied single family neighborhood. Buyers in this market do not typically purchase properties of this type for income producing purposes, as monthly rents of single family residences do not produce a level of income that supports market value. Therefore, the income approach is not applicable as it does not provide a reliable indication of value for the subject property. I am satisfied that the extent of the appraisal processes employed are not so limited that the assignment results would confuse or mis-lead the intended user(s).

APPRAISAL PROCESS

This appraisal report intended to comply with the reporting requirements set forth under STANDARDS RULE 2-2 OF THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE. As such, it presents summary discussions of the data, reasoning and analysis used to develop the opinion of value based on the scope of work necessary to reliably indicate the fair market value of the subject property, as of the effective date of the appraisal.

INTENDED USE AND USERS OF THE REPORT

The Intended Use of this appraisal report is the Lender/Client and HUD/FHA. The Intended Use is to evaluate the property that is the subject of this appraisal for a mortgage finance transaction, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser. In addition; The use of the appraisal is to support FHA's decision to provide mortgage insurance on the real property that is the subject of the appraisal; therefore, intended users include the lender/client and FHA

Supplemental Addendum

File No. 4313862

|                  |                 |        |           |       |                   |
|------------------|-----------------|--------|-----------|-------|-------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                   |
| Property Address | 306 S CENTER ST |        |           |       |                   |
| City             | OREGON CITY     | County | Clackamas | State | OR Zip Code 97045 |
| Lender/Client    | Umpqua Bank     |        |           |       |                   |

INSPECTION PROCESS

This is an FHA Appraisal. The subject is existing construction. An interior/exterior visual inspection of the subject property has been completed in conjunction with this appraisal. The appraiser has conducted an FHA compliant inspection pursuant to the HUD Handbook 4000.1. Head and shoulders observation of the attic space has been performed - THERE IS NO CRAWL SPACE. The foundation and substructure show no visible sign of significant deterioration, dry rot or insect damage. All mechanical systems, including plumbing, heating, appliances, electrical, domestic water, and sewage disposal systems operate and appear to be adequately maintained, with exception to the lighting in the basement bonus area, appraisal is subject to repair - see below. No earth/wood contact was found. The appliances indicated on page 1 of the URAR are part of the real property by method of attachment.

Plumbing, electrical, heating, cooling, attic space were observed per FHA guidelines and found to be compliant - THERE IS NO CRAWL SPACE. The property was observed to be safe, sound and secure. The subject was NOT occupied at the time of the appraisal inspection and the appraiser verified that all utilities were on and operational. **At point of inspection excessive moss on the shed roof, some on the house roof, black mold in the skylight in master bathroom, and basement family room lighting was not operable, also cracks were observed in the basement flooring; appraisal is subject to remediation of mold in bathroom skylight, roof cleaning (including the shed), repair lighting and provide foundation certification. When complete the improvements will meet HUD MPR's per Handbook 4000.1.**

The appraiser is not a qualified structural inspector, pest and dry rot inspector, or qualified inspector of the other mechanical systems listed above. The appraiser is not a certified building inspector. Should any reader of this report have concerns regarding the adequacy of appliances, mechanical systems or structural integrity of the improvements, they are urged to obtain a more detailed inspection and assessment from an expert in these fields as to their continued current and intended function and usability.

DIGITAL SIGNATURE(s)

The appraisal software generates and password protects digital signature security by means of a digital securtiy feature of which the appraiser has sole control. The appraisal is secured from editing by means of the password, known only to the appraiser(s).

FIRREA Certification Statement Dodd-Frank Act Safe Harbor - To ensure compliance, a FIRREA Certification Statement comment is required in this appraisal. FIRREA Certification Statement: The appraiser certifies and agrees that this appraisal report was prepared in accordance with the requirements of Title XI of the Financial Institutions, Reform, Recovery, and Enforcement Act (FIRREA) of 1989, as amended (12 U.S.C. 3331 et seq.), and any applicable implementing regulations in effect at the time the appraiser signs the appraisal certification.

MLS Area Report

AREA REPORT • JANUARY 2021  
Portland Metropolitan Area, Oregon

|     |                            | RESIDENTIAL     |              |                           |               |                                         |              |                    |                                |              |               |                                         |              |                    |                   |                                       | COMMERCIAL |              | LAND               |              | MULTIFAMILY        |              |                    |
|-----|----------------------------|-----------------|--------------|---------------------------|---------------|-----------------------------------------|--------------|--------------------|--------------------------------|--------------|---------------|-----------------------------------------|--------------|--------------------|-------------------|---------------------------------------|------------|--------------|--------------------|--------------|--------------------|--------------|--------------------|
|     |                            | Current Month   |              |                           |               |                                         |              |                    |                                | Year-To-Date |               |                                         |              |                    |                   |                                       |            | Year-To-Date |                    | Year-To-Date |                    | Year-To-Date |                    |
|     |                            | Active Listings | New Listings | Expired,Canceled Listings | Pending Sales | Pending Sales 2021 v. 2020 <sup>1</sup> | Closed Sales | Average Sale Price | Total Market Time <sup>3</sup> | New Listings | Pending Sales | Pending Sales 2021 v. 2020 <sup>1</sup> | Closed Sales | Average Sale Price | Median Sale Price | Avg. Sale Price % Change <sup>2</sup> |            | Closed Sales | Average Sale Price | Closed Sales | Average Sale Price | Closed Sales | Average Sale Price |
|     |                            |                 |              |                           |               |                                         |              |                    |                                |              |               |                                         |              |                    |                   |                                       |            |              |                    |              |                    |              |                    |
| 141 | N Portland                 | 98              | 117          | 20                        | 116           | 7.4%                                    | 83           | 482,300            | 41                             | 117          | 116           | 7.4%                                    | 83           | 482,300            | 450,000           | 6.9%                                  | 1          | 380,000      | -                  | -            | 3                  | 726,300      |                    |
| 142 | NE Portland                | 157             | 250          | 41                        | 239           | 39.8%                                   | 180          | 538,400            | 58                             | 250          | 239           | 39.8%                                   | 180          | 538,400            | 488,900           | 6.7%                                  | 2          | 664,500      | 2                  | 297,500      | 14                 | 551,500      |                    |
| 143 | SE Portland                | 203             | 322          | 49                        | 306           | 15.5%                                   | 225          | 460,700            | 37                             | 322          | 306           | 15.5%                                   | 225          | 460,700            | 415,000           | 9.3%                                  | -          | -            | 7                  | 520,400      | 7                  | 678,900      |                    |
| 144 | Gresham/<br>Troutdale      | 67              | 142          | 22                        | 165           | -0.6%                                   | 133          | 409,300            | 30                             | 142          | 165           | -0.6%                                   | 133          | 409,300            | 396,000           | 6.4%                                  | 1          | 517,000      | 4                  | 168,300      | 2                  | 750,000      |                    |
| 145 | Milwaukie/<br>Clackamas    | 176             | 242          | 35                        | 254           | 33.7%                                   | 178          | 498,100            | 37                             | 242          | 254           | 33.7%                                   | 178          | 498,100            | 478,500           | 8.9%                                  | 1          | 1,600,000    | 11                 | 397,500      | -                  | -            |                    |
| 146 | Oregon City/<br>Canby      | 83              | 124          | 19                        | 150           | 7.1%                                    | 105          | 490,500            | 38                             | 124          | 150           | 7.1%                                    | 105          | 490,500            | 467,800           | 7.6%                                  | 4          | 621,400      | 7                  | 437,100      | 2                  | 493,900      |                    |
| 147 | Lake Oswego/<br>West Linn  | 84              | 112          | 44                        | 121           | 14.2%                                   | 92           | 812,700            | 46                             | 112          | 121           | 14.2%                                   | 92           | 812,700            | 650,000           | 11.6%                                 | 1          | 2,400,000    | 3                  | 379,300      | -                  | -            |                    |
| 148 | W Portland                 | 550             | 352          | 147                       | 226           | -1.7%                                   | 203          | 639,900            | 74                             | 352          | 226           | -1.7%                                   | 203          | 639,900            | 585,000           | 5.8%                                  | 1          | 395,000      | 1                  | 535,000      | 5                  | 812,600      |                    |
| 149 | NW Wash Co.                | 70              | 120          | 23                        | 122           | 20.8%                                   | 90           | 586,800            | 45                             | 120          | 122           | 20.8%                                   | 90           | 586,800            | 549,000           | 8.4%                                  | 1          | 350,000      | 2                  | 237,500      | 1                  | 483,000      |                    |
| 150 | Beaverton/<br>Aloha        | 68              | 190          | 23                        | 193           | -8.1%                                   | 145          | 432,900            | 29                             | 190          | 193           | -8.1%                                   | 145          | 432,900            | 418,000           | 5.9%                                  | -          | -            | 1                  | 564,000      | 4                  | 567,400      |                    |
| 151 | Tigard/<br>Wilsonville     | 86              | 173          | 23                        | 172           | -4.4%                                   | 141          | 552,200            | 34                             | 173          | 172           | -4.4%                                   | 141          | 552,200            | 525,000           | 11.0%                                 | -          | -            | 2                  | 482,500      | 4                  | 801,500      |                    |
| 152 | Hillsboro/<br>Forest Grove | 118             | 230          | 18                        | 237           | 21.5%                                   | 133          | 451,300            | 37                             | 230          | 237           | 21.5%                                   | 133          | 451,300            | 430,000           | 5.0%                                  | 2          | 142,500      | 5                  | 223,900      | 2                  | 591,500      |                    |
| 153 | Mt. Hood                   | 5               | 10           | 2                         | 12            | -20.0%                                  | 19           | 426,100            | 57                             | 10           | 12            | -20.0%                                  | 19           | 426,100            | 439,900           | 9.6%                                  | -          | -            | 4                  | 78,900       | -                  | -            |                    |
| 155 | Columbia Co.               | 71              | 84           | 10                        | 79            | 6.8%                                    | 43           | 355,300            | 31                             | 84           | 79            | 6.8%                                    | 43           | 355,300            | 348,900           | 10.9%                                 | -          | -            | 9                  | 129,800      | 1                  | 287,000      |                    |
| 156 | Yamhill Co.                | 86              | 111          | 15                        | 104           | -13.3%                                  | 77           | 440,700            | 65                             | 111          | 104           | -13.3%                                  | 77           | 440,700            | 422,500           | 12.5%                                 | 1          | 25,000       | 5                  | 178,900      | 2                  | 435,000      |                    |

Market Conditions Addendum to the Appraisal Report

MARKET RESEARCH & ANALYSIS

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

|                  |                 |      |             |       |    |          |       |
|------------------|-----------------|------|-------------|-------|----|----------|-------|
| Property Address | 306 S CENTER ST | City | OREGON CITY | State | OR | ZIP Code | 97045 |
| Borrower         | Zhu, Yue Cong   |      |             |       |    |          |       |

**Instructions:** The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

| Inventory Analysis                                                    | Prior 7–12 Months | Prior 4–6 Months | Current – 3 Months | Overall Trend                                  |                                            |                                     |                                            |                                     |
|-----------------------------------------------------------------------|-------------------|------------------|--------------------|------------------------------------------------|--------------------------------------------|-------------------------------------|--------------------------------------------|-------------------------------------|
| Total # of Comparable Sales (Settled)                                 | 8                 | 6                | 4                  | <input type="checkbox"/> Increasing            | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Declining  |                                            |                                     |
| Absorption Rate (Total Sales/Months)                                  | 1.33              | 2.00             | 1.33               | <input type="checkbox"/> Increasing            | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Declining  |                                            |                                     |
| Total # of Comparable Active Listings                                 | Unavailable       | Unavailable      | 0                  | <input type="checkbox"/> Declining             | <input type="checkbox"/> Stable            | <input type="checkbox"/> Increasing |                                            |                                     |
| Months of Housing Supply (Total Listings/Ab.Rate)                     | Unavailable       | Unavailable      | 0                  | <input type="checkbox"/> Declining             | <input type="checkbox"/> Stable            | <input type="checkbox"/> Increasing |                                            |                                     |
| Median Sale & List Price, DOM, Sale/List %                            | Prior 7–12 Months | Prior 4–6 Months | Current – 3 Months | Overall Trend                                  |                                            |                                     |                                            |                                     |
| Median Comparable Sale Price                                          | 415,000           | 425,900          | 424,900            | <input checked="" type="checkbox"/> Increasing | <input type="checkbox"/> Stable            | <input type="checkbox"/> Declining  |                                            |                                     |
| Median Comparable Sales Days on Market                                | 4                 | 3                | 2                  | <input checked="" type="checkbox"/> Declining  | <input type="checkbox"/> Stable            | <input type="checkbox"/> Increasing |                                            |                                     |
| Median Comparable List Price                                          | Unavailable       | Unavailable      | 0                  | <input type="checkbox"/> Increasing            | <input type="checkbox"/> Stable            | <input type="checkbox"/> Declining  |                                            |                                     |
| Median Comparable Listings Days on Market                             | Unavailable       | Unavailable      | 0                  | <input type="checkbox"/> Declining             | <input type="checkbox"/> Stable            | <input type="checkbox"/> Increasing |                                            |                                     |
| Median Sale Price as % of List Price                                  | 103.89            | 106.48           | 106.89             | <input checked="" type="checkbox"/> Increasing | <input type="checkbox"/> Stable            | <input type="checkbox"/> Declining  |                                            |                                     |
| Seller-(developer, builder, etc.)paid financial assistance prevalent? |                   |                  |                    | <input type="checkbox"/> Yes                   | <input checked="" type="checkbox"/> No     | <input type="checkbox"/> Declining  | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Increasing |

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.). Although no statistical information is available, seller concessions examined in sales over the past 12 months are typically modest at 3-5%), and are designed to enhance marketability and facilitate the sale. Concessions and incentives remain at relatively consistent levels compared to previous years, and include modest point buy downs, closing costs and prepaid expenses.

Are foreclosure sales (REO sales) a factor in the market? ☐ Yes ☒ No If yes, explain (including the trends in listings and sales of foreclosed properties). Too few foreclosure sales to reliably gauge impact of foreclose activity in the defined market area.

Cite data sources for above information. RMLS - Portland; Data considered primary, or most reliable, is selected on a 12 month basis to represent a typical Portland - Metro real estate cycle. The data called for in instructions is insufficient to reliably indicate market conditions due to the limited number of competitive/comparable sales and unavailability of active listing dates within the quarterly segments.

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions.

The mls Market Action report (attached as addendum) indicates a year over year average price increase of 7.6% or a rate of 0.6% per month. The median data above indicates an increase in price for the area and segment (434,900 - 415,000/415,000=2.4%) It is reasonable to conclude that property values are increasing, the median data from above is relied on in the analysis for time adjustments due to the good quantity and quality of data available. Cumulative market times are averaging 2-25 days, currently there are no active listings or pending sales in the area in the subject segment that could be considered comparable and competing. have sold. Sales are achieving 107.35% of their original list price, 107.35% of the adjusted list price, with the median SP/LP% reported at 106.89% for the past 90 days. An exposure period for the subject of less than 30 days is estimated based on current supply/demand factors.

CONDO/CO-OP PROJECTS

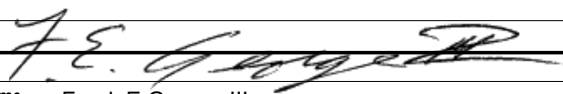
If the subject is a unit in a condominium or cooperative project , complete the following:

| Subject Project Data                           | Prior 7–12 Months | Prior 4–6 Months | Current – 3 Months | Overall Trend                       |                                 |                                     |
|------------------------------------------------|-------------------|------------------|--------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Total # of Comparable Sales (Settled)          |                   |                  |                    | <input type="checkbox"/> Increasing | <input type="checkbox"/> Stable | <input type="checkbox"/> Declining  |
| Absorption Rate (Total Sales/Months)           |                   |                  |                    | <input type="checkbox"/> Increasing | <input type="checkbox"/> Stable | <input type="checkbox"/> Declining  |
| Total # of Active Comparable Listings          |                   |                  |                    | <input type="checkbox"/> Declining  | <input type="checkbox"/> Stable | <input type="checkbox"/> Increasing |
| Months of Unit Supply (Total Listings/Ab.Rate) |                   |                  |                    | <input type="checkbox"/> Declining  | <input type="checkbox"/> Stable | <input type="checkbox"/> Increasing |

Are foreclosure sales (REO sales) a factor in the project? ☐ Yes ☐ No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

Summarize the above trends and address the impact on the subject unit and project.

APPRAISER

|                               |                                                                                     |                               |  |
|-------------------------------|-------------------------------------------------------------------------------------|-------------------------------|--|
| Signature                     |  | Signature                     |  |
| Appraiser Name                | Frank E George III                                                                  | Supervisory Appraiser Name    |  |
| Company Name                  | Integrated Appraisal Services                                                       | Company Name                  |  |
| Company Address               | PO Box 1294, Clackamas, OR 97015                                                    | Company Address               |  |
| State License/Certification # | CR00480                                                                             | State License/Certification # |  |
| State                         | OR                                                                                  | State                         |  |
| Email Address                 | IntegratedAppraisalServices@gmail.com                                               | Email Address                 |  |

Freddie Mac Form 71 March 2009

Page 1 of 1

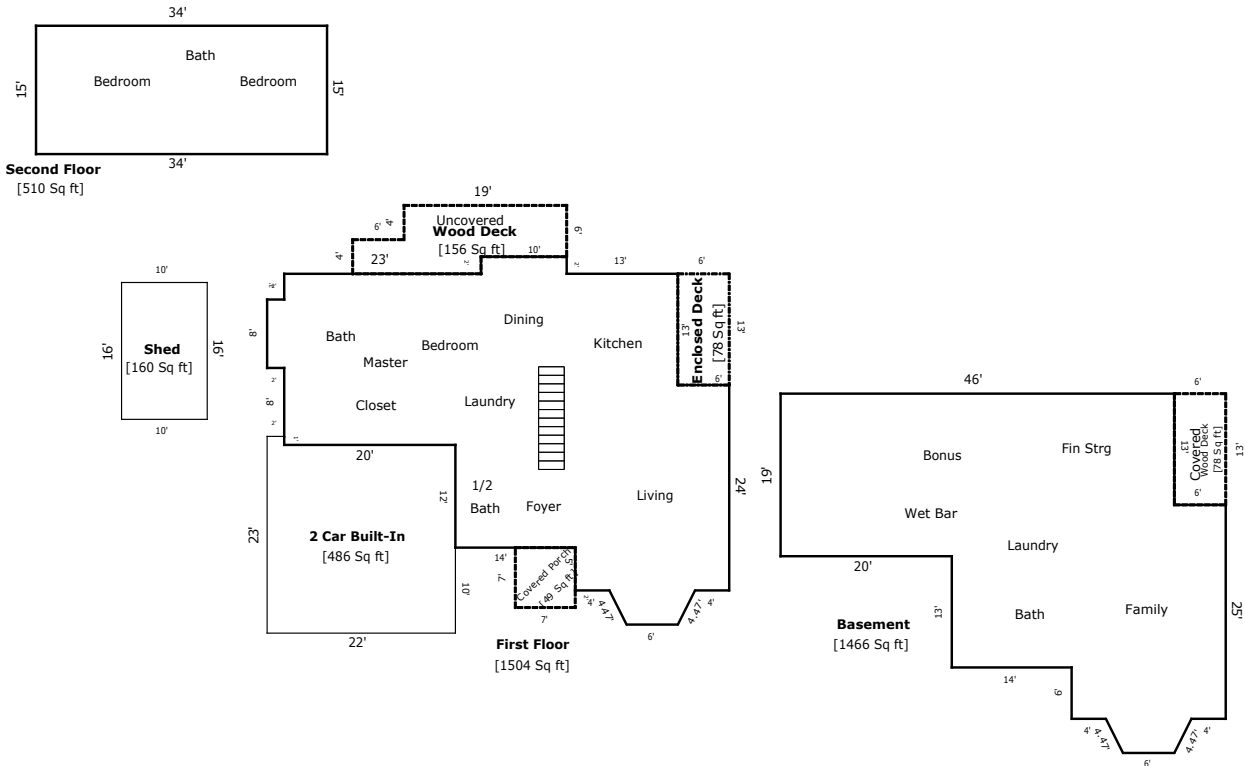
Fannie Mae Form 1004MC March 2009

Form 1004MC2 - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

Page 682

Building Sketch (Page - 1)

|                  |                 |        |           |       |                   |
|------------------|-----------------|--------|-----------|-------|-------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                   |
| Property Address | 306 S CENTER ST |        |           |       |                   |
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| Lender/Client    | Umpqua Bank     |        |           |       |                   |



TOTAL Sketch by a la mode, inc.

Building Sketch (Page - 2)

|                  |                 |        |           |       |                   |
|------------------|-----------------|--------|-----------|-------|-------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                   |
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| Lender/Client    | Umpqua Bank     |        |           |       |                   |

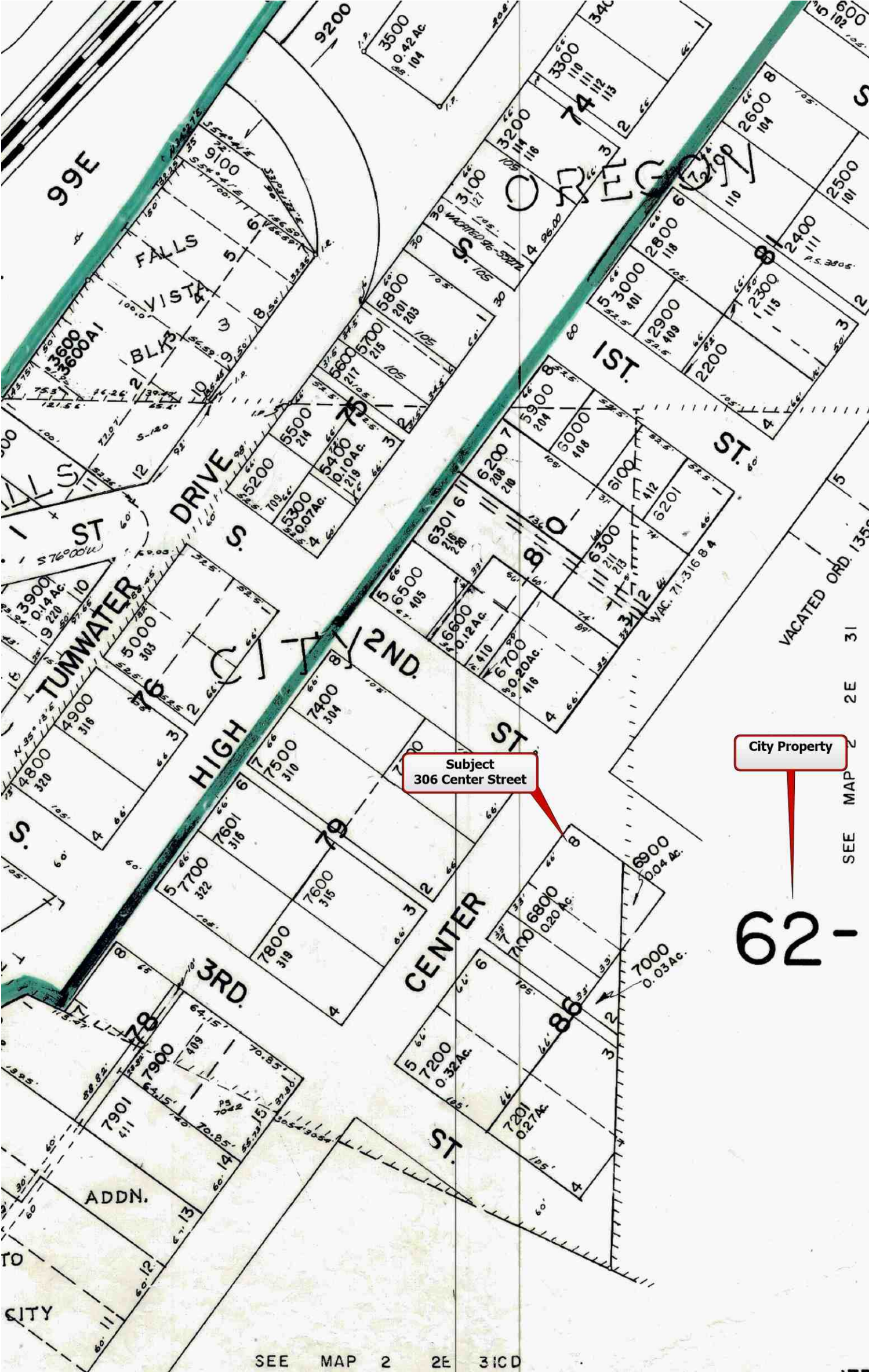
TOTAL Sketch by a la mode, inc.

Area Calculations Summary

| Living Area                  |            | Calculation Details                                                                                                                                                                                                          |  |
|------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| First Floor                  | 1504 Sq ft | <div>8 × 2 = 16</div> <div>0.5 × 2 × 4 = 4</div> <div>0.5 × 4 × 2 = 4</div> <div>6 × 4 = 24</div> <div>10 × 2 = 20</div> <div>20 × 20 = 400</div> <div>26 × 13 = 338</div> <div>24 × 18 = 432</div> <div>14 × 19 = 266</div> |  |
| Second Floor                 | 510 Sq ft  | <div>15 × 34 = 510</div>                                                                                                                                                                                                     |  |
| Total Living Area (Rounded): |            | 2014 Sq ft                                                                                                                                                                                                                   |  |
| Non-living Area              |            |                                                                                                                                                                                                                              |  |
| Enclosed Deck                | 78 Sq ft   | <div>6 × 13 = 78</div>                                                                                                                                                                                                       |  |
| Wood Deck                    | 78 Sq ft   | <div>6 × 13 = 78</div>                                                                                                                                                                                                       |  |
| Covered Porch                | 49 Sq ft   | <div>7 × 7 = 49</div>                                                                                                                                                                                                        |  |
| 2 Car Built-In               | 486 Sq ft  | <div>22 × 22 = 484</div> <div>2 × 1 = 2</div>                                                                                                                                                                                |  |
| Wood Deck                    | 156 Sq ft  | <div>4 × 6 = 24</div> <div>8 × 9 = 72</div> <div>10 × 6 = 60</div>                                                                                                                                                           |  |
| Shed                         | 160 Sq ft  | <div>16 × 10 = 160</div>                                                                                                                                                                                                     |  |
| Basement                     | 1466 Sq ft | <div>0.5 × 2 × 4 = 4</div> <div>0.5 × 4 × 2 = 4</div> <div>6 × 4 = 24</div> <div>19 × 20 = 380</div> <div>26 × 13 = 338</div> <div>19 × 14 = 266</div> <div>25 × 18 = 450</div>                                              |  |



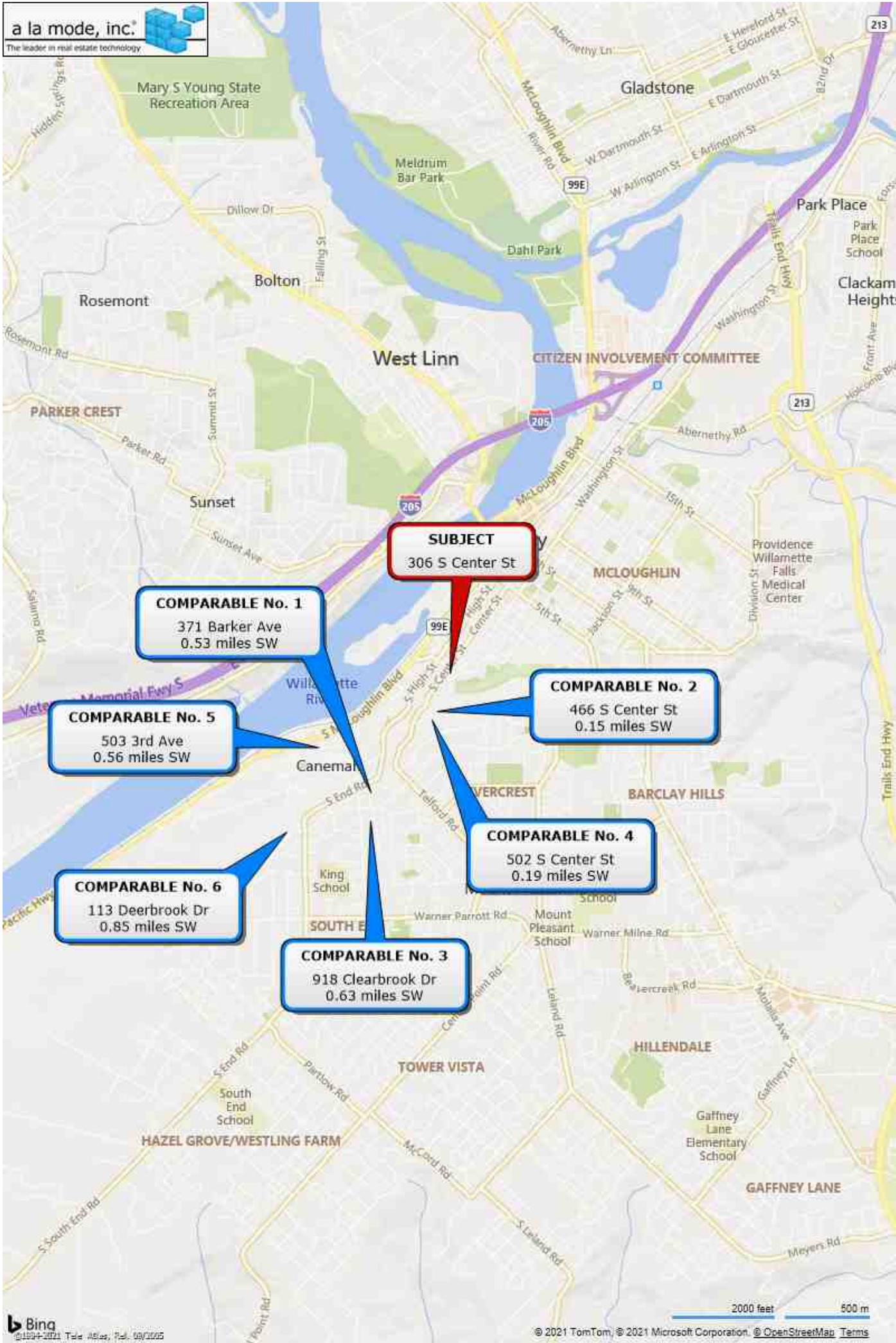
Plat Map





Location Map

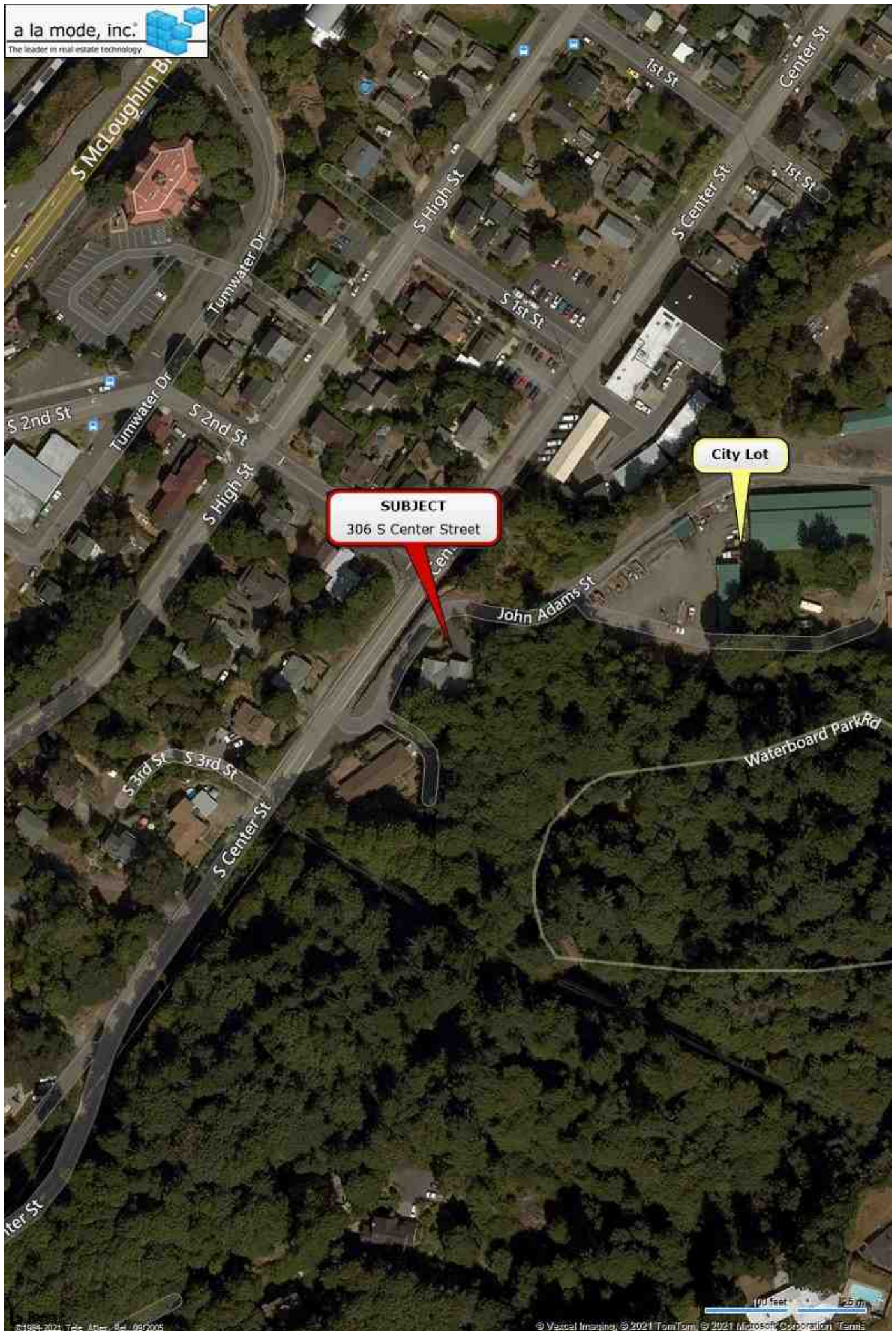
|                  |                 |        |           |       |                   |
|------------------|-----------------|--------|-----------|-------|-------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                   |
| Property Address | 306 S CENTER ST |        |           |       |                   |
| City             | OREGON CITY     | County | Clackamas | State | OR Zip Code 97045 |
| Lender/Client    | Umpqua Bank     |        |           |       |                   |





**Aerial Map**

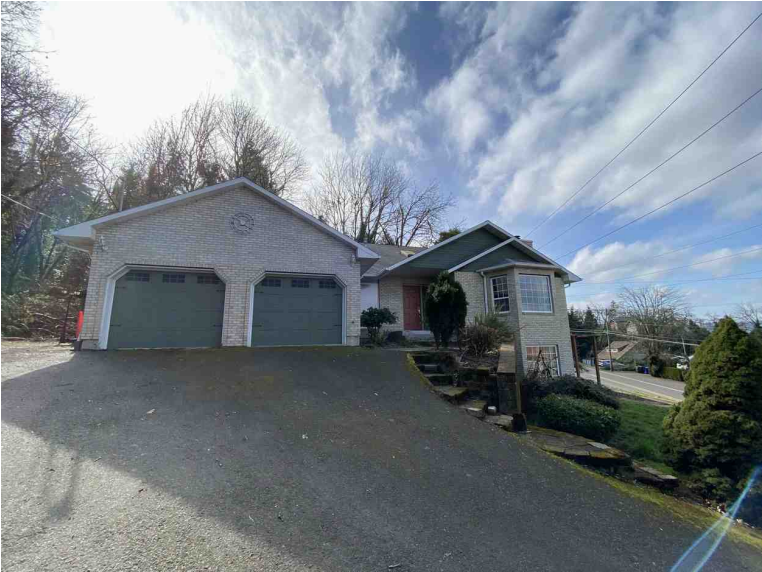
|                  |                 |        |           |          |       |
|------------------|-----------------|--------|-----------|----------|-------|
| Borrower         | Zhu, Yue Cong   |        |           |          |       |
| Property Address | 306 S CENTER ST |        |           |          |       |
| City             | OREGON CITY     | County | Clackamas | State    | OR    |
|                  |                 |        |           | Zip Code | 97045 |
| Lender/Client    | Umpqua Bank     |        |           |          |       |





Subject Photo Page

|                  |                 |        |           |       |                   |
|------------------|-----------------|--------|-----------|-------|-------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                   |
| Property Address | 306 S CENTER ST |        |           |       |                   |
| City             | OREGON CITY     | County | Clackamas | State | OR Zip Code 97045 |
| Lender/Client    | Umpqua Bank     |        |           |       |                   |



Subject Front

306 S CENTER ST  
Sales Price 475,000  
Gross Living Area 2,014  
Total Rooms 6  
Total Bedrooms 3  
Total Bathrooms 2.1  
Location N;Res;  
View N;Res;Cty/ObtRvr  
Site 9005 sf  
Quality Q3  
Age 27  
And Street At Site



Subject Rear



Subject Street

And Subject Site



|                             |             |                 |           |
|-----------------------------|-------------|-----------------|-----------|
| FHA/VA Case No. 431-7293661 |             | Page 689        |           |
| Interior Photos             |             |                 |           |
| Item 8d.                    |             |                 |           |
| Borrower                    |             | Zhu, Yue Cong   |           |
| Property Address            |             | 306 S CENTER ST |           |
| City                        | OREGON CITY | County          | Clackamas |
| State                       | OR          | Zip Code        | 97045     |
| Lender/Client               |             | Umpqua Bank     |           |



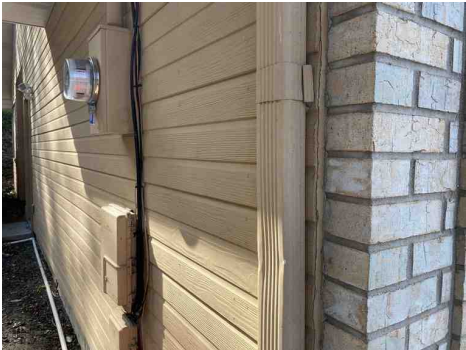
Street Alternate Direction



Side & Rear



Shed & Side



Side



Bathroom



Bathroom



Basement Bathroom



Half Bathroom



Bedroom



Bedroom



Bedroom



Dining



Kitchen



Main Living Area



Basement Family

Form PICINT15 - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

Page 689





Basement Bonus Room



Laundry



Smoke/Co Det Sample



HVAC



Water Heater



Attic Photo # 1



Attic Photo # 2



Attic Photo # 3



Attic Photo # 4



Attic Photo # 5



Attic Photo # 6



GFCI Sample



GFCI Sample



GFCI Sample



GFCI Sample



FHA/VA Case No. 431-7293661

Doc # 8d

Item 8d.

Interior Photos

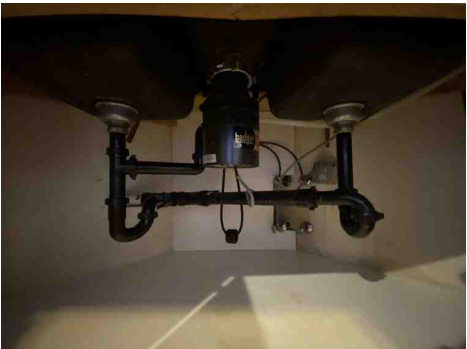
|                  |                 |          |           |       |    |
|------------------|-----------------|----------|-----------|-------|----|
| Borrower         | Zhu, Yue Cong   |          |           |       |    |
| Property Address | 306 S CENTER ST |          |           |       |    |
| City             | OREGON CITY     | County   | Clackamas | State | OR |
| Lender/Client    | Umpqua Bank     | Zip Code | 97045     |       |    |



Bathroom Sink/Drains



Bathroom Sink/Drains



Kitchen Sink Drain/Disposal



bathroom sink/Drains



Garage Interior



Moss Sample/Shed



Moss Sample/Shed



Moss Sample/House Roof



Shed Side/Rear



Shed Side/Rear



Shed Interior



Black Mold Bathroom Skylight



Side/Enclosed Deck



View



City Maintenance Yard

Form PICINT15 - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE

Page 691



Comparable Photo Page

|                  |                 |        |           |       |                           |
|------------------|-----------------|--------|-----------|-------|---------------------------|
| Borrower         | Zhu, Yue Cong   |        |           |       |                           |
| Property Address | 306 S CENTER ST |        |           |       |                           |
| City             | OREGON CITY     | County | Clackamas | State | OR      Zip Code    97045 |
| Lender/Client    | Umpqua Bank     |        |           |       |                           |



Comparable 1

|                   |               |
|-------------------|---------------|
| 371 BARKER AVE    |               |
| Prox. to Subject  | 0.53 MILES SW |
| Sales Price       | 655,000       |
| Gross Living Area | 2,031         |
| Total Rooms       | 5             |
| Total Bedrooms    | 1             |
| Total Bathrooms   | 1.1           |
| Location          | N;Res;        |
| View              | B;Res;River   |
| Site              | 32670 sf      |
| Quality           | Q3            |
| Age               | 23            |



Comparable 2

|                   |                  |
|-------------------|------------------|
| 466 S CENTER ST   |                  |
| Prox. to Subject  | 0.15 MILES SW    |
| Sales Price       | 560,000          |
| Gross Living Area | 2,088            |
| Total Rooms       | 8                |
| Total Bedrooms    | 5                |
| Total Bathrooms   | 3.0              |
| Location          | N;Res;           |
| View              | N;Res;Cty/ObtRvr |
| Site              | 1.49 ac          |
| Quality           | Q3               |
| Age               | 40               |



Comparable 3

|                   |               |
|-------------------|---------------|
| 918 CLEARBROOK DR |               |
| Prox. to Subject  | 0.63 MILES SW |
| Sales Price       | 422,500       |
| Gross Living Area | 1,622         |
| Total Rooms       | 6             |
| Total Bedrooms    | 3             |
| Total Bathrooms   | 2.0           |
| Location          | N;Res;        |
| View              | N;Res;Woods   |
| Site              | 8712 sf       |
| Quality           | Q3            |
| Age               | 27            |



|                  |                 |          |           |       |    |
|------------------|-----------------|----------|-----------|-------|----|
| Borrower         | Zhu, Yue Cong   |          |           |       |    |
| Property Address | 306 S CENTER ST |          |           |       |    |
| City             | OREGON CITY     | County   | Clackamas | State | OR |
| Lender/Client    | Umpqua Bank     | Zip Code | 97045     |       |    |



Comparable 4

|                   |                  |
|-------------------|------------------|
| 502 S CENTER ST   |                  |
| Prox. to Subject  | 0.19 MILES SW    |
| Sales Price       | 500,000          |
| Gross Living Area | 1,789            |
| Total Rooms       | 7                |
| Total Bedrooms    | 3                |
| Total Bathrooms   | 2.0              |
| Location          | N;Res;           |
| View              | N;Res;Cty/ObtRvr |
| Site              | 1.37 ac          |
| Quality           | Q3               |
| Age               | 40               |



Comparable 5

|                   |                  |
|-------------------|------------------|
| 503 3RD AVE       |                  |
| Prox. to Subject  | 0.56 MILES SW    |
| Sales Price       | 485,000          |
| Gross Living Area | 2,192            |
| Total Rooms       | 7                |
| Total Bedrooms    | 3                |
| Total Bathrooms   | 2.1              |
| Location          | N;Res;           |
| View              | N;Res;Cty/ObtRvr |
| Site              | 5000 sf          |
| Quality           | Q3               |
| Age               | 14               |



Comparable 6

|                   |               |
|-------------------|---------------|
| 113 DEERBROOK DR  |               |
| Prox. to Subject  | 0.85 MILES SW |
| Sales Price       | 550,000       |
| Gross Living Area | 1,424         |
| Total Rooms       | 4             |
| Total Bedrooms    | 1             |
| Total Bathrooms   | 2.0           |
| Location          | N;Res;        |
| View              | B;Res;River   |
| Site              | 12632 sf      |
| Quality           | Q3            |
| Age               | 28            |

**Certification****Appraiser Certification and Licensure Board****State Certified Residential Appraiser***28 hours of continuing education required*

FRANK E GEORGE III  
INTEGRATED APPRAISAL SERVICES  
PO BOX 1294  
CLACKAMAS, OR 97015

License No.: CR00480

Issue Date: August 01, 2019

Expiration Date: July 31, 2021

  
Gae Lynne Cooper, Administrator



|               |             |
|---------------|-------------|
| Lender/Client | Umpqua Bank |
|---------------|-------------|

## Page 695

**E & O POLICY - Page 1****LEXINGTON INSURANCE COMPANY  
WILMINGTON, DELAWARE**

Administrative Offices – 99 High Street, Floor 23, Boston, Massachusetts 02110-23110

Certificate Number: 018393585-08

This Certificate forms a part of Master Policy Number: 018389876-08

Renewal of Master Policy Number : 018389876-07

**YOUR RISK PURCHASING GROUP MASTER POLICY IS A CLAIMS MADE POLICY.  
READ THE ATTACHED MASTER POLICY CAREFULLY**

THE AMERICAN ACADEMY OF STATE CERTIFIED APPRAISERS

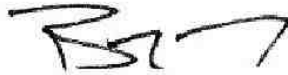
**CERTIFICATE DECLARATIONS**

1. Name and Address of Certificate Holder: Integrated Appraisal Services, LLC and  
Frank E. George, III  
36333 SE Divers Road  
Estacada OR 97023
2. Certificate Period: Effective Date: 6/9/2020 to Expiration Date: 6/9/2021  
12:01 a.m. Local Time at the Address of the Insured.
- 2a. Retroactive Date: 6/9/2004  
12:01 a.m. Local Time at the Address of the Insured.
3. Limit of Liability: \$ 1,000,000 each claim  
\$ 1,000,000 aggregate limit
4. Deductible: \$0 each claim
5. Professional Covered Services insured by this policy are: REAL ESTATE APPRAISAL SERVICES
6. Advance Certificate Holder Premium: \$ 1,158
7. Minimum Earned Premium: 25% or \$ 290

Forms and Endorsements:  
See Attached Forms listAgency Name and Address: INTERCORP, INC.  
1438-F West Main Street  
Ephrata, PA 17522-1345

IT IS HEREBY UNDERSTOOD AND AGREED THAT THE CERTIFICATE HOLDER AGREES TO ALL TERMS AND CONDITIONS AS SET FORTH IN THE ATTACHED MASTER POLICY.

THIS POLICY IS ISSUED BY YOUR RISK PURCHASING GROUP INSURER WHICH MAY NOT BE SUBJECT TO ALL OF THE INSURANCE LAWS AND REGULATIONS OF YOUR STATE. STATE INSURANCE INSOLVENCY GUARANTY FUNDS ARE NOT AVAILABLE FOR YOUR RISK PURCHASING GROUP INSURER.



County: Clackamas

Authorized Representative OR  
Countersignature (in states where applicable)

Date: May 22, 2020

PRG 3152 (10/05)

Comparable Interior Photos - Page 1

3/5/2021

RMLSweb - 32 Up Photo Report

Specific Order

Frank George   PRM Valuation Division

503-705-8646

frank\_george@cascadeaccess.com

32 Up Photo Report

Residential

3/5/2021 12:13PM

**\$655,000**   3 bd | 2 / 1 ba | 2895 sqft

Status: **Sold**

List Date: 6/15/2020

Year Built: 1997 / RESALE

371 Barker AVE Oregon City, OR 97045

XST/Dir: South End to Barker Ave. Turn North between the 2 brick mailboxes

MLS#: 20007488

Acres: 0.75

Unit #:

Property Details:

Property Type: Detachd

Style: CUSTOM, TRAD

Lot Size: 20K-.99AC

Property Tax/Yr: \$10,298.37 / 2019

Area: 146

High: [Oregon City](#)



Exterior



Living Room



Living Room - Vaulted Ceilings



Deck - Main



Dining Room - Formal



Kitchen



Loft



Partial Bath



Bedroom, Master - Walk-In Closet



Bedroom, Master

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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.  
SCHOOL AVAILABILITY SUBJECT TO CHANGE.



3/5/2021

RMLSweb - 32 Up Photo Report

Status: **Sold**

Area: 146  
371 Barker AVE Oregon City, OR 97045

ML#: 20007488

Price: \$662,000



Bathroom, Master

Family Room - Lower



Bonus Room

Bedroom



Bedroom

Bathroom

Patio - Backyard

Backyard



Creek - Side

Drone View/UAV

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

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3/5/2021

RMLSweb - 32 Up Photo Report

Frank George PRM Valuation Division

503-705-8646

frank\_george@cascadeaccess.com

32 Up Photo Report Residential

3/5/2021 12:13PM

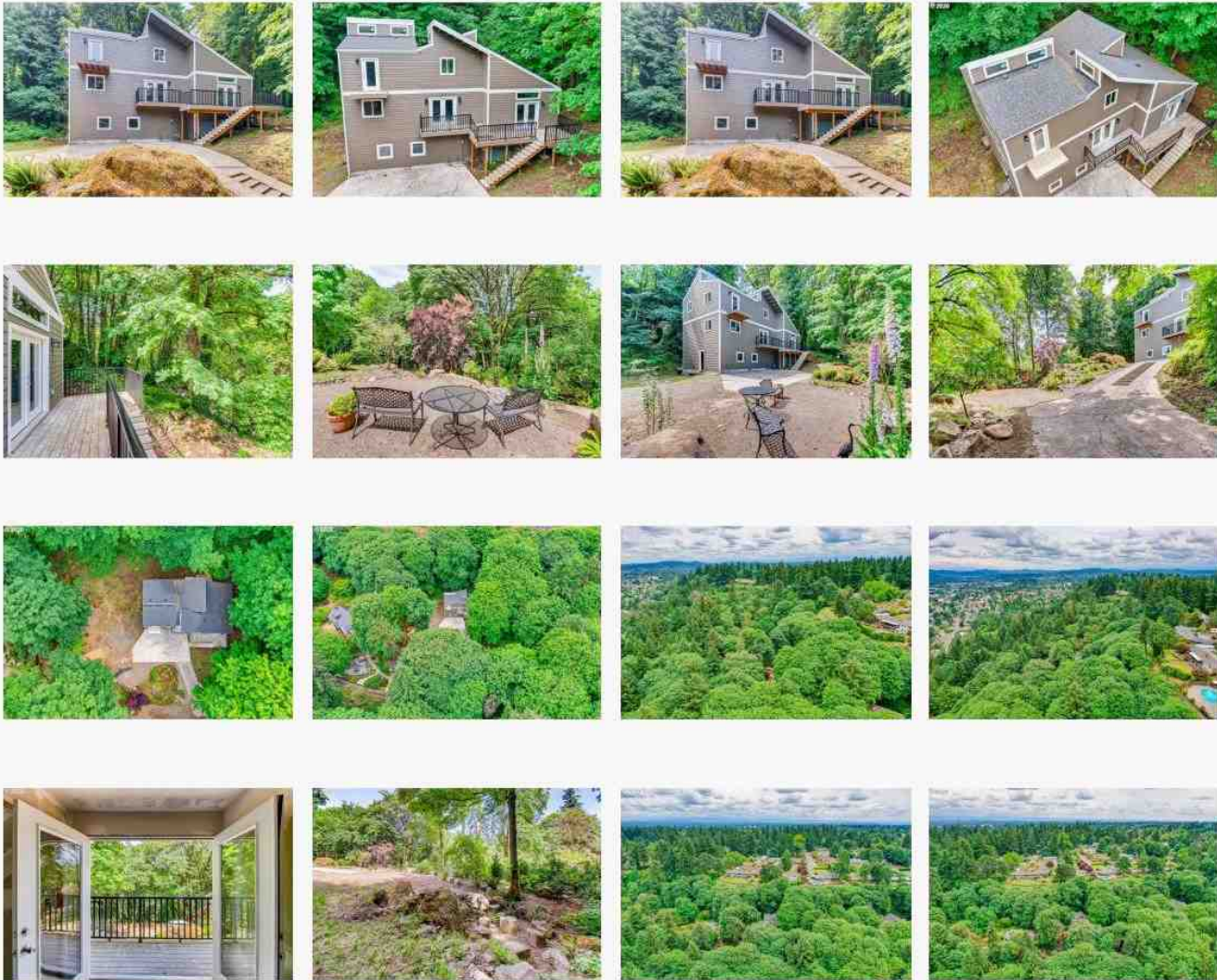
\$560,000 5 bd | 3 / 0 ba | 2808 sqft

Status: **Sold**  
List Date: 6/25/2020  
Year Built: 1980 / REMOD  
466 S CENTER ST Oregon City, OR 97045  
XST/Dir: Northwest on Telford Rd towards Ogden Dr. Telford Rd turns slightly right and becomes S Center

MLS#: 20235978  
Acres: 1.49  
Unit #:

Property Details:

Property Type: Detachd  
Style: TRAD  
Lot Size: 1-2.99AC  
Property Tax/Yr: \$5,809.80 / 2019  
Area: 146  
High: [Oregon City](#)



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Comparable Interior Photos - Page 4

3/5/2021

RMLSweb - 32 Up Photo Report

Status: **Sold**

Area: 146  
466 S CENTER ST Oregon City, OR 97045

ML#: 20235978

Price: \$560,000



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

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3/5/2021

RMLSweb - 32 Up Photo Report

Frank George PRM Valuation Division

503-705-8646

frank\_george@cascadeaccess.com

32 Up Photo Report

Residential

3/5/2021 12:13PM

\$422,500

3 bd | 2 / 0 ba | 1622 sqft

Status: **Sold**

List Date: 7/30/2020

Year Built: 1993 / RESALE

918 CLEARBROOK DR Oregon City, OR 97045

XST/Dir: WARNER-PARROTT - WOODLAWN-BARKER RT TO CLEARBROOK

MLS#: 20152980

Acres: 0.2

Unit #:

Property Details:

Property Type: Detachd

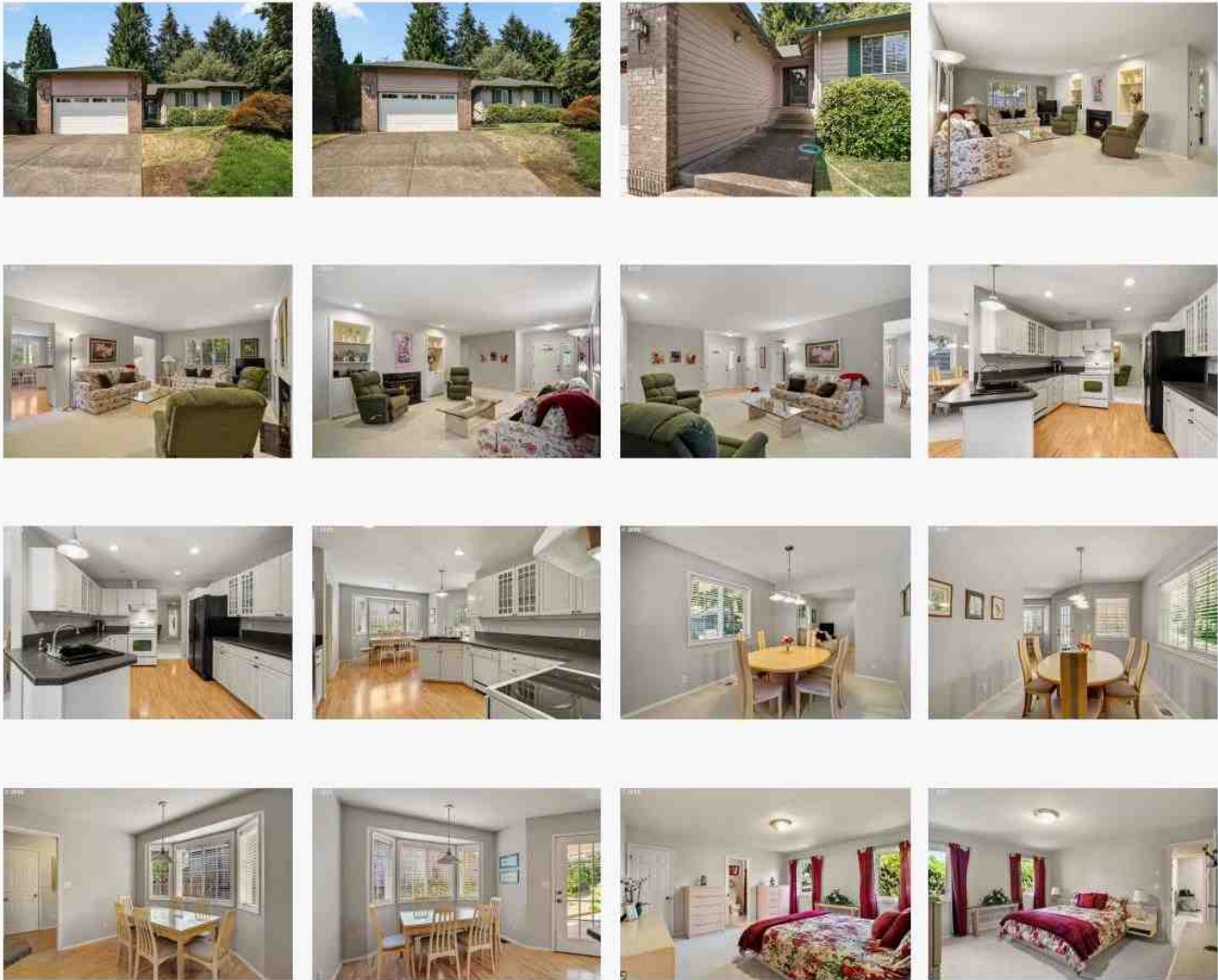
Style: RANCH

Lot Size: 7K-9,999SF

Property Tax/Yr: \$4,313.92 / 2019

Area: 146

High: [Oregon City](#)



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Comparable Interior Photos - Page 6

3/5/2021

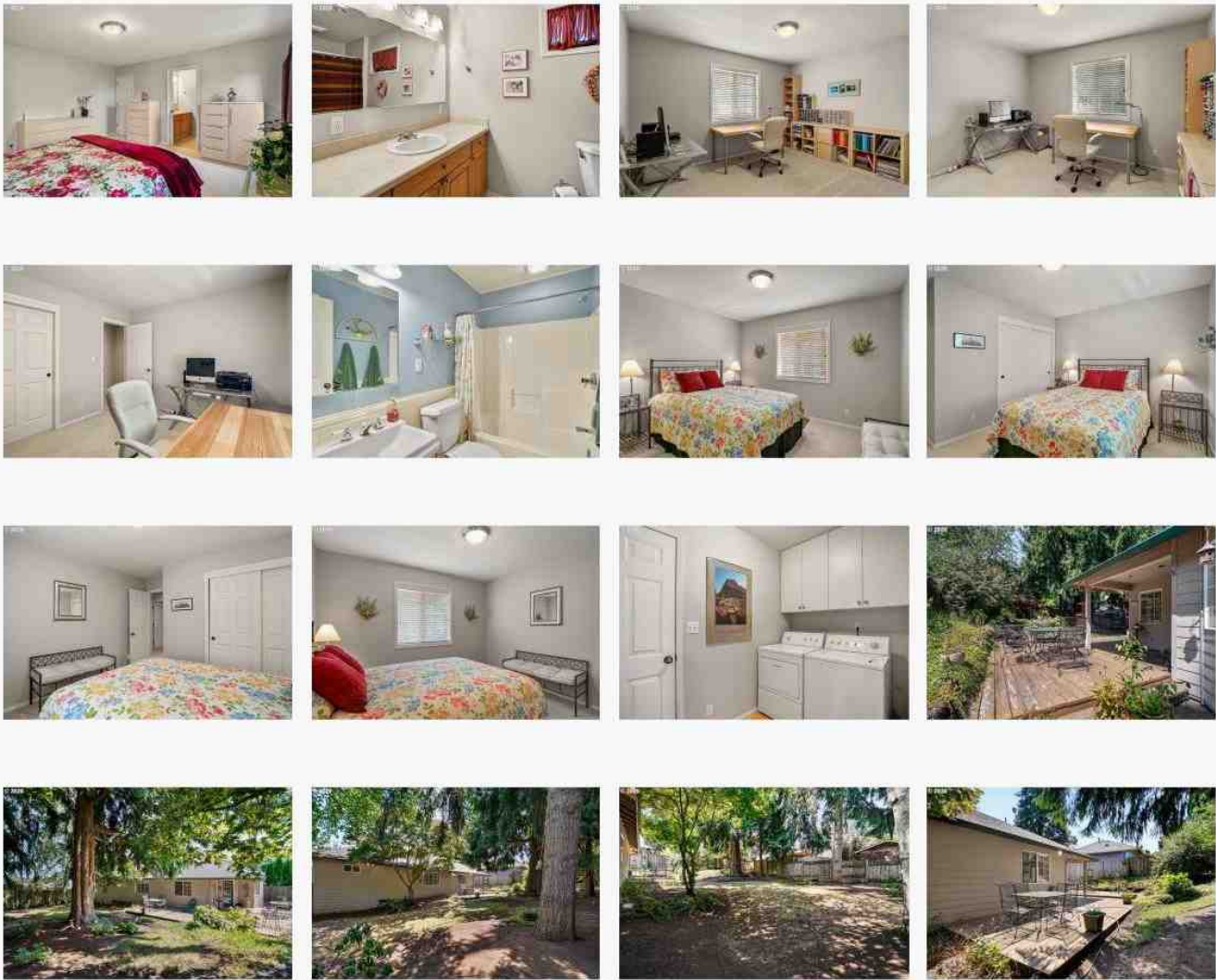
RMLSweb - 32 Up Photo Report

Status: **Sold**

Area: 146  
918 CLEARBROOK DR Oregon City, OR 97045

ML#: 20152980

Price: \$419,900



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

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Comparable Interior Photos - Page 7

3/5/2021

RMLSweb - 32 Up Photo Report

Frank George

PRM Valuation Division

503-705-8646

frank\_george@cascadeaccess.com

32 Up Photo Report

Residential

3/5/2021 12:13PM

\$500,000

3 bd | 2 / 0 ba | 2267 sqft

Status: **Sold**

List Date: 7/16/2020

Year Built: 1980 / RESALE

502 S CENTER ST Oregon City, OR 97045

XST/Dir: Left off of S. Center St. towards the top of the hill

MLS#: 20205954

Acres: 1.37

Unit #:

Property Details:

Property Type: Detachd

Style: CHALET, CUSTOM

Lot Size: 1-2.99AC

Property Tax/Yr: \$6,076.45 / 2019

Area: 146

High: [Oregon City](#)



Living Room



Living Room/Dining Room



Living Room



Dining Room



Dining Area



Kitchen/Dining Room



Kitchen



Kitchen



Living Room/Dining Room



Staircase - To Upper Level



Bedroom, Master - Vaulted Ceilings



Bedroom, Master - Vaulted Ceilings

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Comparable Interior Photos - Page 8

3/5/2021

RMLSweb - 32 Up Photo Report

Status: **Sold**

Area: 146  
502 S CENTER ST Oregon City, OR 97045

ML#: 20205954

Price: \$449,000



Bathroom, Master



Bathroom, Master



Bathroom, Master



Bathroom, Master



Solarium



Sauna - Lower



Bedroom - # 2



Bedroom - # 3



Bathroom - Main



Family Room - Lower



Family Room - Lower



Family Room - Lower



Balcony - West Facing



Balcony - West Facing



Driveway



Shed

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

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Comparable Interior Photos - Page 9

3/5/2021

RMLSweb - 32 Up Photo Report

Frank George PRM Valuation Division

503-705-8646

frank\_george@cascadeaccess.com

32 Up Photo Report

Residential

3/5/2021 12:13PM

**\$485,000** 3 bd | 2 / 1 ba | 2192 sqft

Status: **Sold**

List Date: 3/5/2020

Year Built: 2006 / RESALE

503 3RD AVE Oregon City, OR 97045

XST/Dir: Apperson St to 3rd Ave

MLS#: 20187275

Acres: 0.11

Unit #:

Property Details:

Property Type: Detachd

Style: TRAD

Lot Size: 3K-4,999SF

Property Tax/Yr: \$4,175.71 / 2018

Area: 146

High: [Oregon City](#)



Exterior



Exterior



Covered Porch



Living Room



Living Room



Living Room



Living Room



Kitchen



Kitchen



Kitchen



Dining Room



Dining Room



Bedroom, Owner's Suite



Bedroom, Owner's Suite



Bathroom, Master

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

<https://www.rmlsweb.com/v2/engine/reportgen.asp>

9/13



3/5/2021

RMLSweb - 32 Up Photo Report

Status: **Sold**

Area: 146  
503 3RD AVE Oregon City, OR 97045

ML#: 20187275

Price: \$470,000



Laundry



Bathroom - Main



Bedroom - # 2



Bedroom - # 2



Bathroom - Upper



Bedroom - # 3



Bedroom - # 3



Bathroom - Upper



Deck



Yard - Fenced



Exterior



View - Aerial



View - Aerial



View - Aerial



View - Aerial



FOR MORE INFO  
CLICK VIRTUAL TOUR FOR:  
• AREA REPORT  
• RESTAURANT REPORT  
• OUTDOOR REPORT  
• SCHOOL REPORT

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

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3/5/2021

RMLSweb - 32 Up Photo Report

Frank George PRM Valuation Division

503-705-8646

frank\_george@cascadeaccess.com

32 Up Photo Report

Residential

3/5/2021 12:13PM

\$550,000 3 bd | 3 / 0 ba | 2848 sqft

Status: **Sold**  
List Date: 1/17/2020  
Year Built: 1992 / RESALE  
113 DEERBROOK DR Oregon City, OR 97045  
XST/Dir: 99E to 2nd, R on S High turns into S End Rd, Rt Deerbrook

MLS#: 19457978  
Acres: 0.29  
Unit #:

Property Details:

Property Type: Detachd  
Style: CUSTOM  
Lot Size: 10K-14,999SF  
Property Tax/Yr: \$6,281.37 / 2018

Area: 146  
High: [Oregon City](#)



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SCHOOL AVAILABILITY SUBJECT TO CHANGE.



Comparable Interior Photos - Page 12

3/5/2021

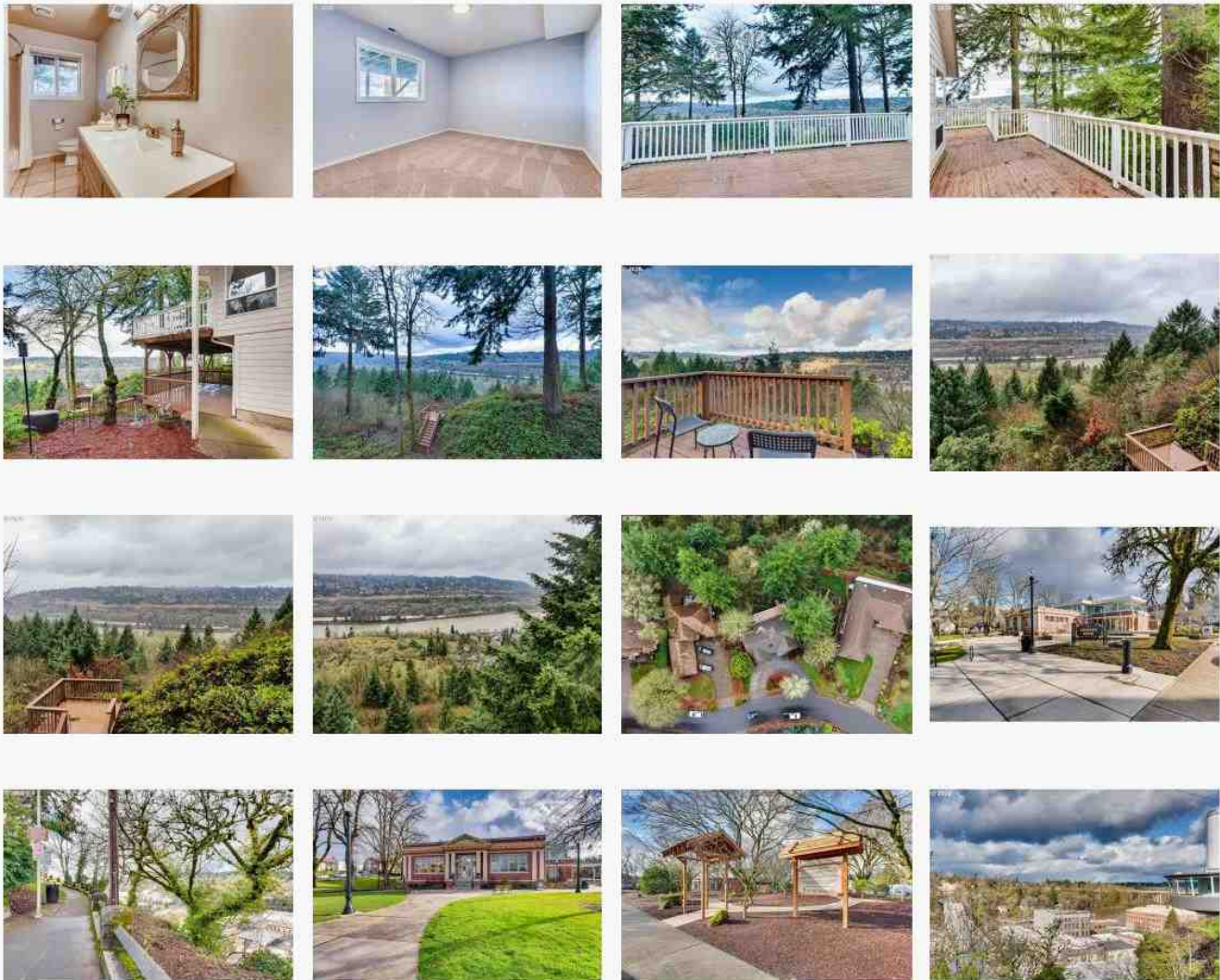
RMLSweb - 32 Up Photo Report

Status: **Sold**

Area: 146  
113 DEERBROOK DR Oregon City, OR 97045

ML#: 19457978

Price: \$565,000



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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.  
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

6

E-Mail This Report

|               | Enter E-Mail Address | or | Choose Client               |
|---------------|----------------------|----|-----------------------------|
| Recipient #1: | <input type="text"/> |    | <div>-None Available-</div> |
| Recipient #2: | <input type="text"/> |    | <div>-None Available-</div> |
| Recipient #3: | <input type="text"/> |    | <div>-None Available-</div> |
| Recipient #4: | <input type="text"/> |    | <div>-None Available-</div> |

[+]

Your E-Mail: frank\_george@cascadeaccess.com No Copy

https://www.rmlsweb.com/v2/engine/reportgen.asp

12/13





Sale Agreement # Zhu012421

Item 8d.

## FINAL AGENCY ACKNOWLEDGMENT

Both Buyer and Seller acknowledge having received the Oregon Real Estate Agency Disclosure Pamphlet, and hereby acknowledge and consent to the following agency relationships in this transaction: Chao Tan

of \_\_\_\_\_ (Name of Buyer's Agent(s)\*), Oregon Lic # 201206923

of More Realty (Name of Real Estate Firm(s)\*)

Buyer's Agent's Office Address 14945 SW Sequoia Pkwy, Ste #150, Portland, OR 97224, Company Lic # 201212372

Phone #1 (503)929-1768 Phone #2 \_\_\_\_\_ E-mail chaotrealstate@gmail.com

is/are the agent of (check one): ☒ Buyer exclusively ("Buyer Agency"). ☐ Both Buyer and Seller ("Disclosed Limited Agency").

Kim Childs (Name of Seller's Agent(s)\*), Oregon Lic # 200402288

of Keller Williams Realty Portland Premiere (Name of Real Estate Firm(s)\*)

Seller's Agent's Office Address 7504 SW Bridgeport Rd, Portland, OR 97224-7712, Company Lic # 200509347

Phone #1 (503)336-7126 Phone #2 (503)597-5010 E-mail info@kimchildsteam.com

is/are the agent of (check one): ☒ Seller exclusively ("Seller Agency"). ☐ Both Buyer and Seller ("Disclosed Limited Agency").

**\*If Buyer's and/or Seller's Agents and/or Firms are co-selling or co-listing in this transaction, all Agents and Firm names should be disclosed above.**

If both parties are each represented by one or more Agents in the same Real Estate Firm, and Agents are supervised by the same principal broker in that Real Estate Firm, Buyer and Seller acknowledge said principal broker shall become the disclosed limited agent for both Buyer and Seller as more fully explained in the Disclosed Limited Agency Agreements that have been reviewed and signed by Buyer, Seller and Agent(s).

Buyer shall sign this acknowledgment at the time of signing this Agreement before submission to Seller. Seller shall sign this acknowledgment at the time this Agreement is first submitted to Seller, even if this Agreement will be rejected or a counter offer will be made. Seller's signature to this Final Agency Acknowledgment shall not constitute acceptance of this Agreement or any terms therein.

Buyer Yue Cong Zhu Print Yue Cong Zhu Date 01-24-2021 7:27 AM PST ←

Buyer DocuSigned by: \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_ ←

Seller City of Oregon City, Anthony J Konkol, City of Oregon City Print CITY OF OREGON CITY Date 1/25/2021 15:51 PST ←

Seller FB95D41159DC43B... Print \_\_\_\_\_ Date \_\_\_\_\_ ←

## RESIDENTIAL REAL ESTATE SALE AGREEMENT

**THIS AGREEMENT IS INTENDED TO BE A LEGAL AND BINDING CONTRACT. IF IT IS NOT UNDERSTOOD, SEEK COMPETENT LEGAL ADVICE BEFORE SIGNING. FOR AN EXPLANATION OF THE PRINTED TERMS AND PROVISIONS IN THIS FORM REGARDING TIMING, NOTICE, BINDING EFFECT, ETC., SELLER AND BUYER ARE ENCOURAGED TO CLOSELY REVIEW THE DEFINITIONS AND INSTRUCTIONS SECTION BELOW**

**1. PRICE/PROPERTY DESCRIPTION:** Buyer Yue Cong Zhu

offers to purchase from Seller CITY OF OREGON CITY

the following described real property (hereinafter "the Property") situated in the State of Oregon, County of Clackamas, and commonly known or identified as (insert street address, city, zip code, tax identification number, lot/block description, etc.) 306 S Center St, Oregon City, OR 97045-2937

(Buyer and Seller agree, if it is not provided herein, a complete legal description as provided by the title insurance company in accordance with Section 9 (Title Insurance) below shall, where necessary, be used for purposes of legal identification and conveyance of title).

for the Purchase Price (in U.S. currency) of..... A \$ 475,000.00

on the following terms: Earnest money herein receipted for ..... B \$ 5,000.00

on \_\_\_\_\_, as additional earnest money, the sum of..... C \$ \_\_\_\_\_

at or before Closing, the balance of down payment ..... D \$ 90,000.00

at Closing and upon delivery of ☒ DEED ☐ CONTRACT the balance of the Purchase Price..... E \$ 380,000.00

shall be paid as agreed in Financing Section of this Agreement.

(Lines B, C, D and E should equal Line A)

Buyer Initials YJ / \_\_\_\_\_ Date 01-24-2021

Seller Initials AJK / \_\_\_\_\_ Date 1/25/2021 15:51 PST

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Sale Agreement # Zhu012421

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2. **FIXTURES/CONTROLS/KEYS:** All fixtures and essential related equipment (e.g. remote controls, smart home features, and all keys related to Property including mailbox, outbuilding(s), etc.) are to be left upon the Property. Fixtures shall include but not be limited to: built-in appliances; attached floor coverings; drapery rods and curtain rods; window and door screens; storm doors and windows; system fixtures (irrigation, plumbing, ventilating, cooling and heating); water heaters; attached electric light and bathroom fixtures; light bulbs; fluorescent lamps; window blinds; awnings; fences; all planted shrubs, plants and trees; EXCEPT: \_\_\_\_\_

3. **PERSONAL PROPERTY:** Only the following personal property, in "AS-IS" condition and at no stated value is included: \_\_\_\_\_

## FINANCING

### 4. BALANCE OF PURCHASE PRICE: (Select A or B)

Buyer represents, Buyer has liquid and available funds for the earnest money deposit and down payment, and if an all cash transaction, the full purchase price, sufficient to Close the transaction described herein and is not relying upon any contingent source of funds (e.g., from loans, gifts, sale or closing of other property, 401K disbursements, etc.), except as follows (describe): \_\_\_\_\_

A. ☐ **This is an all cash transaction.** Buyer to provide verification ("Verification") of readily available funds as follows (select only one):  
☐ Buyer has attached a copy of the Verification with the submission of this Agreement to Seller. ☐ Buyer will provide Seller with the Verification within \_\_\_\_\_ business days (five [5] if not filled in) after this Agreement has been signed and accepted; or ☐ Other (Describe): \_\_\_\_\_

Seller may notify Buyer, in writing, of Seller's unconditional disapproval of the Verification within \_\_\_\_\_ business days (two [2] if not filled in) ("Disapproval Period") following its receipt by Seller. Provided, however, such disapproval must be objectively reasonable. Upon such disapproval, all earnest money deposits shall be promptly refunded to Buyer and this transaction shall be terminated. **If Seller fails to provide Buyer with written unconditional disapproval of the Verification by 5:00 p.m. of the last day of the Disapproval Period, Seller shall be deemed to have approved the Verification. If Buyer fails to submit a Verification within a time frame selected above, unless the parties agree otherwise in writing, all earnest money deposits shall be promptly refunded, and this transaction shall be terminated.**

B. ☒ **Balance of Purchase Price to be financed through one of the following Loan Programs (Select only one):**

☐ Conventional; ☐ FHA; ☐ Federal VA (Seller ☐ Shall ☐ Shall not agree to pay Buyer's non-allowable VA fees);

☐ Other (Describe): \_\_\_\_\_ **Buyer agrees to seek financing through a lending institution or mortgage broker (hereinafter collectively referred to as "Lender") participating in the Loan Program selected above.**

C. **Pre-Approval Letter.** ☒ Buyer has attached a copy of a Pre-Approval Letter from Buyer's Lender; ☐ Buyer does not have a Pre-Approval Letter at the time of making this offer; ☐ Buyer agrees to secure a Pre-Approval Letter and provide a copy to Seller as follows: \_\_\_\_\_

5.1 **FINANCING CONTINGENCIES:** If Buyer is financing any portion of the Purchase Price, then this transaction is subject to the following financing contingencies: (1) Buyer and the Property to qualify for the loan from Lender; (2) Lender's appraisal shall not be less than the Purchase Price; and, (3) Other (Describe): \_\_\_\_\_

Except as otherwise provided herein, all Financing Contingencies are solely for Buyer's benefit and may be waived by Buyer in writing at any time.

5.2 **FAILURE OF FINANCING CONTINGENCIES:** If Buyer receives actual notification from Lender that any Financing Contingencies identified above have failed or otherwise cannot occur, Buyer shall promptly notify Seller, and the parties shall have \_\_\_\_\_ business days (two [2] if not filled in) following the date of Buyer's notification to Seller to either (a) Terminate this transaction by signing an **OREF 057 Termination Agreement** and/or such other similar form as may be provided by Escrow; or (b) Reach a written mutual agreement upon such price and terms that will permit this transaction to continue. Neither Seller nor Buyer are required under the preceding provision (b) to reach such agreement. If (a) or (b) fail to occur within the time period identified in this Section 5.2 (Failure of Financing Contingencies), this transaction shall be automatically terminated, and all earnest money shall be promptly refunded to Buyer. Buyer understands, upon termination of this transaction, Seller shall have the right to place the Property back on the market for sale upon any price and terms as Seller determines, in Seller's sole discretion.

Buyer Initials YB / Date 01-24-2021

Seller Initials DS / Date 1/25/2021 | 15:51 P

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Sale Agreement # **Zhu012421**

Item 8d.

92 **5.3 BUYER REPRESENTATIONS REGARDING FINANCING:** Buyer makes the following representations to Seller: (1) Buyer's completed loan  
93 application, as hereinafter defined, shall be submitted to the Lender who provided the Pre-Approval Letter, a copy of which has been delivered to  
94 Seller, or will be, pursuant to Section 4C (Pre-Approval Letter), above.

95 (2) Buyer shall submit to Buyer's Lender a completed loan application for purchase of the Property not later than \_\_\_\_ business days (three [3] if not  
96 filled in) following the date Buyer and Seller have signed and accepted this Agreement. A "completed loan application" shall include the following  
97 information: (i) Buyer's name(s); (ii) Buyer's income(s); (iii) Buyer's social security number(s); (iv) the Property address; (v) an estimate of the  
98 value of the Property; and (vi) the loan amount sought.

99 (3) Buyer agrees, if Buyer intends to proceed with the loan transaction, Buyer will so notify Lender within \_\_\_\_ business days (three [3] if not filled in - but  
100 not to exceed ten [10]) in such form as required by said Lender, following Buyer's receipt of Lender's Loan Estimate. Upon request, Buyer shall promptly  
101 notify Seller of the date of Buyer's signed notice of intent to proceed with the loan.

102 (4) Buyer will thereafter complete all paperwork requested by the Lender, including payment of all application, appraisal and processing fees, to  
103 obtain the loan.

104 (5) Buyer understands and agrees, Buyer may not replace the Lender or Loan Program already selected, without Seller's written consent, which may  
105 be withheld in Seller's sole discretion.

106 (6) Following submission of the loan application, Buyer agrees to keep Seller promptly informed of all material non-confidential developments  
107 regarding Buyer's financing and the time of Closing.

108 (7) Buyer shall authorize the Lender to order the appraisal no later than expiration of the Inspection Period at Section 10 (Inspections), below of this  
109 Agreement, (or Section 1 of the OREF 058 Professional Inspection Addendum if used).

110 (8) Buyer authorizes Buyer's Lender to provide non-confidential information to Buyer's and Seller's Agents regarding Buyer's loan application  
111 status.

112 **6.1 INSURANCE:** Buyer is encouraged to promptly verify the availability and cost of property/casualty/fire insurance that will be secured for the  
113 Property. Additionally, Lenders may require proof of property/casualty/fire insurance as a condition of the loan.

114 **6.2 FLOOD INSURANCE; ELEVATION CERTIFICATE:** If the Property is located in a designated flood zone, flood insurance may be required as a  
115 condition of a new loan. Buyer is encouraged to promptly verify the need, availability, and cost of flood insurance, if applicable. An Elevation  
116 Certificate ("EC") is the document used by the federal National Flood Insurance Program ("NFIP") to determine the difference in elevation between  
117 a home or building and the base flood elevation ("BFE"), which is a computed elevation to which floodwater is anticipated to rise during certain  
118 floods. The amount of flood insurance premium for a particular property is based upon the EC. Not all properties in flood zones require an EC,  
119 depending upon when they were constructed. ECs must be prepared and certified by a land surveyor, engineer, or architect who is authorized by  
120 the local jurisdiction to certify elevation information. The costs and fees for an EC may range from a few hundred dollars to over a thousand. **If the**  
121 **Property requires an EC, it will need to be obtained prior to receiving a flood insurance quote. Additionally, Lenders may require an EC as**  
122 **a condition of loan approval. For more information, go to the following website: [www.fema.gov](http://www.fema.gov)**

123 **7. SELLER-CARRIED FINANCING (E.G., LAND SALE CONTRACT/TRUST DEED/MORTGAGE/OPTION AGREEMENTS, RENT-TO-OWN,**  
124 **ETC.):** Notice to Buyer and Seller: If this transaction involves a land sale contract, trust deed, mortgage, option, or lease-to-own agreement  
125 (hereinafter a "Seller Carried Transaction"), Oregon law requires, unless exempted, individuals offering or negotiating the terms must hold a  
126 mortgage loan originator ("MLO") license. Your real estate agent is not qualified to provide these services or to advise you in this regard. Legal  
127 advice is strongly recommended. If this is a Seller-Carried Transaction, Buyer and Seller are advised to review the OREF 032 Seller-Carried  
128 Transactions Buyer and Seller Advisory. Buyer and Seller agree as follows (select only one):

129 ☐ (a) Use the **OREF 033 Seller-Carried Transaction Addendum** and related forms; or

130 ☐ (b) Secure separate legal counsel to negotiate and draft the necessary documents or employ an MLO

131 Seller and Buyer agree regardless of whether (a) or (b) is selected, they will reach a signed written agreement upon the terms and conditions of such  
132 financing (e.g., down payment, interest rate, amortization, term, payment dates, late fees, balloon dates, etc.) within \_\_\_\_ business days (ten [10] if not  
133 filled in) commencing on the next business day following the date they have signed and accepted this Sale Agreement ("Negotiation of Terms  
134 Period"). Upon failure of Buyer and Seller to reach agreement by 5:00 p.m. on the last day of the Negotiation of Terms Period, or such other times  
135 as may be agreed upon in writing, all earnest money deposits shall be refunded to Buyer and this transaction shall be automatically terminated.  
136 **Caveat: Buyer's and Seller's Agents are not authorized to render advice on these matters. Buyer and Seller are advised to secure**  
137 **competent legal advice while engaged in a Seller-Carried Transaction.**

138 **8. ADDITIONAL FINANCING PROVISIONS (e.g. Closing Costs):** \_\_\_\_\_  
139 \_\_\_\_\_  
140 \_\_\_\_\_

Buyer Initials YJ / \_\_\_\_\_ Date 01-24-2021

Seller Initials DS / \_\_\_\_\_ Date 1/25/2021 | 15:51

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RESIDENTIAL REAL ESTATE SALE AGREEMENT – Page 3 of 11



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## CONTINGENCIES

**9. TITLE INSURANCE:** When this Agreement is signed and accepted by Buyer and Seller, Seller will, at Seller's sole expense, promptly order from the title insurance company selected at Section 24 (Escrow), below, a preliminary title report and copies of all documents of record ("the Report and Documents of Record") for the Property, and furnish them to Buyer at Buyer's contact location as defined at Section 32 (3) (Definitions/Instructions), below. Unless otherwise provided herein, this transaction is subject to Buyer's review and approval of the Report and Documents of Record (If, upon receipt, the Report and Documents of Record are not fully understood, Buyer should contact the title insurance company for further information or seek competent legal advice). The Buyer's and Seller's Agents are not qualified to advise on specific legal or title issues.) Upon receipt of the Report and Documents of Record Buyer shall have \_\_\_\_ business days (five [5] if not filled in) within which to notify Seller, in writing, of any matters disclosed in the Report and Documents of Record which is/are unacceptable ("the Objections"). Buyer's failure to timely object in writing shall constitute acceptance of the Report and/or Documents of Record. However, Buyer's failure to timely object shall not relieve Seller of the duty to convey marketable title to the Property pursuant to Section 29 (Deed), below. If, within \_\_\_\_ business days (five [5] if not filled in) following Seller's receipt of the Objections, Seller fails to remove or correct the matters identified therein, or fails to give written assurances reasonably satisfactory to Buyer of removal or correction prior to Closing, all earnest money shall be promptly refunded to Buyer- and this transaction shall be terminated. This contingency is solely for Buyer's benefit and may be waived by Buyer in writing. Within thirty (30) days after Closing, the title insurance company shall furnish to Buyer, an owner's standard form policy of title insurance insuring marketable title in the Property to Buyer in the amount of the Purchase Price, free and clear of the Objections, if any, and all other title exceptions agreed to be removed as part of this transaction. *(Note: This Section 9 (Title Insurance) provides Seller will pay for Buyer's standard owner's policy of title insurance. In some areas of the country, such a payment might be regarded as a "seller concession." Under the TILA/RESPA Integrated Disclosure Rules ["the Rules"], there are limitations, regulations and disclosure requirements on "seller concessions", unless the product or service paid for by the Seller was one customarily paid by sellers in residential sales transactions. In Oregon, sellers customarily and routinely pay for their buyer's standard owner's policy of title insurance. Accordingly, unless the terms of this Section 9 (Title Insurance) are modified in writing by Buyer and Seller, the parties acknowledge, agree and so instruct Escrow, in this transaction, Seller's payment of Buyer's standard owner's policy of title insurance is not a "seller concession" under the Rules or any other federal law.)*

**10. INSPECTIONS/ENVIRONMENTAL HEALTH CONDITIONS:** The following list identifies some, but not all, environmental conditions found in and around all real property that may affect health: asbestos, carbon monoxide, electric and magnetic fields, formaldehyde, lead and other contaminants in drinking water and well water, lead based paint, mold and mildew, radon, and leaking underground storage tanks. If Buyer has any concerns about these conditions or others, Buyer is encouraged to secure the services of a licensed professional inspector, consultant, or health expert, for information and guidance. Neither the Buyer's nor Seller's Agents are experts in environmental health hazards or conditions. Buyer understands it is advisable to have a complete inspection of the Property by a qualified licensed professional(s) relating to such matters as structural condition, soil condition/compaction/stability, environmental issues, survey, zoning, operating systems, and suitability for Buyer's intended purpose. Neither Buyer's nor Seller's Agent are qualified to conduct such inspections and shall not be responsible to do so. For further details, Buyer is encouraged to review the Buyer Advisory at [www.oregonrealtors.org](http://www.oregonrealtors.org) and the Oregon Public Health Division at [www.public.health.oregon.gov](http://www.public.health.oregon.gov).

**Check only one box below:**

☒ **LICENSED PROFESSIONAL INSPECTIONS:** At Buyer's expense, Buyer may have the Property and all elements and systems thereof inspected by one or more licensed professionals of Buyer's choice. Provided, however, Buyer must specifically identify in this Agreement any desired invasive inspections that may include testing or removal of any portion of the Property including, for example, radon and mold. **Identify Invasive Inspections: possible sewer scope and radon test**

Buyer understands, Buyer is responsible for the restoration of the Property following any inspection(s)/test(s) performed by Buyer or on Buyer's behalf. Buyer shall have \_\_\_\_ business days (ten [10] if not filled in), after the date Buyer and Seller have signed and accepted this Agreement (hereinafter "the Inspection Period"), in which to complete all inspections and negotiations with Seller regarding any matters disclosed in any inspection report. Buyer shall **not** provide all or any portion of the inspection reports to Seller unless requested by Seller. However, at any time during this transaction, or promptly following termination, upon request by Seller, Buyer shall promptly provide a copy of such reports or portions of reports, as requested. During the Inspection Period, Seller shall not be required to modify any terms of this Agreement already reached with Buyer. Unless a written agreement has already been reached with Seller regarding Buyer's requested repairs, at any time during the Inspection Period, Buyer may notify Seller, in writing, of Buyer's unconditional disapproval of the Property based on any inspection report(s), in which case, all earnest money deposits shall be promptly refunded, and this transaction shall be terminated. **If Buyer fails to provide Seller with written unconditional disapproval of any inspection report(s) by 5:00 p.m. of the final day of the Inspection Period, Buyer shall be deemed to have accepted the condition of the Property. Note if, prior to expiration of the Inspection Period, written agreement is reached with Seller regarding Buyer's requested repairs, the Inspection Period shall automatically terminate unless the parties agree otherwise in writing.**

☐ **ALTERNATIVE INSPECTION PROCEDURES: OREF 058 PROFESSIONAL INSPECTION ADDENDUM<sub>DS</sub>**

Buyer Initials YJ / Date 01-24-2021

Seller Initials AJK / Date 1/25/2021 15:51

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Sale Agreement # Zhu012421

Item 8d.

194 ☐ OTHER INSPECTION ADDENDUM

195 ☐ **BUYER'S WAIVER OF INSPECTION CONTINGENCY:** Buyer represents to Seller and all Agents and Firms, Buyer is fully satisfied with the  
 196 condition of the Property and all elements and systems thereof and **knowingly and voluntarily** elects to waive the right to have any inspections  
 197 performed as a contingency to the Closing of the transaction. Buyer's election to waive the right of inspection is solely Buyer's decision and at  
 198 Buyer's own risk.

199 **11. LEAD-BASED PAINT CONTINGENCY PERIOD:** If the Property was constructed before 1978, on or promptly after the date the parties have signed  
 200 and accepted this Agreement, Seller shall deliver to Buyer OREF 021, the Lead-Based Paint Disclosure Addendum ("the Disclosure Addendum"),  
 201 together with the EPA Pamphlet entitled "Protect Your Family From Lead in Your Home" (the "Date of Delivery"). Unless waived by Buyer in writing in the  
 202 Disclosure Addendum, Buyer shall have ten (10) calendar days (or other mutually agreed upon period) commencing on the day following the Date of  
 203 Delivery, within which to conduct a lead-based paint assessment or inspection (the "LBP Contingency Period"). If lead-based paint and/or lead-based  
 204 paint hazards are identified in the Property by a certified inspector at any time before expiration of the LBP Contingency Period, Buyer may  
 205 unconditionally cancel this transaction by written notice to Seller ("Notice of Cancellation"). In such case, Buyer shall deliver a copy of any written reports  
 206 or evaluations (collectively "Reports") to Seller, together with the Notice of Cancellation, and thereafter receive a prompt refund of all earnest money  
 207 deposits. **Buyer understands the failure to deliver the Notice of Cancellation to Seller together with the Reports, on or before Midnight of the**  
 208 **last day of the LBP Contingency Period shall constitute acceptance of the condition of the Property as it relates to the presence of lead-based**  
 209 **paint or lead-based paint hazards, and the LBP Contingency Period shall automatically expire.**

210 **12.1 PRIVATE WELL:** Does the Property include a well that supplies or is intended to supply domestic water for household use? ☐ Yes ☐ No  
 211 If the property contains a private well, the **OREF 82 Private Well Addendum** will be attached to this Sale Agreement.

212 **12.2 SEPTIC/ONSITE SEWAGE SYSTEM:** Does the Property include a septic/onsite sewage system? ☐ Yes ☒ No If the Property contains a  
 213 septic/onsite sewage system, the **OREF 081 Septic/Onsite Sewage System Addendum** will be attached to this Sale Agreement.

214 **13. PROPERTY DISCLOSURE LAW:** Buyer and Seller acknowledge, unless this transaction is otherwise exempted, Oregon law provides Buyer  
 215 has a right to revoke Buyer's offer by giving Seller written notice thereof, (a) within five (5) business days after Seller's delivery of Seller's Property  
 216 Disclosure Statement ("the Statement"), or (b) at any time before Closing (as defined in the Oregon Administrative Rules) if Buyer does not receive  
 217 the Statement from Seller before Closing. Buyer may waive the right of revocation only in writing. Seller authorizes Seller's Agent's Firm to receive  
 218 Buyer's notice of revocation, if any, on Seller's behalf.

## SELLER REPRESENTATIONS

220 **14. SELLER REPRESENTATIONS:** Subject to other written disclosures made by Seller as a part of this transaction, Seller makes the  
 221 following representations to Buyer:

222 (1) The primary dwelling is connected to (check all that apply): ☒ a public sewer system; ☐ an on-site sewage system; ☒ a public  
 223 water system; ☐ a private well; ☐ other (e.g., surface springs, cistern, etc.).

224 (2) Seller has no knowledge of any hazardous substances in or about the Property other than substances (if any) contained in appliances  
 225 and equipment. Buyer acknowledges asbestos commonly exists in insulation, ceilings, floor coverings, and other areas in residential  
 226 housing and may exist in the Property.

227 (3) Seller knows of no material defects in or about the Property.

228 (4) All electrical wiring, heating, cooling, plumbing, irrigation equipment and systems, and the balance of the Property, including the  
 229 yard, will be in substantially their present condition at the time Buyer is entitled to possession.

230 (5) Seller has no notice of any liens or assessments to be levied against the Property.

231 (6) Seller has no notice from any governmental agency of any violation of law relating to the Property.

232 (7) Seller knows of no material discrepancies between visible lines of possession and use (such as existing fences, hedges, landscaping,  
 233 structures, driveways, and other such improvements) currently existing on the Property and the legal description of the Property.

234 (8) Seller will keep the Property fully insured through Closing.

235 (9) Seller agrees to promptly notify Buyer if, prior to Closing, Seller receives actual notice of any event or condition that could result in  
 236 making any previously disclosed material information relating to the Property substantially misleading or incorrect.

237 These representations are made to the best of Seller's knowledge. Seller may have made no investigations. Exceptions to items (1)  
 238 through (9) are: \_\_\_\_\_ (For more exceptions see Addendum \_\_\_\_\_).

239 **Buyer acknowledges the above representations are not warranties regarding the condition of the Property and are not a substitute for,**  
 240 **nor in lieu of, Buyer's own responsibility to conduct a thorough and complete independent investigation, including the use of**  
 241 **professionals, where appropriate, regarding all material matters bearing on the condition of the Property, its value and its suitability for**  
 242 **Buyer's intended use. Neither Buyer's nor Seller's Agents shall be responsible for conducting any inspection or investigation of any**  
 243 **aspects of the Property.**

Buyer Initials YJ / Date 01-24-2021

Seller Initials AK / Date 1/25/2021 | 15:51

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Sale Agreement # Zhu012421

Item 8d.

244 **15.1 SELLER ADVISORY: OREGON STATE TAX WITHHOLDING OBLIGATIONS:** Subject to certain exceptions, Escrow is required to withhold a portion  
 245 of Seller's proceeds if Seller is a non-resident individual or corporation as defined under Oregon law. Buyer and Seller agree to cooperate with Escrow by  
 246 executing and delivering any instrument, affidavit or statement as requested, and to perform any acts reasonable or necessary to carry out the provisions of  
 247 Oregon law.

248 **15.2 FIRPTA TAX WITHHOLDING REQUIREMENT:** Seller and Buyer are advised, during Closing, a Federal law, known as the Foreign  
 249 Investment in Real Property Tax Act of 1980 ("FIRPTA"), requires a buyer to withhold a portion of a seller's proceeds (up to 15% of the Purchase  
 250 Price) if the real property is located within the United States and the seller is a "foreign person" who does not qualify for an exemption. A "foreign  
 251 person" includes a nonresident alien individual, foreign corporation that has not made an election under Section 897(i) of the Internal Revenue Code  
 252 to be treated as a domestic corporation, foreign partnership, foreign trust, or a foreign estate, but it does not include a resident alien  
 253 individual.

254 If FIRPTA applies (i.e. Seller is a foreign person), even if there is an exemption, Buyer and Seller must so inform Escrow to determine the extent to  
 255 which Escrow can assist the parties in compliance with FIRPTA (see OREF 092 - FIRPTA Advisory). Seller's failure or refusal to comply with  
 256 FIRPTA requirements constitutes a material default under this Agreement.

257 If FIRPTA does not apply (i.e. Seller is not a foreign person), then Seller shall complete, sign, and deliver to Escrow a form of certification of non-  
 258 foreign status provided by escrow that complies with the requirements of 26 CFR § 1.1445-2 (the "Certificate") prior to Closing. If Seller fails or  
 259 refuses to complete, sign, and deliver the Certificate to Escrow prior to Closing, Seller understands and agrees Seller will be presumed to be a  
 260 foreign person in which case the terms of the above paragraph applies. Escrow is hereby instructed to act as a "Qualified Substitute" and provide  
 261 Buyer with a qualified substitute statement that complies with the requirements of 26 USC § 1445(b)(9) in lieu of the Certificate at Closing so  
 262 Seller's personal information is not disclosed to Buyer.

263 If Escrow is unable or unwilling to assist with the FIRPTA-related portion of the Closing (including, without limitation, providing the form Certificate  
 264 or acting as a Qualified Substitute), Buyer or Seller (as applicable) has the right, but not the obligation, to move Escrow to another Oregon licensed  
 265 escrow agent who is willing to assist with the FIRPTA-related portion of the Closing, in which case the parties' shall share equally in the cost of any  
 266 cancellation fees (if applicable). If, due to moving Escrow, this transaction cannot be closed by the Closing Date, the parties agree the Closing Date  
 267 will be extended for a reasonable period of time, not to exceed five (5) business days, to accommodate moving the transaction to the new escrow  
 268 agent.

269 Seller's and Buyer's Agents are not experts in FIRPTA and will not act as a transferor or transferee agent or "Qualified Substitute" for purposes  
 270 of the Withholding Requirement. If FIRPTA may apply in this transaction, Seller and Buyer should promptly consult their own experts familiar  
 271 with FIRPTA related the law and regulations. For further information, Seller and Buyer should go to: [www.irs.gov](http://www.irs.gov).

272 **16. "AS-IS": Except for Seller's express written agreements and written representations contained herein, and Seller's Property**  
 273 **Disclosure, if any, Buyer is purchasing the Property "AS-IS," in its present condition and with all defects apparent or not apparent. This**  
 274 **provision shall not be construed to limit Buyer's right to implied new home warranties, if any, that may otherwise exist under Oregon**  
 275 **law.**

## MISCELLANEOUS ITEMS

277 **17. TOWNHOME/PLANNED COMMUNITY/HOMEOWNER'S ASSOCIATION:** Is the property a townhome, in a planned community, or have a  
 278 Homeowner's Association? ☐ Yes ☒ No ☐ Unknown

279 If yes, **OREF 024 Townhome/Planned Community/Homeowner's Association Addendum** will be attached to this Sale Agreement.

280 **18. ALARM SYSTEM:** ☒ NONE ☐ OWNED ☐ LEASED ☐ UNKNOWN. If leased, Buyer ☐ will ☐ will not assume the lease at Closing.

281 **19. SMOKE/CARBON MONOXIDE DETECTORS:** Within \_\_\_\_\_ business days (fifteen [15] if not filled in) after the date Buyer and Seller have  
 282 signed and accepted this Agreement, **the dwelling will have one or more operating smoke alarms, smoke detectors, and carbon monoxide**  
 283 **detectors installed as required by law. Refer to ORS 479.260 for smoke detectors and ORS 476.725 for carbon monoxide alarms.**

284 **20. SMART HOME FEATURES:** Does the property contain any "Smart Home" features?

285 ☐ Yes ☒ No ☐ Unknown. If Yes, Seller to identify all Smart Home features in writing within three business days of the date this Agreement is signed and  
 286 accepted. In addition, Seller to provide necessary information for Buyer to access said Smart Home features at Closing, unless otherwise agreed in writing.

287 "Smart home features" refers to appliances, lighting and/or electronic devices that can be controlled remotely by the owner, often via a mobile app.  
 288 Smart home enabled devices can also operate in conjunction with other devices in the home and communicate information to other smart devices.

289 **21. WOODSTOVE/WOOD BURNING FIREPLACE INSERT:** Does the Property contain a woodstove or wood burning fireplace insert?

290 ☐ Yes ☒ No

291 If yes, is the woodstove/wood burning fireplace insert certified? ☐ Yes ☐ No ☐ Unknown. If "No" or "Unknown," Seller to provide Buyer with  
 292 **OREF 046 Woodstove/Wood Burning Fireplace Insert Addendum.**

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293 **22. HOME WARRANTIES:** Home warranty plans may be available to help cover homeowner costs to repair/replace certain home systems and  
 294 appliances. (See specific plan for details.) Will a plan be purchased for Buyer as a part of this transaction? ☐ Yes ☒ No  
 295 If yes, identify plan and cost: \_\_\_\_\_ \$ \_\_\_\_\_ To be paid at Closing by: ☐ Buyer ☐ Seller

296 **23. ADDITIONAL PROVISIONS:** \_\_\_\_\_  
 297 \_\_\_\_\_  
 298 \_\_\_\_\_  
 299 \_\_\_\_\_ For additional provisions, see Addendum \_\_\_\_\_

### CLOSING/ESCROW

301 **24. ESCROW:** This transaction shall be Closed at Lawyers Title - Jenny Dunaway ("Escrow"), a neutral escrow  
 302 company licensed and located in the State of Oregon. Costs of Escrow shall be shared equally between Buyer and Seller, unless otherwise specifically  
 303 prohibited by the U.S. Department of Veterans Affairs (Federal VA). Unless otherwise provided herein, the parties agree as follows: Seller authorizes  
 304 Seller's Agent's Firm to order a preliminary title report and owner's title policy at Seller's expense and further authorizes Escrow to pay out of the  
 305 cash proceeds of sale the expense of furnishing such policy, Seller's recording fees, Seller's Closing costs, and any liens and encumbrances on the  
 306 Property payable by Seller on or before Closing. Buyer shall deposit with Escrow sufficient funds necessary to pay Buyer's recording fees, Buyer's  
 307 Closing costs, and Lender's fees, if any. Real estate fees, commissions or other compensation for professional real estate services provided by  
 308 Buyer's or Seller's Agents' Firms shall be paid at Closing in accordance with the listing agreement, buyer representation agreement or other written  
 309 agreement for compensation.

310 **25. PRORATIONS:** Prorates for rents, current year's taxes, interest on assumed obligations, and other prepaid expenses attributable to the  
 311 Property shall be as of: (check one) ☒ the Closing Date; ☐ date Buyer is entitled to possession.

312 **26. EARNEST MONEY DEPOSIT(S) AND BUYER INSTRUCTIONS:** When this Sale Agreement is signed and accepted by Buyer and Seller, the following  
 313 instructions shall apply to the handling of Buyer's earnest money deposit in the sum of \$ **5,000.00** ("the Deposit").

314 The Deposit shall be payable and deposited within \_\_\_\_\_ (three [3] if not filled in) business days (the "Deposit Deadline") as follows (check all that apply):

- 315 ☒ Directly with Escrow;  
 316 ☐ Directly into Buyer's Agent's Firm's client trust account and remain there until disbursement at Closing; and/or  
 317 ☐ Directly into Buyer's Agent's Firm's client trust account and thereafter deposit with Escrow/Title Company prior to Closing;  
 318 ☐ As follows: \_\_\_\_\_

319 Upon deposit of earnest money in accordance with this Agreement, Buyer shall take no steps to withdraw or authorize withdrawal of said funds, except in  
 320 accordance with the terms and conditions of this Agreement. In the event Buyer attempts or succeeds in any such withdrawal of the earnest money deposit,  
 321 it shall be considered a breach of this Agreement and will result in a forfeit of the earnest money deposit and termination, at the option of the Seller, of the  
 322 Buyer's right to purchase.

323 Caution: The Deposit, payable by whatever method selected by Buyer above, shall be placed with Escrow or Buyer's Agent's Firm's Client Trust account no  
 324 later than 5:00 pm on the last day of the Deposit Deadline. The failure to do so may result in a breach of the Sale Agreement under Sections 27.2 and 27.3  
 325 (Earnest Money refund to Buyer/Earnest Money payment to Seller), below.

326 If an additional Deposit ("Additional Deposit") is to be paid, it shall be handled in accordance with the above-selected instructions, or (Describe):  
 327 \_\_\_\_\_

328 *Once the Deposit, and Additional Deposit, if any, is/are placed with Escrow, Seller's and Buyer's Agents and Firms shall have no further responsibility to*  
 329 *Buyer or Seller regarding said funds.*

330 **27.1 EARNEST MONEY DEPOSIT INSTRUCTIONS TO ESCROW:** Escrow is hereby instructed by Buyer and Seller as follows: (1) Upon your receipt of a  
 331 copy of this Agreement marked "rejected" by Seller, or upon Seller's Agent Firm's written advice that the offer is "rejected" by Seller, you are to refund all  
 332 earnest money to Buyer; (2) Upon your receipt of a copy of this Agreement signed by Buyer and Seller, establish an escrow account and proceed with  
 333 Closing in accordance with the terms of this Agreement. If you determine the transaction cannot be Closed for any reason (whether or not there is a dispute  
 334 between Buyer and Seller), you are to hold all earnest money deposits until you receive written instructions from Buyer and Seller, or a final ruling from a  
 335 court or arbitrator, as to the disposition of such deposits.

336 **27.2 EARNEST MONEY REFUND TO BUYER:** If (1) Seller does not approve this Agreement; or (2) Seller signs and accepts this Agreement but  
 337 fails to furnish marketable title; or (3) Seller fails to complete this transaction in accordance with the material terms of this Agreement; or (4) any  
 338 condition which Buyer has made an express contingency in this Agreement (and has not been otherwise waived) fails through no fault of Buyer,

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339 then all earnest money deposits shall be promptly refunded to Buyer. However, acceptance by Buyer of the refund shall not constitute a waiver of  
340 other legal remedies available to Buyer.

341 **27.3 EARNEST MONEY PAYMENT TO SELLER:** If Seller signs and accepts this Agreement and title is marketable; and (1) Buyer has materially  
342 misrepresented Buyer's financial status; or (2) Buyer's bank does not pay, when presented, any check given as earnest money or fails to timely  
343 make a wire transfer for Buyer's earnest money; or (3) Buyer fails to complete this transaction in accordance with the material terms of this  
344 Agreement, then Seller, at Seller's option, may terminate this Agreement and all earnest money paid or agreed to be paid shall be paid to Seller as  
345 liquidated damages. The parties expressly agree Seller's economic and non-economic damages arising from Buyer's failure to close this transaction in  
346 accordance with the terms of this Agreement would be difficult or impossible to ascertain with any certainty, and said earnest money deposit(s) identified  
347 herein shall represent a binding liquidated sum, and it is a fair, reasonable and appropriate pre-estimate of Seller's damages, and is not a penalty. **It is the**  
348 **intention of the parties, the Seller's sole remedy against Buyer for Buyer's failure to close this transaction in accordance with the material**  
349 **terms of this Agreement shall be limited to the amount of earnest money paid or agreed to be paid herein. Seller's right to recover from**  
350 **Buyer any unpaid earnest money agreed to be paid herein shall be in accordance with the provisions of the Dispute Resolution Sections**  
351 **below.**

352 **28.1 CLOSING:** Closing shall occur on a date mutually agreed upon between Buyer and Seller, but in no event later than \_\_\_\_\_ ("the Closing  
353 Deadline"). The terms "Closed", "Closing" or "Closing Date" shall mean when the deed or contract is recorded, and funds are available to Seller. Buyer  
354 and Seller acknowledge for Closing to occur by the Closing Deadline, it may be necessary to execute documents and deposit funds in Escrow prior to that date.  
355 Caveat: Section 7 requires three (3) days prior to the Closing Deadline if Escrow is to prepare a note and a deed of trust or mortgage.

356 **28.2 THE CLOSING DISCLOSURE:** Pursuant to the federal TILA-RESPA Integrated Disclosure Rules ("TRID"), Buyer and Seller will each receive a  
357 federally required document called a "Closing Disclosure", which, among other things, summarizes each party's closing costs. TRID requires the  
358 Closing Disclosure must be received by a residential loan borrower at least three (3) business days prior to "consummation" of the transaction, which in  
359 most cases in Oregon will be the date on which Buyer signs the loan documents. Under certain circumstances, a change to the Closing Disclosure late in  
360 the transaction could result in a delay in Closing to comply with the three-business day rule. **Such a delay beyond the Closing Deadline could result in**  
361 **termination of the transaction unless Seller and Buyer mutually agree to extend it.**

362 **28.3 NOTICE REGARDING TITLE INSURANCE COSTS:** The manner in which TRID requires title insurance costs to be disclosed differs from the actual  
363 costs that may be charged to the parties under Oregon law. In such instances, at Closing, Escrow may issue a separate statement showing the actual costs  
364 for an owner's policy of title insurance and, where applicable, the lender's policy of title insurance. **Seller and Buyer are encouraged to discuss this with**  
365 **Escrow prior to Closing.**

366 **29. DEED:** Seller shall convey marketable title to the Property by statutory warranty deed (or good and sufficient personal representative's or  
367 trustee's or similar legal fiduciary's deed, where applicable) free and clear of all liens of record, except property taxes that are a lien but not yet  
368 payable, zoning ordinances, building and use restrictions, reservations in federal patents, easements of record that affect the Property, covenants,  
369 conditions and restrictions of record, and those matters accepted by Buyer pursuant to Section 9 (Title Insurance), above. If Buyer's title will be held  
370 in the name of more than one person, see Section 40 (Offer to Purchase), below regarding forms of co-ownership.

371 **30. POSSESSION:** Seller shall remove all personal property (including trash and debris) that is not a part of this transaction, and deliver  
372 possession of the Property to Buyer (*select one*):

- 373 (1) ☒ by 5:00 p.m. on Closing;  
374 (2) ☐ by \_\_\_\_\_ a.m. ☐ p.m. \_\_\_\_\_ days after Closing;  
375 (3) ☐ by \_\_\_\_\_ a.m. ☐ p.m. on the (*insert date*) \_\_\_\_\_.

376 If a tenant(s) is currently in possession of the Property, will Buyer accept the tenant(s) at closing? (*check one*):

- 377 ☐ No. Seller shall have full responsibility for removal of tenant(s) prior to closing and, if applicable, tenant relocation costs.  
378 ☐ Yes. If Yes, unless otherwise provided herein, all rents shall be prorated as of the closing date and tenant security deposits and any  
379 other deposits held on behalf of the tenant(s) by Seller shall be transferred in full to Buyer at closing. All funds shall be handled through escrow.  
380 Buyer and Seller are encouraged to attach the OREF 070 Investment Property Addendum to address additional items related to the buyer accepting  
381 the tenant(s) at closing.

382 **31. SELLER POSSESSION BEFORE/AFTER CLOSING:** In the event Buyer and Seller agree, Seller will deliver possession before or after  
383 Closing, **OREF-053 (Agreement to Occupy Before Closing)** or **OREF-054 (Agreement to Occupy After Closing)** will be attached to this Sale  
384 Agreement.

Buyer Initials YJ / Date 01-24-2021

DS  
Seller Initials AK / Date 1/25/2021 | 15:51 P

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**DEFINITIONS/INSTRUCTIONS**

385

**32. DEFINITIONS/INSTRUCTIONS:**

(1) All references in this Sale Agreement to "Agent" and "Firm" shall refer to Buyer's and Seller's real estate agents licensed in the State of Oregon and the respective real estate companies with which they are affiliated.

(2) Time is of the essence of this Agreement.

(3) Except as provided in Section 9 (Title Insurance), above, all written notices or documents, required or permitted under this Agreement to be delivered to Buyer or Seller may be delivered to their respective Agent with the same effect as if delivered to that Buyer or Seller. Upon opening of this transaction with the title company identified at Section 24 (Escrow), above, Buyer, Seller, and their respective Agents, where applicable, shall provide Escrow with their preferred means of notification (e.g., email or text address, facsimile number, or mailing or personal delivery address, or other), which shall serve as the primary location for receipt of all notices or documents (hereinafter, "Contact Location")

(4) Agent(s) and Firm(s) identified in the Final Agency Acknowledgment Section, above are not parties to this Agreement but are subject to Section 39.3 (Mediation and Arbitration Involving Agents/Firms).

(5) A "business day" shall mean Monday through Friday, except recognized state and/or federal holidays.

(6) Any reference in the Agreement to a specific time shall refer to the time in the time zone where the Property is located.

(7) "Agreement" or "sale agreement" collectively shall be defined as this real estate sale agreement in its entirety and includes any written offer, counter offer, or addendum in any form or language that adds to, amends or otherwise modifies this real estate sale agreement that has been signed and accepted in accordance with the requirements of item 7 herein.

(8) The phrase "signed and accepted" in the printed text of this Sale Agreement, or any addendum or counter offer, however designated (collectively, "the Agreement" or "the Sale Agreement"), shall mean the date and time either the Seller and/or Buyer has/have: (a) Signed their acceptance of the Agreement received from the other party, or their Agents, and (b) Transmitted it to the sending party, or their Agent, either by manual delivery ("Manual Delivery"), facsimile, or electronic mail (collectively, "Electronic Transmission"). When the Agreement is "signed and accepted" as defined herein, the Agreement becomes legally binding on Buyer and Seller, and neither has the ability to withdraw their offer or counter offer, as the case may be.

(9) The sending of a signed acceptance of the Agreement via Electronic Transmission from one party, or their Agent, to the other party, or their Agent, shall have the same effect as Manual Delivery of the signed original. If the parties intend to use any other method for transmitting a signed offer or acceptance of the Agreement (such as regular mail, certified mail, or overnight delivery), they should so specify at Section 23 (Additional Provisions) of this Sale Agreement.

(10) Time calculated in days after the date Buyer and Seller have signed and accepted this Agreement shall start on the first full business day after the date they have signed and accepted it.

(11) This Agreement is binding upon the heirs, personal representatives, successors and assigns of Buyer and Seller. However, Buyer's rights under this Agreement or in the Property are not assignable without prior written consent of Seller.

(12) This Agreement may be signed in multiple legible counterparts with the same legal effect as if all parties signed the same document.

(13) Excepting only the Lead-Based Paint Contingency Period identified in Section 11 (Lead Based Paint Contingency Period), unless a different time is specified in the Agreement, all deadlines for performance, measured in business or calendar days, shall terminate as of 5:00 p.m. on the last day of that deadline, however designated.

(14) Notice. As used in this Agreement and any document relating to this Agreement, "Notice" shall mean the providing of a true and accurate copy of the document to the other party or their Agent. Notice shall be deemed delivered as of (a) the date and time the notice is sent by email or fax, (b) the time the notice is personally delivered to either the Agent or the Agent's Office, or (c) three (3) calendar days after the date the notice is mailed.

**33. UTILITIES:** Seller shall pay all utility bills accrued to the date Buyer is entitled to possession. **Buyer shall pay Seller for heating fuel/propane on premises, at Seller's supplier's rate on the possession date.** Payment shall be handled between Buyer and Seller outside of Escrow. Seller shall not terminate or disconnect electric, gas, heating fuel/propane, or water utilities prior to the date buyer is entitled to possession unless parties agreed otherwise in writing.

**34. APPROVED USES:** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD

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 Seller Initials JS / Date 1/25/2021 15:51 P

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434 CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THE UNIT OF LAND BEING TRANSFERRED IS A  
 435 LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR  
 436 PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING  
 437 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  
 438 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

439 **35. IRC 1031 EXCHANGE:** In the event Buyer or Seller elects to complete an IRC 1031 exchange in this transaction, the other party agrees to  
 440 cooperate with them and the accommodator, if any, in a manner necessary to complete the exchange, so long as it will not delay the Close of  
 441 escrow or cause additional expense or liability to the cooperating party. Unless otherwise provided herein, this provision shall not become a  
 442 contingency to the Closing of this transaction.

443 **36.1 LEVY OF ADDITIONAL PROPERTY TAXES:** The Property: (check one) ☐ is ☒ is not specially assessed for property taxes (e.g., farm,  
 444 forest or other) in a way resulting in the levy of additional taxes in the future. If it is specially assessed, Seller represents the Property is  
 445 current as to income or other conditions required to preserve its deferred tax status. If, as a result of Buyer's actions or the Closing of this  
 446 transaction, the Property either is disqualified from special use assessment or loses its deferred property tax status, unless otherwise specifically  
 447 provided in this Agreement, Buyer shall be responsible for and shall pay when due, any deferred and/or additional taxes and interest that may be  
 448 levied against the Property and shall hold Seller completely harmless therefrom. However, if as a result of Seller's actions prior to Closing, the  
 449 Property either is disqualified from its entitlement to special use assessment or loses its deferred property tax status, Buyer may, at Buyer's sole  
 450 option, promptly terminate this transaction and receive a refund of all deposits paid by Buyer in anticipation of Closing; or Close this transaction and  
 451 hold Seller responsible to pay into Escrow all deferred and/or additional taxes and interest levied or recaptured against the Property and hold Buyer  
 452 completely harmless therefrom. The preceding shall not be construed to limit Buyer's or Seller's available remedies or damages arising from a breach  
 453 of this Section 36.1. (Levy of Additional Property Taxes).

454 **36.2 HISTORIC PROPERTY DESIGNATION:** If the Property is or may be subject to a Historic Property local ordinance or is subject to or may  
 455 qualify for the Historic Property Special Property Tax Assessment under ORS 358.475 to 358.565, Seller shall provide **OREF-045 Historic**  
 456 **Property Addendum.**

## DISPUTE RESOLUTION

457 **37. FILING OF CLAIMS:** All claims, controversies and disputes between Seller, Buyer, Agents, and/or Firms, relating to the enforcement or  
 458 interpretation of this Sale Agreement (including those for rescission), as well as those relating to the validity or scope of the Sale Agreement, and all  
 459 matters concerning the jurisdiction of the arbitrator(s) and/or Arbitration Service of Portland, to hear and decide questions of arbitrability  
 460 (hereinafter collectively referred to as "Claims"), shall be exclusively resolved in accordance with the procedures set forth herein, which shall  
 461 survive Closing or earlier termination of this transaction. All Claims shall be governed exclusively by Oregon law, and venue shall be placed in the county  
 462 where the real property is situated. Filing a Claim for arbitration shall be treated the same as filing in court for purposes of meeting any applicable  
 463 statutes of limitation or statute of ultimate repose, and for purposes of filing a *lis pendens*. BY CONSENTING TO THE PROVISIONS HEREIN,  
 464 BUYER AND SELLER ACKNOWLEDGE THEY ARE GIVING UP THE CONSTITUTIONAL RIGHT TO HAVE CLAIMS TRIED BY A JUDGE  
 465 OR JURY IN STATE OR FEDERAL COURT, INCLUDING ALL ISSUES RELATING TO THE ARBITRABILITY OF SAID CLAIMS.

466 **38. EXCLUSIONS:** The following shall not constitute Claims: (1) Any proceeding to enforce or interpret a mortgage, trust deed, land sale contract or  
 467 recorded construction lien; (2) A forcible entry and detainer action (eviction); (3) If the matter is exclusively between REALTORS® and is otherwise  
 468 required to be resolved under the Professional Standards Ethics and Arbitration provisions of the National Association of REALTORS®; (4) If the  
 469 matter relates to a commission or fee with an Agent or Firm, and the written listing, service or fee agreement with Buyer or Seller contains a mandatory  
 470 mediation and/or arbitration provision; and (5) Filing in court for the issuance of provisional process described under the Oregon Rules of Civil  
 471 Procedure, provided, however, such filing shall not constitute a waiver of the right or duty to utilize the dispute resolution procedures described herein  
 472 for the adjudication of any Claims.

473 **39.1. SMALL CLAIMS BETWEEN BUYER AND SELLER:** All Claims between Buyer and Seller, within the jurisdiction of the Small Claims  
 474 Court of the county in which the property is located, shall be brought and decided there, in lieu of mediation, arbitration or litigation in any other  
 475 forum. Notwithstanding ORS 46.455(3), neither Buyer nor Seller shall have a right to request a jury trial and so remove the matter from the Small  
 476 Claims Department of the Circuit Court. A judgment in Small Claims Court is final and binding and there is no right of appeal.

477 **39.2. MEDIATION AND ARBITRATION BETWEEN BUYER AND SELLER:** If Buyer's and/or Seller's Agent is a member of the National  
 478 Association of REALTORS®, all Claims shall be submitted to mediation as offered by the local Realtor® Association, if available. If mediation is not  
 479 available through the Agent's Realtor® organization, then all Claims shall be submitted to mediation through the program administered by Arbitration  
 480 Service of Portland ("ASP"). All Claims that have not been resolved by mediation as described herein shall be submitted to final and binding arbitration  
 481 in accordance with the then-existing rules of ASP. The prevailing party in any arbitration between Buyer and Seller shall be entitled to recovery of all  
 482 reasonable attorney fees, filing fees, costs, disbursements, and mediator and arbitrator fees. Provided, however, a prevailing party shall not be  
 483 entitled to any award of attorney fees unless it is first established to the satisfaction of the arbitrator(s) (or judge, if applicable) the prevailing party  
 484 offered or agreed in writing to participate in mediation prior to, or promptly upon, the filing for arbitration.

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**OREF 001**

RESIDENTIAL REAL ESTATE SALE AGREEMENT – Page 10 of 11

Sale Agreement # **Zhu012421**

Item 8d.

485 **39.3 MEDIATION AND ARBITRATION INVOLVING AGENTS/FIRMS:** All Claims that include Agents or their Firms shall be resolved in  
 486 accordance with the mediation and arbitration process described in Section 39.2 (Mediation and Arbitration Between Buyer and Seller), above, and  
 487 if applicable, the prevailing party shall be entitled to an award of attorney fees, filing fees, costs, disbursements, and mediator and arbitrator fees,  
 488 as provided therein.

### SIGNATURE INSTRUCTIONS

490 **40. OFFER TO PURCHASE:** Buyer offers to purchase the Property upon the terms and conditions set forth in this Agreement. Buyer  
 491 acknowledges receipt of a completely filled in copy of this Agreement which Buyer has fully read and understands. Buyer acknowledges,  
 492 Buyer has not relied upon any oral or written statements made by Seller or any Agents that are not expressly contained in this Agreement.  
 493 Neither Seller nor any Agent(s) warrant the square footage of any structure or the size of any land being purchased. If square footage or  
 494 land size is a material consideration, all structures and land should be measured by Buyer prior to signing or should be made an express  
 495 contingency in this Agreement.

496 Deed or contract shall be prepared in the name of Yue Cong Zhu.

497 **Co-Ownership Note:** Buyer should secure advice from an expert or attorney regarding different forms of co-ownership and rights of survivorship.  
 498 Agents are not qualified to provide advice on these issues. Once the form of co-ownership is determined, Buyer should promptly notify Escrow.

499 This offer shall automatically expire on (insert date) January 24, 2021 at 5 ☐ a.m. ☒ p.m., (the "Offer Deadline"), if not  
 500 accepted by that time, Buyer may withdraw this offer before the Offer Deadline any time prior to Seller's transmission of signed acceptance. This offer  
 501 may be accepted by Seller only in writing.

502 Buyer Yue Cong Zhu Date 01-24-2021 7:27 AM PST a.m. p.m. ←  
Yue Cong Zhu

503 Buyer \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←

504 This offer was delivered/transmitted to Seller for signature on (insert date) \_\_\_\_\_, at \_\_\_\_\_ a.m. p.m.

505 By \_\_\_\_\_ (Agent(s) presenting offer).

506 **41. AGREEMENT TO SELL / ACKNOWLEDGEMENTS / DISPOSITION OF EARNEST MONEY:** Seller accepts Buyer's offer. Seller  
 507 acknowledges receipt of a completely filled-in copy of this Agreement, which Seller has fully read and understands. Seller acknowledges,  
 508 Seller has not relied upon any oral or written statements of Buyer or of any Agent(s) that are not expressly contained in this  
 509 Agreement.

510 Seller City of Oregon City, Anthony J Konkol III, City Manager Date 1/25/2021 | 15:51 PST a.m. p.m. ←  
CITY OF OREGON CITY

511 Seller \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←

512 **Note:** If delivery/transmission occurs after the Offer Deadline identified at Section 40 (Offer to Purchase) above, it will not  
 513 become binding upon Seller and Buyer unless the parties agree to extend said Deadline by an Addendum, Counter offer, or other  
 514 writing, jointly signed by the parties. The parties' failure to do so shall be treated as a rejection under Section 42 (Seller's  
 515 Rejection), below, and this transaction shall be automatically terminated.

516 **42. SELLER'S REJECTION/COUNTER OFFER (select only one):**

517 ☐ Seller does not accept the above offer, but makes the attached counter offer.

518 ☐ Seller rejects Buyer's offer.

519 Seller CITY OF OREGON CITY Date \_\_\_\_\_ a.m. p.m. ←

520 Seller \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←

521 **NO CHANGES OR ALTERATIONS ARE PERMITTED TO ANY PORTION OF THE PRE-PRINTED FORMAT OR TEXT OF THIS FORM. ANY**  
 522 **SUCH PROPOSED CHANGES OR ALTERATIONS SHOULD BE MADE ON A SEPARATE DOCUMENT. CHANGES BY BUYER'S OR SELLER'S**  
 523 **AGENT TO THE TERMS OR PROVISIONS ABOVE BUYER'S SIGNATURE SHOULD ALSO BE ON A SEPARATE DOCUMENT.**

Buyer Initials YJ / Date 01-24-2021

Seller Initials AK / Date 1/25/2021 | 15:51

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**LINES WITH THIS SYMBOL ← REQUIRE A SIGNATURE OF BUYER AND/OR SELLER AND DATE**

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RESIDENTIAL REAL ESTATE SALE AGREEMENT – Page 11 of 11

OREF 001



OREF  
Oregon Real Estate Forms, LLC

Sale Agreement # **Zhu012421**  
Addendum # **1**

Item 8d.

## ADDENDUM TO REAL ESTATE SALE AGREEMENT

1 This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer ☐ Other \_\_\_\_\_

2 Buyer: Yue Cong Zhu

3 Seller: CITY OF OREGON CITY

4 The real property described as: 306 S Center St, Oregon City, OR 97045-2937

5 SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.

6 1) Extend offer deadline to 5pm on Jan 25, 2021

7 2) All other terms and conditions will remain the same.

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29 Buyer Signature Yue Cong Zhu Date 01-24-2021 11:59 AM PST a.m. p.m. ←

30 Buyer Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←

31 Seller Signature City of Oregon City, Anthony J. Bond III, City Manager Date 1/25/2021 | 15:51 PST a.m. p.m. ←

32 Seller Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←

33 Buyer's Agent Chao Tan Seller's Agent Kim Childs

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Sale Agreement # Zhu012421  
Addendum # Credit

Item 8d.

## ADDENDUM TO REAL ESTATE SALE AGREEMENT

1 This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer ☐ Other \_\_\_\_\_

2 Buyer: City of Oregon City, Tony Konkol, City Manager

3 Seller: Yue Cong Zhu

4 The real property described as: 306 S Center St, Oregon City, OR 97045-2937

5 SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.

6 1. Seller to credit Buyer up to \$8,000 at closing toward Buyer's qualified prepaid and closing costs.

7 2. Buyer ends the inspection period and moves to closing.

8 All other terms remain the same.

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29 Buyer Signature City of Oregon City, Anthony J Konkol III, City Manager Date 2/8/2021 | 13:03 PST a.m. p.m. ←  
City of Oregon City, Tony Konkol, City Manager

30 Buyer Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←

31 Seller Signature Yue Cong Zhu Date 02-08-2021 3:00 PM PST a.m. p.m. ←  
Yue Cong Zhu

32 Seller Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←

33 Buyer's Agent Chao Tan Seller's Agent Kim Childs

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Sale Agreement # **Zhu012421**  
Addendum # **3**

Item 8d.

## ADDENDUM TO REAL ESTATE SALE AGREEMENT

- 1 This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer ☐ Other \_\_\_\_\_
- 2 Buyer: Yue Cong Zhu
- 3 Seller: CITY OF OREGON CITY
- 4 The real property described as: 306 S Center St, Oregon City, OR 97045-2937
- 5 SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.
- 6 1) Buyer selects to change loan product from conventional to FHA 203b with repair escrow.
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- 29 Buyer Signature Yue Cong Zhu Date 02-10-2021 1:14 PM PST a.m. p.m. ←
- 30 Buyer Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←
- 31 Seller Signature City of Oregon City, Anthony J. Konkol III, City Manager Date 2/10/2021 | 20:53 PST a.m. p.m. ←
- 32 Seller Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←
- 33 Buyer's Agent Chao Tan Seller's Agent Kim Childs

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Sale Agreement # Zhu012421  
Addendum # Adjust Closing

Item 8d.

## ADDENDUM TO REAL ESTATE SALE AGREEMENT

- 1 This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer ☐ Other \_\_\_\_\_
- 2 Buyer: Yue Cong Zhu
- 3 Seller: City of Oregon City, Tony Konkol, City Manager
- 4 The real property described as: 306 S Center St, Oregon City, OR 97045-2937
- 5 SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.
- 6 Closing and possession to be on or before Friday, March 19, 2021. All other terms remain the same.
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- 29 Buyer Signature Yue Cong Zhu Date 03-01-2021 1:05 PM PST a.m. p.m. ←
- 30 Buyer Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←
- 31 Seller Signature Anthony J Konkol III, City Manager Date 2/24/2021 | 15:26 PST a.m. p.m. ←  
DocuSigned by:  
City of Oregon City, Tony Konkol, City Manager
- 32 Seller Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←
- 33 Buyer's Agent Chao Tan Seller's Agent Kim Childs

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Sale Agreement # Zhu012421  
Addendum # ClosingChange

Item 8d.

## ADDENDUM TO REAL ESTATE SALE AGREEMENT

- 1 This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer ☐ Other \_\_\_\_\_
- 2 Buyer: Yue Cong Zhu
- 3 Seller: City of Oregon City, Tony Konkol, City Manager
- 4 The real property described as: 306 S Center St, Oregon City, OR 97045-2937
- 5 SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.
- 6 1. Seller to credit Buyer at closing a total of \$8,540 toward Buyer's prepaid and closing costs.
- 7 2. Closing date to be on or before April 9, 2021.
- 8 All other terms remain the same.
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- 29 Buyer Signature Yue Cong Zhu Date 03-18-2021 5:12 PM PDT a.m. p.m. ←
- 30 Buyer Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←
- 31 Seller Signature Anthony J Konkol III, City Manager Date 3/18/2021 | 16:48 PDT a.m. p.m. ←  
City of Oregon City, Tony Konkol, City Manager
- 32 Seller Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m. ←
- 33 Buyer's Agent Chao Tan Seller's Agent Kim Childs

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OREF 002



# 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:** 04/07/2021

### SUBJECT:

Second Reading of Ordinance No. 21-1006, Vacating a Section of Public Right-of-Way Adjacent to 1625 Washington Street

### STAFF RECOMMENDATION:

Approve the second reading of Ordinance No. 21-1006, authoring the vacation of a section of right-of-way (alley) adjacent to 1625 Washington Street.

### EXECUTIVE SUMMARY:

An application was received for the vacation of a section of public right-of-way (an alley) adjacent to 1625 Washington Street. The alley is encumbered by an existing building, a large elevation drop on one end, and Abernethy Creek on the other end.

Public Works supports vacation of the alley. Vacation is in the best public interest due to the limitation of the alley for present or future access or utilities. Public Works recommends approval of this ordinance to vacate the alley.

### BACKGROUND:

In November 2020, the property owner of 1625 Washington Street applied for vacation of the subject section of right-of-way (alley) that is adjacent to their property. The alley to be vacated is legally described in Exhibits A and B. The applicant stated the following in their application package, Exhibit C:

- The building at 1625 Washington Street, built in 1926, straddles four of the taxlots and the alley.
- The alley ends in a 5.5-foot drop from 16th Street on one side and Abernethy Creek on the other side, restricting the alley from its intended use of providing access.
- The alley does not serve as access to any property that is not in favor of vacating the alley.

Staff determined that these statements are correct. Staff determined that the alley will not be used for public utilities or access in the future, and that for these reasons and the reasons specified by the applicant, alley vacation is in the best public interest.

In general, a vacation shall be granted only if all the following conditions exist:

1. There is no present or future public need for the street, alley, or easement.
2. The vacation is in the best public interest.
3. There would be no impacts to adjacent properties.
4. Consent of adjacent property owners when appropriate.

In this case, the City has no present or future need for the alley; the vacation is in the public's best interest; the vacation has no impact on adjacent properties; and the adjacent properties consent to the vacation. Therefore, all conditions have been met.

Discussion with a Professional Land Surveyor and the County Surveyor's Office has concluded that half of the alley right-of-way divided longitudinally would be equally dedicated to properties on abutting sides of the alley.

Once the alley is divided and deeded to abutting properties, tax lots 2E-29CC-03100 and 2-2E-29CC-03200 owned by the vacation applicant would be landlocked with no access. Therefore, the applicant applied and was approved for a Lot Line Adjustment (LL-20-00012) that adds the two tax lots to 2-2E-29CC-03000, also owned by the applicant, so that access will be available to all land area from 16<sup>th</sup> Street after the vacation.

On February 17, 2021, Resolution No. 21-10 was adopted and executed for the initiation of the vacation of the above-described public alley. Per requirements, the public was notified about the vacation between February 17, 2021 and March 17, 2021. No public comment was received.

City Commission heard the first reading of Ordinance No. 21-1006 on March 17, 2021. No public comment was received. City Commission approved the first reading of the ordinance.

This second reading is held on April 7, 2021. Approval by City Commission at the second reading provides final adoption of the ordinance. Following adoption, the vacation will be recorded with Clackamas County.

#### **OPTIONS:**

1. Approve the second reading of Ordinance No. 21-1006.
2. Deny the second reading of Ordinance No. 21-1006. If the Commission chooses to deny the Ordinance, staff requests direction on how to proceed.

City Recorder  
P.O. Box 3040  
Oregon City, Oregon 97045-0304

**ORDINANCE NO. 21-1006**

---

**AN ORDINANCE OF THE CITY OF OREGON CITY VACATING THE ALLEY IN BLOCK B OF CLACKAMAS COUNTY PLAT MAP NO. 35, PARK ADDITION, A DULY RECORDED PLAT IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON**

**WHEREAS**, the City Commission on February 17, 2021, adopted Resolution No. 21-10, pursuant to ORS 271.230, for vacation of the alley in Block B of Clackamas County Plat Map No. 35, Park Addition, a duly recorded plat in the City of Oregon City, Clackamas County; and

**WHEREAS**, the City Recorder posted the legal notice for said vacation and public hearing to receive public comments concerning said vacation, per ORS 271.110, on March 3, 2021 through March 17, 2021; and

**WHEREAS**, the City Commission on March 17, 2021 approved the first reading of Ordinance No. 21-1006 at a public hearing with no public comment received; and

**WHEREAS**, the Commission found there is no present or future public need for the street; the vacation is in the best interest of the public; there would be no impacts to the adjacent property owners; and there were no objections from the public regarding said vacation.

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The alley in Block B of Clackamas County Plat Map No. 35, Park Addition, a duly recorded plat in the City of Oregon City, Clackamas County, Oregon, is hereby vacated.

**Section 2.** A portion of an easement is required to be dedicated in the vacated area. The dedication will be pursued after the recording of said vacation.

Read for the second time at a regular meeting of the City Commission held on the 7<sup>th</sup> day of April, 2021, whereby City Commission finally enacted the foregoing Ordinance.

---

ROCKY SMITH, JR.  
Commission President

Attested to this 7<sup>th</sup> day of April 2021:

Approved as to legal sufficiency:

---

Kattie Riggs, City Recorder

---

City Attorney



**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045  
P. 503-650-0188 F. 503-650-0189

**Exhibit "A"**  
**Legal Description**

A Tract of land being the 10.00' alley bisecting Block "B", "PARK ADDITION TO OREGON CITY", Clackamas County Plat Records, located in the Southwest one-quarter of Section 29, Township 2 South, Range 2 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

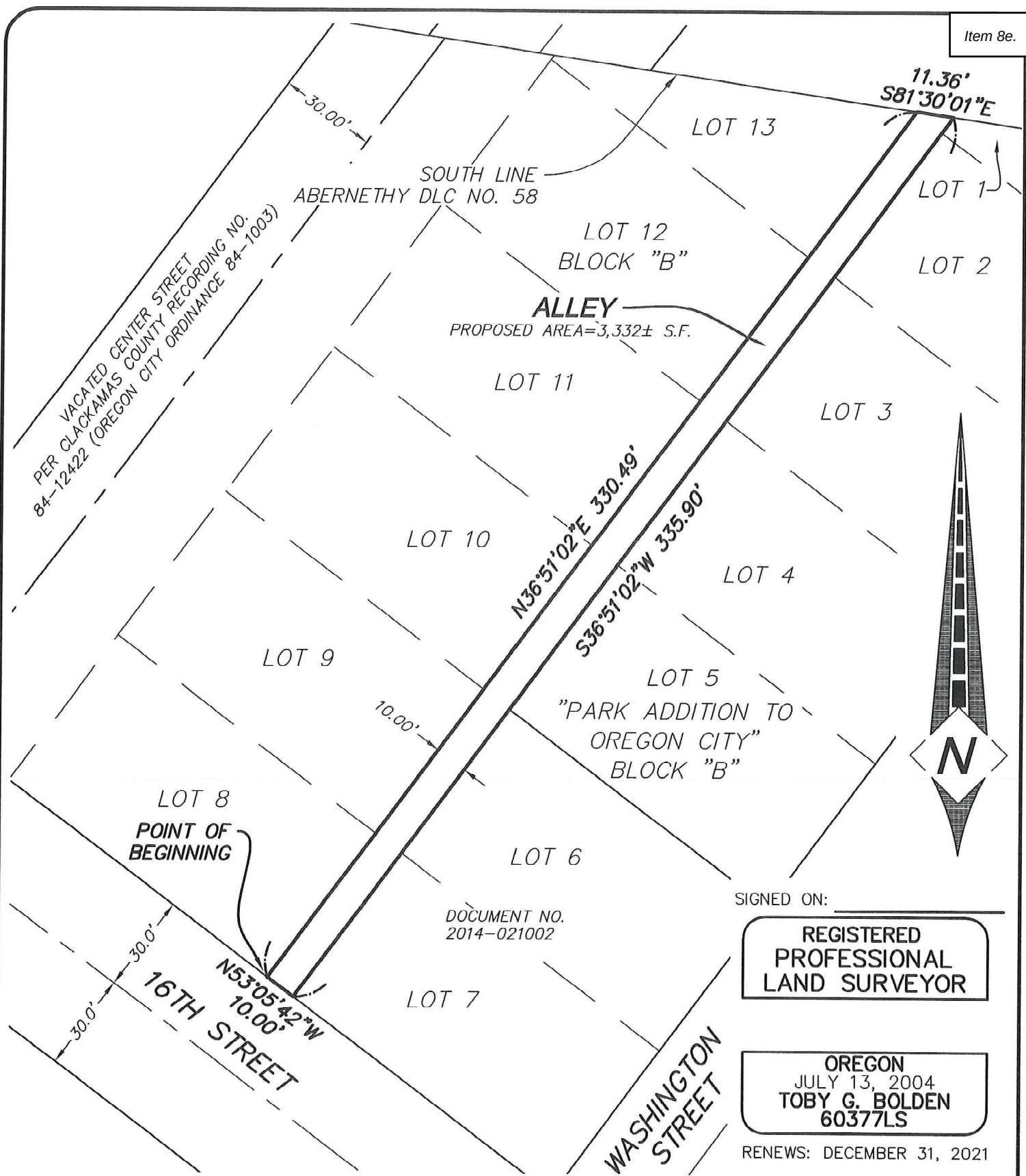
**BEGINNING** at the south corner of Lot 8 of said Block B; thence along the southeast line of Lot 8, and continuing along the southeast line of Lots 9, 10, 11, 12, and 13 of said Block "B", North 36°51'02" East, 330.49 feet to the northeast line of said Block "B", also being the south line of the Abernethy DLC No. 58; thence along said northeast line of said Block "B", South 81°30'01" East, 11.36 feet to the northwest corner of Lot 1 of said Block "B"; thence along the northwest line of said Lot 1, and continuing along the northwest line of Lots 2, 3, 4, 5, 6, and 7 of said Block "B", South 36°51'02" West, 335.90 feet to the west corner of said Lot 7; thence along the northeast right of way line of 16th Street, being 30.00 feet northeast of the centerline thereof when measured at right angles, North 53°05'42" West, 10.00 feet to the **POINT OF BEGINNING**.

Contains 3,332 square feet, more or less.





Item 8e.



CLIENT: SERENLITE LLC  
ORIG. DATE: 11-17-2020  
DRAWN BY: RLC  
SHEET NO. 1 OF 1

**EXHIBIT "B"**  
**ALLEY BISECTING BLOCK B,**  
**PARK ADDITION TO OREGON CITY**  
**CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON**  
**SCALE: 1"=40'**

**CENTERLINE CONCEPTS**  
**LAND SURVEYING, INC.**  
19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045  
PHONE 503.650.0188 FAX 503.650.0189

Page 730



## APPLICATION STREET/ALLEY VACATION

Property Owner/Authorized Agent

Address

Telephone

LANE EARLE

1625 WASHINGTON ST

303-313-3660

Location of Property to be Vacated

OREGON CITY

Note: Legal description of property must be attached for street vacations. The application shall be accompanied by a fully dimensioned accurate and legible site plan, drawn to scale.

Reason for Street/Alley/Easement Vacation and Proposed Use

NOT NEEDED - NEVER HAS BEEN USED - CURRENTLY USED FOR PARKING

A vacation shall be granted only in the event that all of the following conditions exist:

- ☒ a. There is no present or future public need for the street, alley, or easement.
- ☒ b. The vacation is in the best public interest.
- ☒ c. There would be no impacts to adjacent properties.
- ☒ d. Consent of adjacent property owners when appropriate.

Explain how proposed vacation complies with these four conditions:

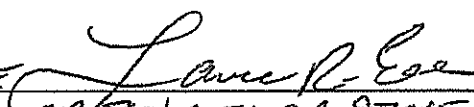
THIS PROPERTY HAS A 38000 SQFT BUILDING ON IT THAT IS BUILT ON PART OF THE ALLEY AND THE REST OF THE ALLEY IS INACCESSABLE BECAUSE OF DROP OFF FROM ST. ON ONE END (DANGEROUS TO PUBLIC) AND CREEK ON THE OTHER (NO ALLEY) THIS ALLEY DOES NOT CONNECT TO ANY ADJACENT PROPERTIES EXCEPT BUMP PARLOR WHO WILL GIVE CONSENT. THIS ALLEY HAS HAD NO USE SINCE IT WAS ESTABLISHED AND STILL HAS NO VIABLE USE AS AN ALLEY

(Attach addendum, if additional space is needed).

# INSTRUCTIONS FOR COMPLETING VACATION APPLICATIONS

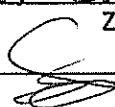
Item 8e.

1. All applications must be either typed or printed (black ink). Please make the words easily readable. Neatness is important.
2. The application must be submitted with the correct fee.
3. If you mail in the application, please verify with the Development Services Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Development Services Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. Attach all the information with the application form that you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make an appointment to discuss your proposal with a member of the Development Services Division. If you wish, Development Services personnel will advise you in completing some portions of the application; however, the entire burden is upon the applicant to provide necessary information to justify approval of the application.
7. Detailed legal descriptions, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information should be discussed with the City Engineer prior to submission of the application.
8. Incomplete applications will be returned.

APPLICANT'S NAME & SIGNATURE: LANCE EARLE 

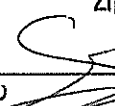
MAILING ADDRESS: 1625 WASHINGTON ST OREGON CITY OR 97015 503-313-3666

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: CRAIG ALLMEN 

MAILING ADDRESS: 2-2E-29CL-02800 503-975-2282

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: CRAIG ALLMEN 

MAILING ADDRESS: LOT# 2-2E-29CL-02800 503-975-2282

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

City State Zip Phone No.

If the property owner does not sign this application, then a letter authorizing signature by an agent must be attached.

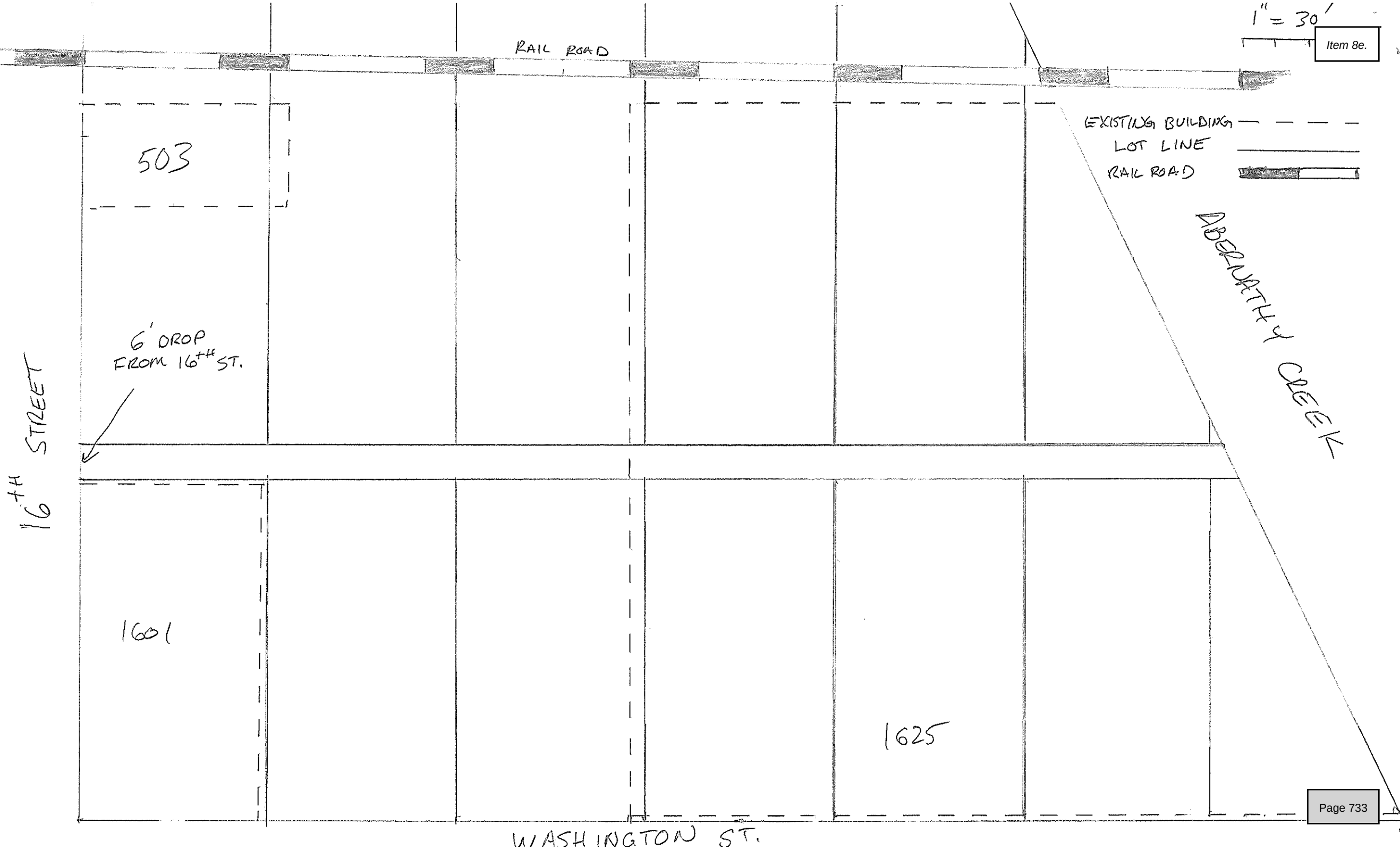
## FOR OFFICE USE ONLY

DATE SUBMITTED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

FEE PAID: \_\_\_\_\_ RECEIPT NO.: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_ ENGINEER ASSIGNED: \_\_\_\_\_

DATE ACCEPTED AS COMPLETE: \_\_\_\_\_





## MEMORANDUM

TO: Honorable Mayor and City Commissioners

FROM: Tony Konkol, City Manager  
Matt Zook, Finance Director

DATE: April 7, 2021

SUBJECT: Financial Reports for the Fiscal Year Ended June 30, 2020

---

Attached is the Comprehensive Annual Financial Report for Oregon City for the fiscal year ended June 30, 2020. Also included is a Single Audit Report (Expenditure of Federal Awards) for the fiscal year ended June 30, 2020 and a letter from the audit firm to the Commission that is required by the firm's auditing standards. These reports are provided electronically for the purpose of the online meeting. A hard copy of any of these documents can be provided upon request.

Included in the reports are the results of the independent financial audits performed by the firm Merina and Company, LLP. The auditors issued unmodified or "clean" opinions, which means that the financial statements present fairly, in all material respects, the financial position and activities of the City and Agency for the year. The attached Comprehensive Annual Financial Report has been submitted to the Secretary of State in accordance with municipal audit law.

The 2019 Comprehensive Annual Financial Report qualified for the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting. We believe the 2020 Comprehensive Annual Financial Report conforms to the requirements of the award program as well and have submitted it to GFOA for consideration.



March 26, 2021

To the Honorable Mayor and City Commissioners  
City of Oregon City, Oregon

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Oregon City, Oregon as of and for the year ended June 30, 2020, and have issued our report thereon dated March 26, 2021. Professional standards require that we advise you of the following matters relating to our audit.

### **Our Responsibility in Relation to the Financial Statement Audit**

As communicated in our engagement letter dated May 18, 2020 and updated November 4, 2020 for the single audit, our responsibility, as described by professional standards, is to form and express an opinion(s) about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America and, if applicable, *Government Auditing Standards* and the Uniform Guidance. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of City of Oregon City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

### **Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

## **Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, our firm, and our network firms have complied with all relevant ethical requirements regarding independence.

## **Qualitative Aspects of the Entity's Significant Accounting Practices**

### *Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by City of Oregon City is included in Note 1 to the financial statements. As described in Note 3 (G) to the financial statements, the City of Oregon City implemented one new accounting pronouncement issued by the Governmental Accounting Standards Board (GASB). The pronouncement was:

- GASB Statement No. 95, *Postponement of the Effective Dates of Certain Authoritative Guidance*.

### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are described below.

Management's estimate of accumulated depreciation is based on historical cost or estimated historical cost, donated assets are reported at their acquisition value and group depreciation.

Management's estimate of the compensated absences payable is based on current wages.

Management's estimate of the net pension liability and other post-employment benefits liability are calculated based on information was determined by an actuary.

Management's estimate of unbilled revenue is calculated based on the number of days of unbilled revenue at year-end in comparison to the next bill.

### *Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting City of Oregon City's financial statements relate to:

The disclosure of Capital Assets in Note 2 (C) to the financial statements summarizes the changes in capital assets for the year ended June 30, 2020.



The disclosure of Long Term Debt Obligations in Note 2 (D) to the financial statements summarizes the changes in long term debt for the year ended June 30, 2020.

The disclosure of the City's OPEB Plan in Notes 2 (F), 2 (G), and 2 (H) to the financial statements describes the City's OPEB Plan benefits, contributions, OPEB assets, liabilities, expense, deferred outflows/inflows of resources, and actuarial assumptions/projections.

The disclosure of the City's Pension Plan in Note 2 (I) to the financial statements describes the City's Pension Plan benefits, contributions, pension assets, liabilities, expense, deferred outflows/inflows of resources, and actuarial assumptions/projections.

### **Significant Difficulties Encountered during the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

### **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. No misstatement were noted during the audit.

### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to City of Oregon City's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

### **Representations Requested from Management**

We have requested certain written representations from management, in a separate letter dated March 26, 2021.

### **Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

## Other Significant Matters, Findings, or Issues

In the normal course of our professional association with City of Oregon City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as City of Oregon City's auditors.

## Other Matters

We applied certain limited procedures to the management's discussion and analysis, the schedule of changes in total OPEB liability and related ratios – implicit rate subsidy, schedule of contributions to OPEB – implicit rate subsidy, schedule of proportionate share of OPEB – RHIA, schedule of contributions to OPEB – RHIA, schedule of the proportionate share of the net pension liability, schedule of contributions – pension which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit management's discussion and analysis, the schedule of changes in total OPEB liability and related ratios – implicit rate subsidy, schedule of contributions to OPEB – implicit rate subsidy, schedule of proportionate share of OPEB – RHIA, schedule of contributions to OPEB – RHIA, schedule of the proportionate share of the net pension liability, schedule of contributions – pension and do not express an opinion or provide any assurance on this information.

We were engaged to report on the schedules of revenues, expenditures and changes in fund balance – budget and actual, as listed in the table of contents under RSI, is the responsibility of management and was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America.

We were engaged to report on the schedules of revenues, expenditures and changes in fund balance – budget and actual and combining and individual fund financial statements and schedules, as listed in the table of contents under other supplementary information, as listed in the table of contents, which accompany the financial statements but is not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory, schedule of future debt service requirements, schedule of property tax transactions and outstanding balances, or statistical sections, which accompany the financial statements but are not RSI. We did not audit or perform other procedures on this other information, and we do not express an opinion or provide any assurance on it.

This report is intended solely for the information and use of the Honorable Mayor, City Commissioners, and management of City of Oregon City and is not intended to be and should not be used by anyone other than these specified parties.

If you should have any questions or comments, we would be pleased to discuss this report with you at your convenience.

Respectfully,



Merina+Co  
Tualatin, Oregon  
*Focused on Your Wants and Understanding Your Needs*

# COMPREHENSIVE ANNUAL FINANCIAL REPORT

OREGON CITY, OREGON

Item 10a.



FOR THE FISCAL YEAR ENDED  
JUNE 30, 2020

Page 740

The cover photograph is courtesy of Jason Faucera.

CITY OF OREGON CITY, OREGON  
COMPREHENSIVE ANNUAL FINANCIAL REPORT  
For the Fiscal Year Ended June 30, 2020

Prepared by

City of Oregon City  
Finance Department

Available at: [www.orcity.org](http://www.orcity.org)





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# INTRODUCTORY SECTION





625 Center Street | PO Box 3040 | Oregon City OR 97045  
Ph (503) 657-0891 | Fax (503) 657-3339

March 26, 2021

Honorable Mayor, Members of the City Commission  
and Citizens of the City of Oregon City, Oregon

We are pleased to submit the Comprehensive Annual Financial Report of the City of Oregon City (the City) for the fiscal year ended June 30, 2020.

State statutes require that the City issue a complete set of audited financial statements within six months of the close of each fiscal year. The statements must be presented in conformity with accounting principles generally accepted in the United States of America (GAAP) and audited by a firm of licensed certified public accountants in accordance with auditing standards generally accepted in the United States of America. This report meets statutory requirements as well as standards prescribed by the Oregon Secretary of State.

We believe the report is accurate in all material respects and presented in a manner designed to fairly set forth the financial position and results of operations of the City. Management assumes full responsibility for the completeness and reliability of the information contained in the report based upon a comprehensive framework of internal control that has been established for that purpose. The internal control structure has been designed to provide reasonable, but not absolute, assurance that assets are safeguarded against loss or unauthorized use, and that financial records can be relied upon to produce financial statements that are fairly presented. The concept of reasonable assurance recognizes that the cost of maintaining the control structure should not exceed the benefits likely to be derived and that the evaluation of cost and benefits requires estimates and judgments by management.

Merina & Company, LLP, a firm of independent certified public accountants, audited the City's financial statements and issued an unmodified or "clean" opinion on the financial statements for the fiscal year ended June 30, 2020. The independent auditor's report is presented at the front of the Financial Section of the report.

Management's discussion and analysis (MD&A) immediately follows the independent auditor's report and provides a narrative introduction, overview and analysis of the basic financial statements. MD&A complements this transmittal letter and should be read in conjunction with it.

## PROFILE OF THE CITY

Oregon City is the first city incorporated in the United States west of the Rockies and is located 13 miles south of Portland, Oregon at the confluence of the Willamette and Clackamas Rivers. The City was established in 1829 and incorporated in 1844, becoming the capital of the Oregon Territory in 1894. Oregon City is home to shopping areas, recreational opportunities, businesses, a wide variety of historical and cultural attractions, and several interpretive centers and museums dedicated to celebrating the pioneer spirit. It currently encompasses 10.27 square miles and has an estimated population of 35,885.

The City operates under the provisions of its own charter and applicable state laws with a council-manager form of government. The elected officials consist of the Mayor and four Commissioners. All positions have term limits and no person may hold office for more than two terms of four years in any ten-year period. The Mayor and Commission vote on all ordinances and legislative matters, set policies for the City and hire the City Manager. The City Manager is appointed by the City Commission to oversee the delivery of public services and is responsible for all administration and management.

The City provides a full range of municipal services to the community which include police protection, traffic control, transportation system improvements and maintenance, water, wastewater and stormwater utilities, planning, zoning



and building regulation and inspections, economic development support, a community library, a municipal court, a cemetery, and parks and recreation. Fire protection is provided separately by Clackamas County Fire District #1.

The Urban Renewal Agency (also known as the Oregon City Urban Renewal Commission) is a blended component unit of the City and is presented as a special revenue fund in this report.

The City maintains budgetary controls. The objective of these controls is to ensure compliance with legal provisions embodied in the budget adopted by the City Commission. Under state law, the City is required to adopt a balanced budget by July 1 for the fiscal period July 1 through June 30. The City has elected to operate with a biennial budget that spans two financial reporting periods. The budget sets forth the City Commission's goals and objectives and identifies the resources necessary to accomplish those goals and objectives. The legal level of budgetary control, which is the level at which management cannot overspend the budget without the approval of the governing body, is by department (Policy and Administration, Police and Public Works, for example). Each department is budgeted separately within each fund and the object classifications of personnel services, materials and services, and capital outlay are grouped together. Requirements not specific to a department, such as transfers and contingency, are budgeted separately within each fund. Appropriations lapse at the conclusion of each budget period, and incomplete projects must be re-appropriated in the following period as part of the adoption process.

## ECONOMIC CONDITION

Oregon City's economy is strongly connected with that of Clackamas County, the Portland Metropolitan Area, and the State of Oregon. Interstate 205 and State Highways 99E and 213 link Oregon City to Portland, Salem and Southwest Clackamas County. The Portland Metropolitan Area comprises Clackamas, Columbia, Multnomah, Washington and Yamhill Counties in Oregon, which together include over 47% of the State's population according to U.S. Census estimates. The Portland Metropolitan Area continues to grow, albeit at a slightly slower pace than last year. The current median household income in Clackamas County is estimated at \$76,597, compared to \$61,937 nationwide.

The COVID-19 pandemic had a significant impact on the economy this year. In February, immediately before the start of the pandemic, Oregon's unemployment rate had achieved an historical low of 3.3%. However, by April, within a month of Oregon beginning its pandemic shutdown, the rate had increased to an historical high of 14.9%. Since then, Oregon's unemployment rate has decreased and presently stands at 7.7%. Meanwhile, the unemployment rate for the Portland Metropolitan Area stands at 8.4%, which is consistent with the national average of 8.4%.

More than 600,000 Oregonians filed for some kind of unemployment benefits during the pandemic. Fortunately, some of those jobs have rebounded as sectors of the economy reopened. Additionally, the pace of Oregon layoffs has returned to pre-pandemic levels. However, there are still reservations about the economy moving forward due to the uncertainties associated with the pandemic.

Government and education are the top employment sectors in Oregon City, constituting almost 30% of all employment. As the Clackamas County seat, Oregon City is home to several County facilities that serve the region. The City is also home to Clackamas Community College's main campus. The College was founded in 1966 and is now one of the largest community colleges in the state of Oregon, serving an average of 26,000 students annually. Providence Health & Services operates the Willamette Falls Medical Center, a not for profit acute care hospital in Oregon City employing 670 people. And the City is home to Benchmade Knife Company, Inc., premier manufacturer of world-class sports cutlery and edged tools.

Oregon City's real property market value and assessed value continue to increase. Though the pandemic caused the area's housing market to slow briefly, it is still strong due to low inventory. The area suffers from one of the largest housing shortages in the nation. This continues to cause prices to rise, though not as sharply as in prior years. Expectations for new construction in the next few years should alleviate some of the price pressures and have a positive effect on the economy. The median home value in Oregon City was estimated at approximately \$434,400 in October, an increase of 2.5% over the past year. The Oregon constitution establishes a limit of 3% annual increases in the taxable assessed value of existing properties, the primary funding source for local government. Because of this limitation, tax revenue increases are expected to remain much lower than would otherwise result from the growth in real market value.

The City is operating on solid financial footing. The City's leadership, with support from the community, has continuously taken steps to provide sustainable City resources. Management closely monitors financial position and operations, particularly in the General Fund and business funds, to ensure continued sustainability.

## **LONG TERM FINANCIAL PLANNING AND MAJOR INITIATIVES**

Long-term financial plans are developed for each major operating fund of the organization. Revenue and expenditure estimates are updated throughout the year as new information becomes available. The plans are presented in six-year or longer formats. Capital project budgets are included in the financial plans to ensure that adequate revenue sources are projected to be available for both the construction projects and the related operating costs that may be incurred when the projects are completed.

The City Commission holds a formal goal setting process every two years to establish policy direction and financial goals for the upcoming biennium. Highlights from the most recent goal setting include funding to implement the City's adopted tourism plan, as well as funding for an update to the City's comprehensive plan. The City is also investing in public facilities to better serve its growing community.

Beginning in the fall of 2019 and continuing through the winter of 2020, the Oregon City Commission devoted resources to implementing the City's Tourism Strategic Plan. Working with various stake holders, the City's Economic Development Department developed five initiatives to implement Oregon City's Tourism Strategic Plan. They included the Community Showcase (virtual tours of Oregon City's historic sites), the Arts Treasure Trove (murals and other forms of art to be woven into the community's tourism infrastructure), attraction/expansion of tourism-related investment (outside dining, park-lets), and the Concierge Institute (training for the hospitality industry).

The City has begun a community-wide effort to update the City's comprehensive plan, referred to as the Oregon City 2040 (OC2040) Comprehensive Plan Update. This is the first complete update of the Comprehensive Plan since 2003. As the community's blueprint for the future, the Comprehensive Plan is the City's leading policy document on growth, development, infrastructure and service provision, and public investment over the next 20 years. Future development, projects and plans must be consistent with goals and policies of the Comprehensive Plan. It is very important that the plan reflects the aspirations of all community members. The OC2040 process begins by crafting a Community Vision through extensive public outreach with a focus on diversity, racial equity and inclusion by emphasizing additional input from underserved populations and minorities in the community. The project will culminate with adoption of a completely updated Comprehensive Plan in late 2021.

The City has planned carefully to invest in public facilities to better serve residents. The Robert Libke Public Safety and Municipal Court facility was under construction during the current fiscal year and was completed in October of 2020. Voters approved financing for the facility, to be repaid with a Community Safety Advancement Fee.

In addition, over the past several years, the City has set aside monies in the Community Facilities Fund to build a new Public Works and Parks Operations Center. The property for the facility was purchased two years ago, pre-construction began in the current fiscal year, and construction will begin next year. The City has also dedicated General Fund reserves to address park improvements at D.C. Latourette Park, as well as System Development Charge reserves for construction of the Tyrone S. Woods Memorial Park.

## **RELEVANT FINANCIAL POLICIES**

The following financial policies are expected to have long-term effects on the City's financial position.

### **Revenue Policy**

- ❖ The City will strive to maintain a diversified and stable revenue system to protect from fluctuations in any one revenue source
- ❖ One-time revenues should not be used for ongoing expenditures, but instead for one-time expenditures
- ❖ All City funds shall be safely invested to provide first, preservation of capital and a sufficient level of liquidity to meet cash flow needs and second, to provide the maximum yield possible
- ❖ Utility rates will be set at levels sufficient to cover operating expenses, meet debt obligations, and provide adequate levels of working capital

- ❖ The City will periodically review and revise user fees to recover the costs of those services to the extent possible
- ❖ The City will estimate its annual revenues objectively, analytically and conservatively

#### Budget Policy

- ❖ The City shall prepare, present, adopt and amend its operating budget in accordance with Oregon Local Budget Law
- ❖ The City shall establish contingency reserves to provide for unanticipated expenditures of a nonrecurring nature and to meet unexpected increases in service delivery costs; these funds may not be directly disbursed from the contingency reserve but only in accordance with local budget law in the State of Oregon

#### Reserve Policy

- ❖ The City will maintain an unallocated and unappropriated fund balance or retained earnings to provide working capital during tough economic conditions, until enough revenues become available to fund current operations
- ❖ It is the intent of the City to use surpluses generated to accomplish three goals: meet reserve policies, avoid future debt, and reduce outstanding debt

#### AWARDS AND ACKNOWLEDGEMENTS

For the ninth year, the Government Finance Officers Association of the United States and Canada (GFOA) awarded a **Certificate of Achievement for Excellence in Financial Reporting** to the City of Oregon City, Oregon, for its Comprehensive Annual Financial Report for the fiscal year ended June 30, 2019. The Certificate of Achievement is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government financial reports. In order to be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized comprehensive annual financial report, whose contents conform to program standards and satisfy both GAAP and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe our current report continues to conform to Certificate of Achievement Program requirements, and we are submitting it to the GFOA for consideration.

The City also received the GFOA's **Distinguished Budget Presentation Award** for its biennial budget document for the 2019-2021 biennium. To qualify for the Distinguished Budget Presentation Award, the government's budget document had to be judged proficient as a policy document, a financial plan, an operations guide, and a communications device.

The preparation of this report could not have been accomplished without the efficient and dedicated services of the Finance Department. In addition, I would like to express my appreciation to members of the other City departments and divisions who assisted and contributed to its preparation. Finally, I would like to thank the Mayor and City Commissioners for their continued support in our efforts to improve the City's financial management and reporting. Without that support, this report would not have been possible.

Respectfully submitted,



Matt Zook  
Finance Director

**ELECTED OFFICIALS**

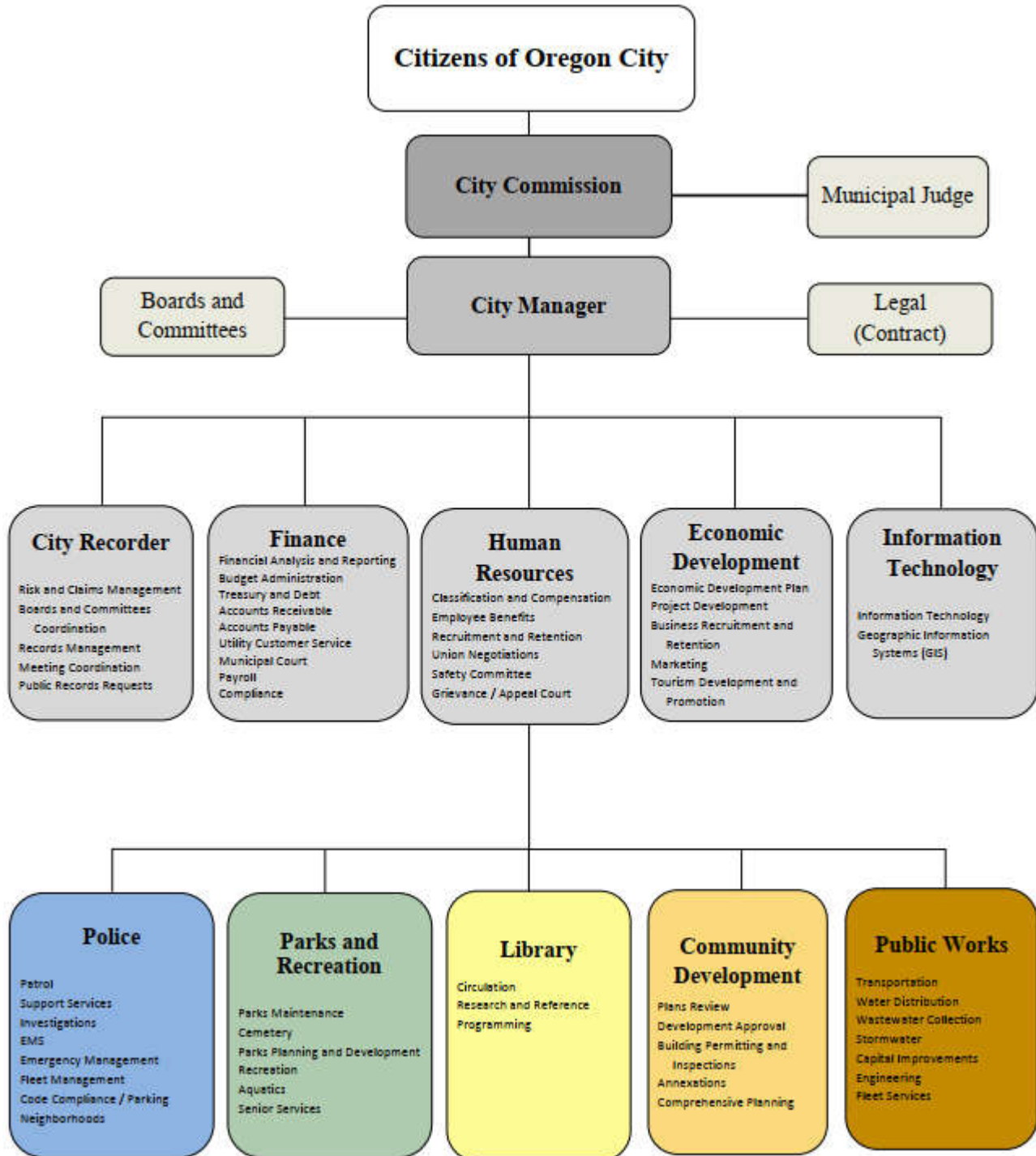
(as of June 30, 2020)

| <u>Name</u>           | <u>Term Expires</u> |
|-----------------------|---------------------|
| Mayor<br>Dan Holladay | December 31, 2022   |
| Commission Members    |                     |
| Rocky Smith, Jr.      | December 31, 2022   |
| Denyse McGriff        | December 31, 2020   |
| Frank O'Donnell       | December 31, 2020   |
| Rachel Lyles Smith    | December 31, 2022   |

**MANAGEMENT TEAM**

(as of June 30, 2020)

| <u>Name</u>     | <u>Position</u>                |
|-----------------|--------------------------------|
| Tony Konkol III | City Manager                   |
| James Band      | Chief of Police                |
| Greg Williams   | Library Director               |
| Patrick Foiles  | Human Resources Director       |
| John Lewis      | Public Works Director          |
| Kendall Reid    | Parks and Recreation Director  |
| Wyatt Parno     | Finance Director               |
| Kattie Riggs    | City Recorder                  |
| Laura Terway    | Community Development Director |
| James Graham    | Economic Development Manager   |





Government Finance Officers Association

**Certificate of  
Achievement  
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in Financial  
Reporting**

Presented to

**City of Oregon City  
Oregon**

For its Comprehensive Annual  
Financial Report  
For the Fiscal Year Ended

June 30, 2019

*Christopher P. Morill*

Executive Director/CEO





# FINANCIAL SECTION



7624 SW Mohawk Street  
Tualatin, OR 97062  
www.merina.com  
503.723.0300

**MERINA+CO**

## INDEPENDENT AUDITOR'S REPORT

Honorable Mayor and City Commissioners  
City of Oregon City, Oregon

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Oregon City, Oregon, as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise City of Oregon City, Oregon's basic financial statements as listed in the table of contents.

### **Management's Responsibility for the Financial Statements**

City of Oregon City, Oregon's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### **Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Oregon City, Oregon, as of June 30, 2020, and the respective changes in financial position and, where applicable, cash flows thereof, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

**FIRMFOUNDATION**  
INDEPENDENTLY OWNED MEMBER



## Other Matters

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the required supplementary information, such as management's discussion and analysis and schedule of revenues, expenditures and changes in fund balance – budget and actual, as listed in the table of contents under required supplementary information, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the management's discussion and analysis, the schedule of changes in total OPEB liability and related ratios – implicit rate subsidy, schedule of contributions to OPEB – implicit rate subsidy, schedule of proportionate share of OPEB – RHIA, schedule of contributions to OPEB – RHIA, schedule of the proportionate share of the net pension liability, and schedule of contributions – pension, as listed in the table of contents under required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

The schedule of revenues, expenditures and changes in fund balance – budget and actual, as listed in the table of contents under required supplementary information, are the responsibility of management and were derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, this information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

### *Supplemental and Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise City of Oregon City, Oregon's basic financial statements. The introductory section, other supplementary information, and statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The schedules of revenues, expenditures and changes in fund balance – budget and actual and combining and individual fund financial statements and schedules, as listed in the table of contents under other supplementary information, is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The introductory, schedule of future debt service requirements, schedule of property tax transactions and outstanding balances, and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

**Reports on Other Legal and Regulatory Requirements****Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated March 26, 2021 on our consideration of City of Oregon City, Oregon's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City of Oregon City, Oregon's internal control over financial reporting or on compliance. That report is issued separately and is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City of Oregon City, Oregon's internal control over financial reporting and compliance.

**Other Reporting Required by Oregon Minimum Standards**

In accordance with Minimum Standards for Audits of Oregon Municipal Corporations, we have also issued our report dated March 26, 2021, on our consideration of City of Oregon City, Oregon's compliance with certain provisions of laws and regulations, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing, and not to provide an opinion on compliance.



For Merina+Co  
Tualatin, Oregon  
March 26, 2021





**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

As management of the City of Oregon City, Oregon (the "City"), we offer readers of the financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended June 30, 2020. Information in this Management's Discussion and Analysis (MD&A) is based on currently known facts, decisions and conditions. We encourage readers to consider the information presented here in conjunction with additional information provided in the transmittal letter, the basic financial statements and the accompanying notes to the financial statements, which are also included in this report.

## **FINANCIAL HIGHLIGHTS**

### ***GOVERNMENT-WIDE***

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows by \$267.36 million (reported as net position). Within the net position, \$35.67 million is unrestricted and may be used to meet the City's general obligations to citizens and creditors.
- Total assets are \$343.81 million, an increase of \$30.07 million, or 9.58%. Governmental type activities provided an increase of \$23.61 million while business-type activities increased \$6.46 million. The increase is attributed to an increase in assessments receivable, as well as an increase in cash from operating activities. Total cash and investments increased only slightly, however, compared to prior year, being that the increase in cash from operating activities was mostly off-set by a decrease in cash from capital acquisition; specifically, \$28.10 million, much of which was for the construction of the Public Safety and Municipal Court facility. The use of cash for capital acquisition has no impact on total assets, however.
- The City's liabilities totaled \$83.53 million at June 30, 2020, an increase of approximately \$7.49 million. Liabilities consist of \$70.98 million in long-term liabilities and \$12.55 million in accounts payable and other liabilities. Much of the increase was associated with the increase in net pension and other postemployment benefit (OPEB) liabilities of \$6.12 million. The City's total outstanding bonded debt decreased by \$2.63 million from regular debt service payments, while accounts payable increased by the same amount (\$2.63 million) due to construction contracts accrued at year-end.
- For its governmental activities, the City generated \$13.75 million in charges for services and \$18.68 million in operating and capital grants and contributions. Direct operating expenses and interest on long-term debt for governmental activities totaled \$41.37 million for the year. Additionally, governmental activities recorded general revenues of \$26.53 million and \$1.20 million of transfers in. This resulted in net position increasing by \$18.79 million to \$159.99 million at year end. The increase in net position was mainly due to increase in revenues such as property taxes and system development charges. Increases were accumulated for future capital projects.
- For its business-type activities, the City generated \$23.06 million in charges for services and \$3.63 million in operating and capital grants and contributions to fund direct expenses of \$20.24 million. After other general revenues of \$0.72 million and transfers out of \$1.20 million, business type net position increased by \$5.97 million. Much of this increase was due to contributed assets of \$3.72 million.

### ***FUND LEVEL***

- The City's governmental funds report a combined fund balance of \$68.12 million, a \$6.66 million decrease compared to the prior year. Of the total fund balance reported, \$56.65 million is considered nonspendable, restricted, committed or assigned. The remaining \$11.47 million, or 16.8%, is available for spending at the City's discretion. The fund balance decrease is primarily due to capital outlay for the Public Safety and Municipal Court facility.
- The proprietary funds, those used to account for programs which the City charges for the services it provides, reported combined net position of \$107.37 million, an increase of \$5.97 million compared to the prior year.

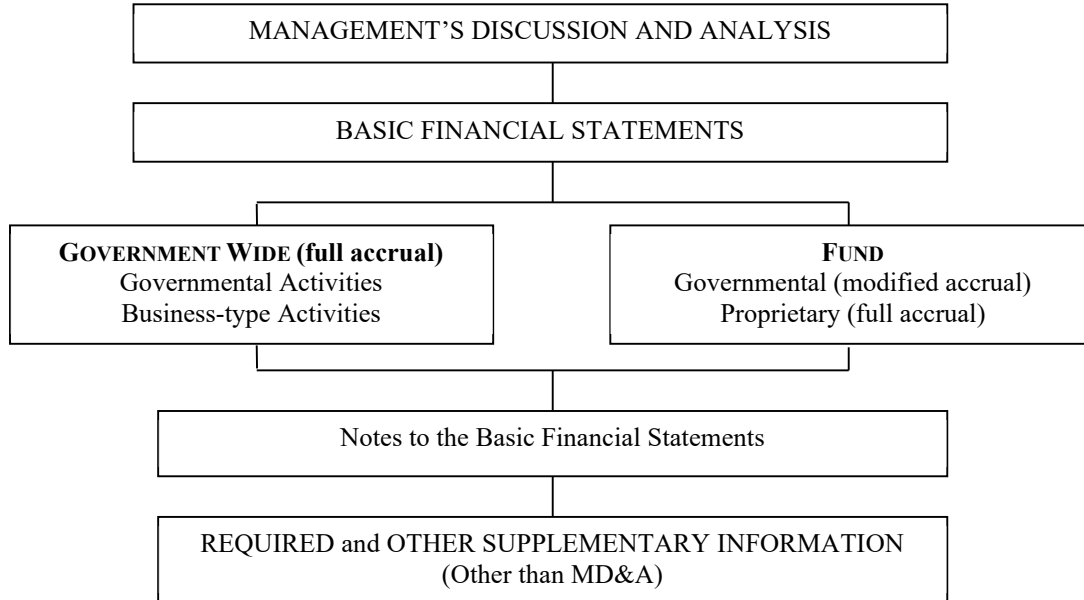


**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

## OVERVIEW OF THE FINANCIAL STATEMENTS

In addition to this discussion and analysis, the financial section of the annual report contains the basic financial statements and notes to those financial statements, required supplementary information and other supplementary information, including the combining statements and schedules of nonmajor funds. The following chart illustrates how the various divisions of the financial section are arranged relative to one another.

### FINANCIAL SECTION COMPONENTS



### GOVERNMENT-WIDE FINANCIAL STATEMENTS

The government-wide statements are designed to report information about the City as a whole using accounting methods similar to those used by private-sector companies.

The statements include not only the City itself (known as the primary government) but also a legally separate urban renewal agency for which the City is financially accountable. The Statement of Net Position includes all of the City's assets (land, buildings, infrastructure such as streets, traffic signals, utility lines and bridges, etc.), deferred inflows and outflows, and liabilities (including general obligation long term debt), with the difference reported as net position.

The Statement of Activities presents information showing how the government's net position changed during the year. All of the current year's revenues and expenses are accounted for in the Statement of Activities regardless of when cash is received or paid. Thus, revenues and expenses are reported in this statement for some items that will result in cash inflows or outflows in a future fiscal period. Examples of such items include earned but uncollected property taxes (future inflow) and earned but unused compensated absences (future outflow).

The net position provides a measure of the City's financial health or position. The two government-wide statements report the City's net position and how they have changed.

The government-wide financial statements can be found on pages 28 and 29 of this report. The statements are divided into two categories and distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities).

**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

*Governmental activities* – Most of the City's basic services are included here, such as Police, Parks and Recreation, Library, Planning and Zoning, Building, Traffic Control and Improvements, Street Construction and Maintenance, Parking and Code Enforcement, and General Administration (City Commission, City Manager, City Recorder, Finance, Human Resources, and Information Services).

*Business-type activities* – The City charges fees to customers to cover the costs of certain services it provides. The City's Water, Wastewater and Stormwater utilities are included here.

### ***FUND FINANCIAL STATEMENTS***

The fund financial statements provide detailed information about the most significant funds – not the City as a whole. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The funds of the City can be divided into three categories: governmental, proprietary and fiduciary.

*Governmental funds* – Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide statements, governmental funds financials place emphasis on available financial resources, rather than upon net income determination. Therefore, unlike the government-wide financial statements, governmental fund financial statements focus on the acquisition and use of current spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the City's near-term requirements.

The City maintained 10 individual governmental funds for the current fiscal year. Information is presented separately in the governmental funds' Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balances for those funds that are considered significant (major) to the City taken as a whole. The remaining governmental funds are reported as a combined total. The City reports six major governmental funds for the year ended June 30, 2020 as follows:

- General Fund
- Engineering
- System Development
- Urban Renewal
- Transportation
- Community Facilities

The governmental fund financial statements can be found on pages 30 through 33 in the basic financial statements. Summary fund data by fund-type for the nonmajor governmental funds is provided in the form of combining statements starting on page 91. Individual fund data for each of these nonmajor governmental funds is provided as Supplementary Information on pages 94 through 97.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financial decisions. Both the governmental funds Balance Sheet and the governmental funds Statement of Revenues, Expenditures, and Changes in Fund Balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The City adopts a biennial appropriated budget for all governmental funds. The current budget period is July 1, 2019 through June 30, 2021. To demonstrate compliance with the budget, budgetary comparison schedules have been provided as Required Supplementary Information for the General Fund on page 71 and for the major special revenue funds on pages 72 through 75. Additional budgetary compliance with the major capital projects fund and other governmental funds is included in Other Supplementary Information on page 89 and 94 through 97, respectively.

**CITY OF OREGON CITY, OREGON**  
 MANAGEMENT'S DISCUSSION AND ANALYSIS  
 FOR THE FISCAL YEAR ENDED JUNE 30, 2020

*Proprietary funds* – Proprietary funds are used to account for activities where the emphasis is placed on net income determination. The City maintains a total of six proprietary funds; these are classified as either enterprise funds or internal service funds.

*Enterprise funds* – Used to account for water utility, wastewater utility, and stormwater utility activities. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. All three enterprise funds are considered major funds.

*Internal service funds* – Used as an accounting device to accumulate and allocate costs internally among the City's various functions. The City uses internal service funds to account for fleet service, equipment replacement and customer service activities. Because internal service funds predominantly benefit business-type functions rather than governmental, their assets and liabilities have been included with business-type activities in the government-wide financial statements. Internal service funds are not considered major proprietary funds.

The proprietary fund financial statements can be found on pages 34 through 36 in the basic financial statements. The enterprise funds, water, wastewater, and stormwater are all considered to be major funds of the City and are reported separately in the proprietary fund financial statements in the basic financial statements. All internal service funds are combined into a separate single, aggregated presentation in the proprietary fund financial statements. Individual fund data for the internal service funds is provided in the form of combining statements, on pages 104 through 106 of this report.

The City also adopts a biennial appropriated budget for all proprietary funds. To demonstrate compliance with the budget, budgetary comparison schedules have been provided for the enterprise funds as Supplementary Information on pages 100 through 102 and for the internal services funds, on pages 108 through 110.

**NOTES TO THE BASIC FINANCIAL STATEMENTS**

The notes provide additional information that is essential for a full understanding of the data provided in the government-wide and fund financial statements. They are an integral part of the basic financial statements and should be read in conjunction with them. The notes to the financial statements can be found starting on page 37 of this report.

**OTHER INFORMATION**

*Required Supplementary Information* – In addition to the basic financial statements and accompanying notes, this report presents certain supplementary information required by financial reporting standards. Required Supplementary Information can be found starting on page 70.

*Other Supplementary Information* – The report presents combining and individual fund statements and schedules as well as other financial schedules starting on page 87.

The report also includes statistical information including financial trends, and demographic and economic information. The Statistical Section starts on page 115.

**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

## GOVERNMENT WIDE FINANCIAL ANALYSIS

### STATEMENT OF NET POSITION

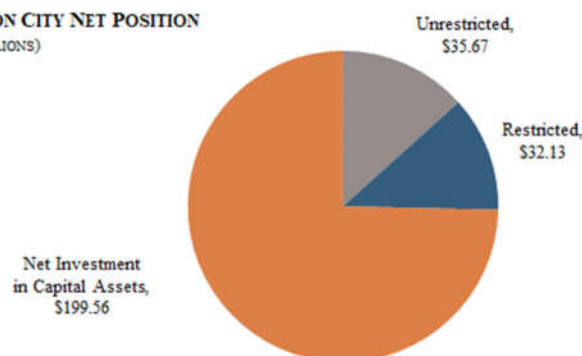
As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$267.36 million at the close of this year. This is an increase of \$24.76 million from the beginning balance.

**TABLE 1**  
**NET POSITION AS OF JUNE 30**

|                                  | Governmental Activities |                       | Business-type Activities |                       | Total                 |                       |
|----------------------------------|-------------------------|-----------------------|--------------------------|-----------------------|-----------------------|-----------------------|
|                                  | 2020                    | 2019                  | 2020                     | 2019                  | 2020                  | 2019                  |
| Current and other assets         | \$ 79,920,977           | \$ 79,326,197         | \$ 38,480,791            | \$ 34,142,532         | \$ 118,401,768        | \$ 113,468,729        |
| Capital assets                   | 149,289,936             | 126,277,802           | 76,121,011               | 73,993,057            | 225,410,947           | 200,270,859           |
| Total assets                     | 229,210,913             | 205,603,999           | 114,601,802              | 108,135,589           | 343,812,715           | 313,739,588           |
| Deferred outflows of resources   | 7,819,784               | 6,198,040             | 1,743,055                | 1,406,561             | 9,562,839             | 7,604,601             |
| Long term liabilities            | 64,222,590              | 61,819,610            | 6,758,293                | 5,708,945             | 70,980,883            | 67,528,555            |
| Other liabilities                | 10,786,258              | 6,584,670             | 1,765,800                | 1,926,924             | 12,552,058            | 8,511,594             |
| Total liabilities                | 75,008,848              | 68,404,280            | 8,524,093                | 7,635,869             | 83,532,941            | 76,040,149            |
| Deferred inflows of resources    | 2,028,557               | 2,194,016             | 452,171                  | 504,130               | 2,480,728             | 2,698,146             |
| Net position:                    |                         |                       |                          |                       |                       |                       |
| Net investment in capital assets | 123,436,477             | 112,838,180           | 76,121,011               | 73,993,057            | 199,557,488           | 186,831,237           |
| Restricted for:                  |                         |                       |                          |                       |                       |                       |
| Parks capital projects           | 6,438,827               | 5,543,391             | -                        | -                     | 6,438,827             | 5,543,391             |
| Public works capital projects    | 19,291,655              | 13,969,060            | -                        | -                     | 19,291,655            | 13,969,060            |
| Library operations               | 2,145,366               | 2,100,834             | -                        | -                     | 2,145,366             | 2,100,834             |
| Building operations              | 4,018,555               | 1,999,043             | -                        | -                     | 4,018,555             | 1,999,043             |
| OPEB benefits                    | 196,390                 | 111,943               | 43,775                   | 26,004                | 240,165               | 137,947               |
| Unrestricted                     | 4,466,022               | 4,641,292             | 31,203,807               | 27,383,090            | 35,669,829            | 32,024,382            |
| Total net position               | <u>\$ 159,993,292</u>   | <u>\$ 141,203,743</u> | <u>\$ 107,368,593</u>    | <u>\$ 101,402,151</u> | <u>\$ 267,361,885</u> | <u>\$ 242,605,894</u> |

At \$199.56 million, or 74.64%, the largest portion of the City's net position reflects its investment in capital assets (e.g., land, buildings, improvements, equipment, and infrastructure, net of accumulated depreciation) less any related outstanding debt used to acquire those assets. Although the City's net investment in its capital assets is reported net of related debt, the resources needed to repay this debt must be provided from other sources since the capital assets themselves cannot, nor are expected to, be used to liquidate liabilities or for future spending. An additional portion of the City's net position, \$32.13 million, or 12.02%, represents resources that are subject to external restrictions on how they may be used. The remaining balance is unrestricted net position totaling \$35.67 million or 13.34%. As of June 30, 2020, the City had positive balances in all three categories of net position for the City as a whole.

**OREGON CITY NET POSITION**  
(In Millions)



**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

***Governmental activities*** – Total net position of governmental activities increased \$18.79 million or 13.31% for the year. The City added \$26.97 million in governmental capital assets during the year and \$3.96 million in depreciation for a net increase to capital assets of \$23.01 million. Current and other assets increased by \$0.59 million. This increase included a \$3.80 million increase in receivables from financed system development charges and a \$3.26 decrease in cash and investments associated with capital acquisitions.

Long term liabilities increased by \$2.40 million, most of which was due to a \$5.12 increase in the Pension and OPEB liabilities, off-set by a \$2.78 million decrease in bonds payable due to scheduled debt payments. The increase to other liabilities included a \$2.80 million increase in accounts payable and a \$1.17 million increase in deposits payable due to an increase in surety bond deposits.

***Business-type activities*** – Total net position of business-type activities increased \$5.97 million or 5.88% for the year. The \$6.46 million increase in assets was due primarily to a \$4.09 million increase in cash and investments, as well as \$4.85 million of capital asset purchases and contributions offset by \$2.72 million in depreciation. Total liabilities increased by \$0.88 million, mainly due to an increase to the net pension and OPEB liabilities.

More information on capital assets, debt and pension and OPEB liabilities are included in the notes to the financials.

**STATEMENT OF ACTIVITIES**

As with the Statement of Net Position, the City reports governmental activities on a consolidated basis. A summary of the Statement of Activities is shown in Table 2 below.

**TABLE 2**  
**CHANGES IN NET POSITION**  
**FISCAL YEARS ENDED JUNE 30**

|                                                 | Governmental Activities |                       | Business-type Activities |                       | Total                 |                       |
|-------------------------------------------------|-------------------------|-----------------------|--------------------------|-----------------------|-----------------------|-----------------------|
|                                                 | 2020                    | 2019                  | 2020                     | 2019                  | 2020                  | 2019                  |
| <b>Revenues</b>                                 |                         |                       |                          |                       |                       |                       |
| Program revenues                                |                         |                       |                          |                       |                       |                       |
| Charges for services                            | \$ 13,752,434           | \$ 12,820,508         | \$ 23,055,723            | \$ 23,006,381         | \$ 36,808,157         | \$ 35,826,889         |
| Operating grants and contributions              | 6,567,385               | 6,103,603             | 322,487                  | 776,722               | 6,889,872             | 6,880,325             |
| Capital grants and contributions                | 12,115,164              | 5,564,471             | 3,308,978                | 3,422,338             | 15,424,142            | 8,986,809             |
| General revenues                                |                         |                       |                          |                       |                       |                       |
| Property taxes                                  | 16,907,896              | 15,734,726            | -                        | -                     | 16,907,896            | 15,734,726            |
| Franchise taxes                                 | 3,913,647               | 3,810,988             | 291,325                  | 281,811               | 4,204,972             | 4,092,799             |
| Other                                           | 5,706,975               | 5,058,398             | 432,480                  | 482,778               | 6,139,455             | 5,541,176             |
| <b>Total revenues</b>                           | <b>58,963,501</b>       | <b>49,092,694</b>     | <b>27,410,993</b>        | <b>27,970,030</b>     | <b>86,374,494</b>     | <b>77,062,724</b>     |
| <b>Expenses</b>                                 |                         |                       |                          |                       |                       |                       |
| General governmental                            | 9,373,368               | 8,577,496             | -                        | -                     | 9,373,368             | 8,577,496             |
| Public safety                                   | 11,793,974              | 10,883,771            | -                        | -                     | 11,793,974            | 10,883,771            |
| Public works                                    | 7,738,706               | 6,978,502             | -                        | -                     | 7,738,706             | 6,978,502             |
| Culture and recreation                          | 7,405,747               | 6,245,678             | -                        | -                     | 7,405,747             | 6,245,678             |
| Planning and building                           | 3,470,850               | 2,906,968             | -                        | -                     | 3,470,850             | 2,906,968             |
| Interest on long-term debt                      | 1,589,947               | 1,732,088             | -                        | -                     | 1,589,947             | 1,732,088             |
| Water                                           | -                       | -                     | 6,252,361                | 6,462,476             | 6,252,361             | 6,462,476             |
| Wastewater                                      | -                       | -                     | 10,514,584               | 9,898,303             | 10,514,584            | 9,898,303             |
| Stormwater                                      | -                       | -                     | 2,922,440                | 2,548,229             | 2,922,440             | 2,548,229             |
| Fleet                                           | -                       | -                     | 556,526                  | 1,252,333             | 556,526               | 1,252,333             |
| <b>Total expenses</b>                           | <b>41,372,592</b>       | <b>37,324,503</b>     | <b>20,245,911</b>        | <b>20,161,341</b>     | <b>61,618,503</b>     | <b>57,485,844</b>     |
| <b>Changes in net position before transfers</b> | <b>17,590,909</b>       | <b>11,768,191</b>     | <b>7,165,082</b>         | <b>7,808,689</b>      | <b>24,755,991</b>     | <b>19,576,880</b>     |
| Transfers                                       | 1,198,640               | 212,169               | (1,198,640)              | (212,169)             | -                     | -                     |
| <b>Changes in net position</b>                  | <b>18,789,549</b>       | <b>11,980,360</b>     | <b>5,966,442</b>         | <b>7,596,520</b>      | <b>24,755,991</b>     | <b>19,576,880</b>     |
| Beginning net position                          | 141,203,743             | 129,223,383           | 101,402,151              | 93,805,631            | 242,605,894           | 223,029,014           |
| <b>Net position - ending</b>                    | <b>\$ 159,993,292</b>   | <b>\$ 141,203,743</b> | <b>\$ 107,368,593</b>    | <b>\$ 101,402,151</b> | <b>\$ 267,361,885</b> | <b>\$ 242,605,894</b> |

**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

**Governmental activities**

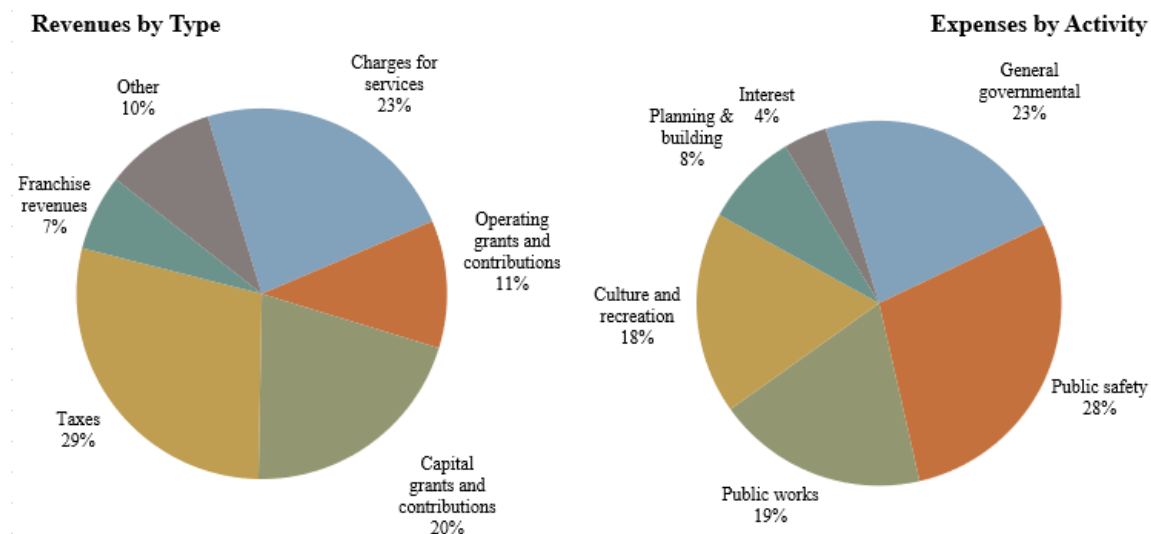
Net position of Governmental activities increased by \$18.79 million. This exceeded the prior year increase of \$11.98 million by \$6.81 million. This was primarily due to \$12.12 million in capital grants and contributions recognized in the current year, an increase of \$6.55 million in this category compared to the prior year.

The increase in capital grants and contributions was due to grants that were received for construction projects to improve the City's transportation system, as well as system development charge revenue recognized on permits applied for during the year that were associated with various development projects in the City.

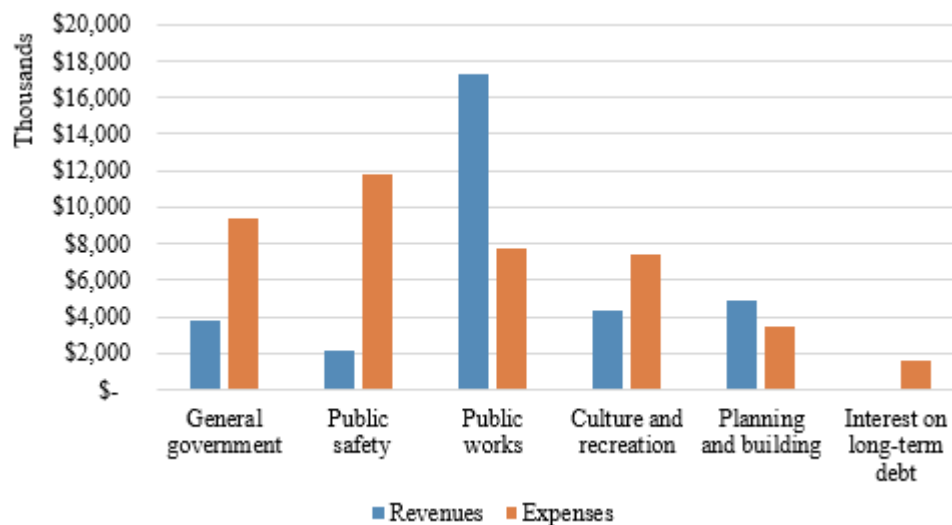
Governmental activity expenses increased by \$4.05 million, or 10.85%, \$3.25 million of which was associated with changes to the net obligation and deferred flows from pension and OPEB.

Revenues and expenses of these governmental activities are highlighted below.

**GOVERNMENTAL ACTIVITIES – TOTAL REVENUES AND EXPENSES**



**GOVERNMENTAL ACTIVITIES – PROGRAM REVENUES AND EXPENSES**



**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

**Business-type activities**

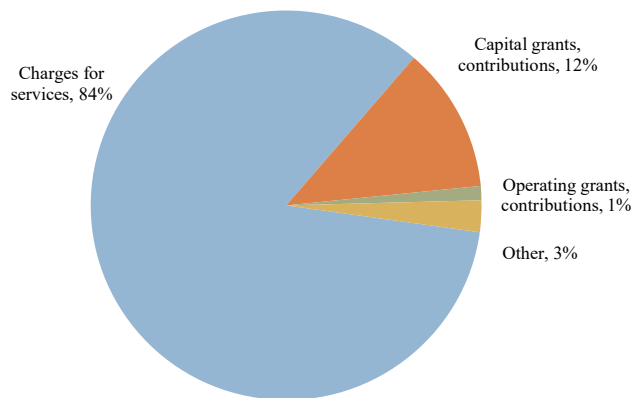
Business-type activities increased the City's net position by \$5.97 million. The City can only use these assets to finance the continuing operations of water, wastewater, stormwater and fleet operations.

Revenues exceeded expenses by \$7.16 million, slightly less than prior year's margin of \$7.81 million. Transfers to Governmental activities increased by \$0.99 million to provide funding for the Public Works and Parks Operations Center.

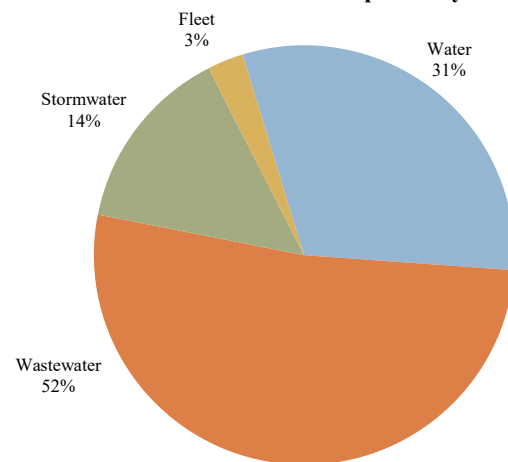
Revenues and expenses of these business-type activities are highlighted below.

**BUSINESS-TYPE ACTIVITIES TOTAL REVENUES AND EXPENSES**

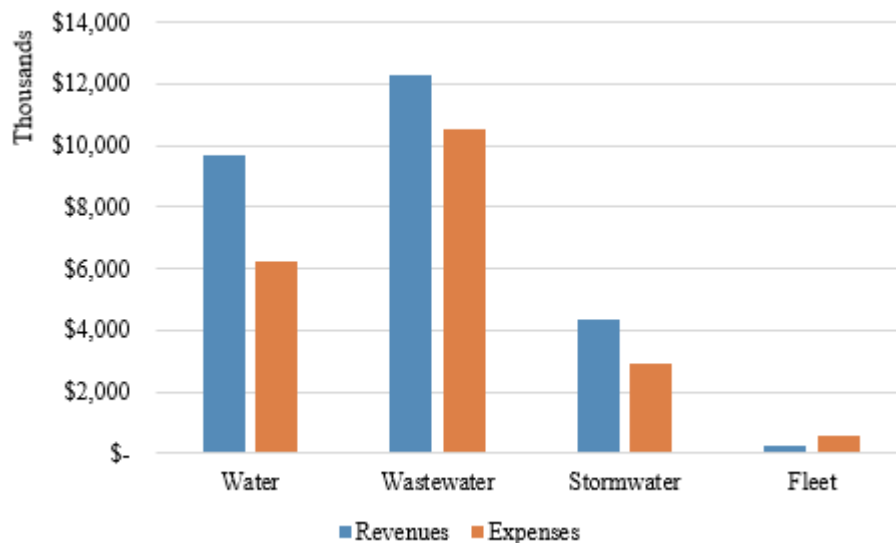
**Revenues by Type**



**Expenses by Activity**



**BUSINESS-TYPE ACTIVITIES PROGRAM REVENUES AND EXPENSES**





**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

## **FINANCIAL ANALYSIS OF MAJOR FUNDS**

### ***GOVERNMENTAL FUNDS***

Major governmental funds include the General, Engineering, System Development, Urban Renewal, Transportation, and Community Facilities Funds.

- The General Fund is the City's main operating fund. Its ending fund balance increased \$1.70 million as a result of the deferral of a portion of spending associated with the capital budget. Additionally, many departments underspent their operating budgets, while total revenues were as anticipated, and \$1.59 million higher than the prior year.
- The Engineering Fund remained relatively consistent with increases to its ending balance of \$0.14 million and no major changes to revenues or expenses.
- The System Development Fund collects development charges relating to new construction or improvements and are used to fund capacity increasing capital projects associated with the City's roads, parks, water, wastewater, and stormwater infrastructure. The Fund saw very little change in its fund balance, despite increased capital spending compared to prior year, which was funded in part by increased grant revenue.
- The City continues to defer various projects in the Urban Renewal Fund while awaiting options to clarify and support the intentions of the community. This deferral of investment in new projects resulted in an increase in fund balance of \$0.96 million.
- The Transportation Fund collects gas taxes and pavement maintenance fees to repair and improve the City's roads, sidewalks and pathways. At year end, fund balance increased by approximately \$1.13 million as a result of the deferral of a portion of budgeted capital spending for transportation projects.
- The Community Facilities Fund ending balance decreased by \$13.10 million primarily due to capital outlay expense associated with the construction of the new Public Safety and Municipal Court facility.

### ***PROPRIETARY FUNDS***

Major proprietary funds include the Water, Wastewater, and Stormwater Funds. All three of these proprietary funds had increases to the net position mainly due to programmed utility rate increases and capital contributions.

- The net position increase for the Water Fund was \$1.91 million.
- The net position increase for the Wastewater Fund was \$2.58 million.
- The net position increase for the Stormwater Fund was \$0.99 million.

## **GENERAL FUND BUDGETARY HIGHLIGHTS**

Budget adjustments in the General Fund in the current year included:

- Revenue from Water Environmental Services to fund the Tri-City Good Neighbor program with a corresponding appropriation of expenditures in the Parks and Recreation Department to complete projects
- Recognition of unanticipated additional Beginning Fund Balance and the appropriation of expenditures for:
  - a project to reconstruct the restrooms at Chapin Park (planned for the end of the prior biennium but carried forward to the current biennium)
  - a Small Business Economic Relief Program created in response to the COVID-19 pandemic

Revenues and expenditures were consistent with budgeted amounts in this first year of the biennium.

**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

**CAPITAL ASSETS AND DEBT ADMINISTRATION**

***CAPITAL ASSETS***

At June 30, 2020, the City had approximately \$225.41 million invested in a broad range of capital assets, including land, buildings and improvements, equipment, roads, bridges, and utility infrastructure. Capital assets comprise approximately 65.56% of all City assets. Of that total, infrastructure is the largest component of both governmental and business-type activities. Infrastructure includes road improvements, sidewalks, storm drainage systems, sanitary sewer lines, and water lines.

**TABLE 3**  
**CAPITAL ASSETS, NET OF DEPRECIATION**  
**AS OF JUNE 30**

|                            | Governmental Activities |                       | Business-type Activities |                      | Total Government-wide |                       |
|----------------------------|-------------------------|-----------------------|--------------------------|----------------------|-----------------------|-----------------------|
|                            | 2020                    | 2019                  | 2020                     | 2019                 | 2020                  | 2019                  |
| Land                       | \$ 13,639,501           | \$ 13,639,501         | \$ 1,686,195             | \$ 1,686,195         | \$ 15,325,696         | \$ 15,325,696         |
| Construction in progress   | 28,615,029              | 5,641,416             | 3,516,572                | 1,711,607            | 32,131,601            | 7,353,023             |
| Equipment                  | 828,211                 | 1,014,585             | 1,708,846                | 1,486,805            | 2,537,057             | 2,501,390             |
| Buildings and improvements | 16,364,626              | 16,544,791            | 15,762,115               | 14,910,404           | 32,126,741            | 31,455,195            |
| Infrastructure             | 89,842,569              | 89,437,509            | 53,447,283               | 54,198,046           | 143,289,852           | 143,635,555           |
| Total                      | <u>\$ 149,289,936</u>   | <u>\$ 126,277,802</u> | <u>\$ 76,121,011</u>     | <u>\$ 73,993,057</u> | <u>\$ 225,410,947</u> | <u>\$ 200,270,859</u> |

The City had total capital asset increases of \$31.98 million in the current year offset by net decreases of \$0.03 million and depreciation expense of \$6.81 million. Major capital asset activities during the fiscal year are highlighted below. Additional information on the City's capital assets can be found in Note 2.C starting on page 49 of this report.

- ❖ Public Safety and Municipal Court facility \$17.44 million
- ❖ Meyers Road extension \$4.98 million
- ❖ Molalla Avenue \$1.32 million
- ❖ City-wide roadway reconstruction \$0.99 million
- ❖ Equipment and vehicles \$0.56 million

***DEBT ADMINISTRATION***

At the end of the current fiscal year, the City had total debt outstanding of approximately \$36.74 million. All debt is reported in the governmental funds. The City's total debt outstanding represents long term borrowings.

Outstanding bonds totaling \$4.67 million are voter approved general obligation bonds which are paid by ad-valorem tax on all taxable property in the City. PERS pension bonds in the amount of \$10.89 million are limited tax obligation funds that are payable from various City funds that have personnel services. Urban Renewal bonds totaling \$6.17 million are paid from tax increment ad-valorem taxes. Outstanding bonds totaling \$13.62 million, with \$1.39 million in bond premium, are voter-approved full faith and credit bond obligations. In addition to long term debt outstanding, the City has a long term compensated absences liability of \$1.00 million.

The City's underlying credit rating is AA+ with a stable outlook by Standard & Poor's.

Under Oregon law, the City is subject to a debt limit in which general obligation debt issues are limited to 3% of real market value of all taxable property within City boundaries. The City was below the legal debt limit.

**CITY OF OREGON CITY, OREGON**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

**TABLE 4**  
**LONG-TERM DEBT OUTSTANDING AS OF JUNE 30**

|                               | Governmental Activities |                      | Business-type Activities |             | Total Government-wide |                      |
|-------------------------------|-------------------------|----------------------|--------------------------|-------------|-----------------------|----------------------|
|                               | 2020                    | 2019                 | 2020                     | 2019        | 2020                  | 2019                 |
| General Obligation Bonds      | \$ 4,666,574            | \$ 4,930,098         | \$ -                     | \$ -        | \$ 4,666,574          | \$ 4,930,098         |
| Limited Obligation Bonds      | 24,510,000              | 25,935,000           | -                        | -           | 24,510,000            | 25,935,000           |
| Tax Increment Bonds           | 6,173,920               | 7,033,560            | -                        | -           | 6,173,920             | 7,033,560            |
| Total Issued Debt Outstanding | 35,350,494              | 37,898,658           | -                        | -           | 35,350,494            | 37,898,658           |
| Bond Premiums/(Discounts)     | 1,387,965               | 1,465,074            | -                        | -           | 1,387,965             | 1,465,074            |
| Total Long Term Debt          | <b>\$ 36,738,459</b>    | <b>\$ 39,363,732</b> | <b>\$ -</b>              | <b>\$ -</b> | <b>\$ 36,738,459</b>  | <b>\$ 39,363,732</b> |

Additional information on the City's debt can be found in Notes 2.D through E on pages 51 through 53 of this report.

### **ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES**

The governmental funds' largest revenue sources are property taxes, charges for services, and state shared revenues. Oregon has no sales tax, resulting in local government's heavy reliance on property taxes and other self-generated revenues including franchise fees, building permits, business licenses, and so forth. The State Constitution requires 3% increases in assessed values, other than new development and caps maximum property tax rates. The City of Oregon City levies less than its full property tax rate to support taxpayers.

In 2020, the City's assessed value increased 4.88%, higher than the 3% allowed under Oregon law, as a result of new growth. Residential development in the current year remained consistent with the prior year. In addition, the current year included several significant non-residential projects including the construction of the new Gardiner Middle School and a new addition of a Student Services Building at Clackamas Community College.

The City approved the rezoning and development code necessary to implement the Beavercreek Road Concept Plan, which was readopted and renamed the Thimble Creek Concept Plan. And the City has begun a community-wide effort to update the Comprehensive Plan, which is the City's leading policy document on growth, development, infrastructure and service provision, and public investment over the next 20 years. More information can be found on these projects in the Letter of Transmittal on page 3 of this report.

Business-Type Activities are funded through water, wastewater, and stormwater rates; these rates are generally adjusted annually for inflation.

The City, along with local governments across the State, continues to carefully monitor retirement costs resulting from the State-run pension fund, Oregon Public Employee Retirement System (PERS). Further information on PERS can be found in the notes to the financials. PERS rates increased by approximately 4.5% of payroll in the current biennium. These increases were expected and are reflected in this report.

The City budgets on a biennial basis and during preparation of the budget for the ensuing biennium, the long-term impacts of the local economy were examined in conjunction with business decisions made by the City. The City's adopted budget for the July 1, 2019 through June 30, 2021 biennium reflected total appropriations of \$248.31 million. The current budget, after adjustments, reflects total appropriations of \$250.58 million. The following are the major assumptions used in developing the budget:

- ❖ The City's population was estimated at 34,860 with annual growth of 0.85%.
- ❖ The City's tax rate remains at \$4.4090, lower than the City's permanent levy rate of \$5.0571. Oregon City is one of very few cities in Oregon that has capacity to raise its permanent rate. The City Commission has independent authority to raise the rate by \$0.6481, which would add an additional \$1.97 million per year to

**CITY OF OREGON CITY, OREGON**  
 MANAGEMENT'S DISCUSSION AND ANALYSIS  
 FOR THE FISCAL YEAR ENDED JUNE 30, 2020

the General Fund, net of discounts. However, even with the reduced tax rate, City leaders have been fiscally responsible resulting in strong General Fund reserves. The existing rate will remain unchanged during the biennium.

- ❖ Assessed values, the basis of property tax revenues, were expected to grow by 4.5% for each year of the biennium.
- ❖ Charges for services were scheduled to increase between 3.0% and 12.0% based on previously approved indexing schedules.
- ❖ Interest rates on investments were projected at 2.0% based on prevailing rates.
- ❖ Cost of Living increases were proposed for all employees in the amount of 3.0%.
- ❖ Public Employees Retirement System (PERS) contributions were forecasted to increase an additional 4.5% of covered payroll; the City has been planning for the increase by limiting budgetary spending and maintaining reserves in each fund that includes personnel.
- ❖ Health benefit costs were projected on average at a 9.5% increase based on current claims and premiums projections prepared by the City's benefits broker.
- ❖ The average increase for the cost of goods and contracts was projected to remain flat. The City planned to hold costs flat while developing the biennial budget to offset anticipated pension cost increases.
- ❖ Capital projects and equipment costs are budgeted at projected acquisition or construction cost based on preliminary estimates, typically at no change from the prior biennium.

**REQUESTS FOR INFORMATION**

This financial report is designed to provide a general overview of the City's finances for those with an interest in the government's finances. Questions concerning any of the information provided in this report should be addressed to the Finance Director at P.O. Box 3040, Oregon City, Oregon 97045-0304.

## BASIC FINANCIAL STATEMENTS

**CITY OF OREGON CITY, OREGON**  
**STATEMENT OF NET POSITION**  
**JUNE 30, 2020**

|                                              | <b>Governmental<br/>Activities</b> | <b>Business-type<br/>Activities</b> | <b>Totals</b>  |
|----------------------------------------------|------------------------------------|-------------------------------------|----------------|
| <b>ASSETS</b>                                |                                    |                                     |                |
| Cash and investments                         | \$ 72,555,344                      | \$ 24,324,106                       | \$ 96,879,450  |
| Accounts receivable                          | 3,014,591                          | 3,196,786                           | 6,211,377      |
| Property taxes receivable                    | 566,356                            | -                                   | 566,356        |
| Assessment liens receivable                  | 3,412,717                          | 72,215                              | 3,484,932      |
| Interest receivable                          | 59,718                             | 9,288                               | 69,006         |
| Inventories                                  | -                                  | 147,193                             | 147,193        |
| Other post employment benefit asset          | 196,390                            | 43,775                              | 240,165        |
| Other assets                                 | 115,861                            | -                                   | 115,861        |
| Investment in South Fork Water Board         | -                                  | 10,687,428                          | 10,687,428     |
| Non-depreciable capital assets               | 42,254,530                         | 5,202,767                           | 47,457,297     |
| Other capital assets, net of depreciation    | 107,035,406                        | 70,918,244                          | 177,953,650    |
| Total Assets                                 | 229,210,913                        | 114,601,802                         | 343,812,715    |
| <b>DEFERRED OUTFLOWS OF RESOURCES</b>        |                                    |                                     |                |
| Deferred resources related to pensions       | 7,120,981                          | 1,587,288                           | 8,708,269      |
| Deferred resources related to other benefits | 698,803                            | 155,767                             | 854,570        |
| Total Deferred Outflows of Resources         | 7,819,784                          | 1,743,055                           | 9,562,839      |
| <b>LIABILITIES</b>                           |                                    |                                     |                |
| Accounts payable                             | 4,709,223                          | 1,420,348                           | 6,129,571      |
| Accrued payroll liabilities                  | 632,947                            | 139,063                             | 772,010        |
| Deposits payable                             | 2,131,343                          | 167,400                             | 2,298,743      |
| Accrued interest payable                     | 144,554                            | -                                   | 144,554        |
| Unearned revenue                             | 222,863                            | -                                   | 222,863        |
| Noncurrent liabilities:                      |                                    |                                     |                |
| Due within one year:                         |                                    |                                     |                |
| Bonds payable                                | 2,783,389                          | -                                   | 2,783,389      |
| Accrued compensated absences                 | 161,939                            | 38,989                              | 200,928        |
| Due in more than one year:                   |                                    |                                     |                |
| Bonds payable, net of unamortized premium    | 33,955,070                         | -                                   | 33,955,070     |
| Accrued compensated absences                 | 647,759                            | 155,957                             | 803,716        |
| Net pension liability                        | 19,954,501                         | 4,447,917                           | 24,402,418     |
| Other post employment benefit liability      | 9,665,260                          | 2,154,419                           | 11,819,679     |
| Total Liabilities                            | 75,008,848                         | 8,524,093                           | 83,532,941     |
| <b>DEFERRED INFLOWS OF RESOURCES</b>         |                                    |                                     |                |
| Deferred resources related to pensions       | 1,039,478                          | 231,702                             | 1,271,180      |
| Deferred resources related to other benefits | 989,079                            | 220,469                             | 1,209,548      |
| Total Deferred Inflows of Resources          | 2,028,557                          | 452,171                             | 2,480,728      |
| <b>NET POSITION</b>                          |                                    |                                     |                |
| Net investment in capital assets             | 123,436,477                        | 76,121,011                          | 199,557,488    |
| Restricted for:                              |                                    |                                     |                |
| Public works capital projects                | 19,291,655                         | -                                   | 19,291,655     |
| Library operations                           | 2,145,366                          | -                                   | 2,145,366      |
| Building operations                          | 4,018,555                          | -                                   | 4,018,555      |
| Parks capital projects                       | 6,438,827                          | -                                   | 6,438,827      |
| OPEB benefits                                | 196,390                            | 43,775                              | 240,165        |
| Unrestricted                                 | 4,466,022                          | 31,203,807                          | 35,669,829     |
| Total Net Position                           | \$ 159,993,292                     | \$ 107,368,593                      | \$ 267,361,885 |

The notes to the financial statements are an integral part of this statement

**CITY OF OREGON CITY, OREGON**  
**STATEMENT OF ACTIVITIES**  
**YEAR ENDED JUNE 30, 2020**

| FUNCTIONS/PROGRAMS                                              | Expenses      | Program Revenues                     |                                    |                                  | Net (Expenses) Revenues and Changes in Net Position |                          |                |
|-----------------------------------------------------------------|---------------|--------------------------------------|------------------------------------|----------------------------------|-----------------------------------------------------|--------------------------|----------------|
|                                                                 |               | Fees, Fines and Charges for Services | Operating Grants and Contributions | Capital Grants and Contributions | Governmental Activities                             | Business-type Activities | Totals         |
| <b>Governmental activities:</b>                                 |               |                                      |                                    |                                  |                                                     |                          |                |
| General government                                              | \$ 9,373,368  | \$ 2,664,024                         | \$ 966,362                         | \$ 128,868                       | \$ (5,614,114)                                      | \$ -                     | \$ (5,614,114) |
| Public safety                                                   | 11,793,974    | 1,864,235                            | 280,725                            | -                                | (9,649,014)                                         | -                        | (9,649,014)    |
| Public works                                                    | 7,738,706     | 3,704,502                            | 2,418,987                          | 11,157,393                       | 9,542,176                                           | -                        | 9,542,176      |
| Culture and recreation                                          | 7,405,747     | 708,777                              | 2,853,624                          | 761,150                          | (3,082,196)                                         | -                        | (3,082,196)    |
| Planning and building                                           | 3,470,850     | 4,810,896                            | 47,687                             | 67,753                           | 1,455,486                                           | -                        | 1,455,486      |
| Interest on long-term debt                                      | 1,589,947     | -                                    | -                                  | -                                | (1,589,947)                                         | -                        | (1,589,947)    |
| Total Governmental activities                                   | 41,372,592    | 13,752,434                           | 6,567,385                          | 12,115,164                       | (8,937,609)                                         | -                        | (8,937,609)    |
| <b>Business-type activities:</b>                                |               |                                      |                                    |                                  |                                                     |                          |                |
| Water                                                           | 6,252,361     | 8,598,561                            | 294,164                            | 777,590                          | -                                                   | 3,417,954                | 3,417,954      |
| Wastewater                                                      | 10,514,584    | 11,094,148                           | 7,218                              | 1,155,471                        | -                                                   | 1,742,253                | 1,742,253      |
| Stormwater                                                      | 2,922,440     | 3,133,103                            | 21,105                             | 1,204,750                        | -                                                   | 1,436,518                | 1,436,518      |
| Fleet                                                           | 556,526       | 229,911                              | -                                  | 171,167                          | -                                                   | (155,448)                | (155,448)      |
| Total Business-type activities                                  | 20,245,911    | 23,055,723                           | 322,487                            | 3,308,978                        | -                                                   | 6,441,277                | 6,441,277      |
| Total Activities                                                | \$ 61,618,503 | \$ 36,808,157                        | \$ 6,889,872                       | \$ 15,424,142                    | (8,937,609)                                         | 6,441,277                | (2,496,332)    |
| <b>General revenues:</b>                                        |               |                                      |                                    |                                  |                                                     |                          |                |
| Property taxes                                                  |               |                                      |                                    |                                  | 16,907,896                                          | -                        | 16,907,896     |
| Franchise taxes                                                 |               |                                      |                                    |                                  | 3,913,647                                           | 291,325                  | 4,204,972      |
| Intergovernmental revenues not restricted for specific purposes |               |                                      |                                    |                                  | 1,227,741                                           | -                        | 1,227,741      |
| Unrestricted investment earnings                                |               |                                      |                                    |                                  | 1,266,427                                           | 341,558                  | 1,607,985      |
| Miscellaneous                                                   |               |                                      |                                    |                                  | 3,212,807                                           | 90,922                   | 3,303,729      |
| Total General revenues                                          |               |                                      |                                    |                                  | 26,528,518                                          | 723,805                  | 27,252,323     |
| <b>Transfers</b>                                                |               |                                      |                                    |                                  | 1,198,640                                           | (1,198,640)              | -              |
| <b>Change in net position</b>                                   |               |                                      |                                    |                                  | 18,789,549                                          | 5,966,442                | 24,755,991     |
| Beginning net position                                          |               |                                      |                                    |                                  | 141,203,743                                         | 101,402,151              | 242,605,894    |
| <b>Ending net position</b>                                      |               |                                      |                                    |                                  | \$ 159,993,292                                      | \$ 107,368,593           | \$ 267,361,885 |

The notes to the financial statements are an integral part of this statement



**CITY OF OREGON CITY, OREGON**  
**BALANCE SHEET – GOVERNMENTAL FUNDS**  
**JUNE 30, 2020**

|                                                                                   | General              | Engineering         | System<br>Development | Urban Renewal       | Transportation      | Community<br>Facilities Capital<br>Projects | Other<br>Governmental<br>Funds | Total                |
|-----------------------------------------------------------------------------------|----------------------|---------------------|-----------------------|---------------------|---------------------|---------------------------------------------|--------------------------------|----------------------|
| <b>ASSETS</b>                                                                     |                      |                     |                       |                     |                     |                                             |                                |                      |
| Cash and investments                                                              | \$ 11,419,265        | \$ 2,845,529        | \$ 23,480,913         | \$ 6,406,091        | \$ 2,809,135        | \$ 14,262,966                               | \$ 11,331,445                  | \$ 72,555,344        |
| Receivables:                                                                      |                      |                     |                       |                     |                     |                                             |                                |                      |
| Accounts                                                                          | 1,208,361            | 89                  | 252,473               | 5,652               | 1,255,234           | 164,219                                     | 128,563                        | 3,014,591            |
| Property taxes                                                                    | 464,040              | -                   | -                     | 102,316             | -                   | -                                           | -                              | 566,356              |
| Assessment liens                                                                  | -                    | -                   | 3,412,717             | -                   | -                   | -                                           | -                              | 3,412,717            |
| Interest                                                                          | -                    | -                   | 11,958                | -                   | -                   | 41,725                                      | 6,035                          | 59,718               |
| Prepays and deposits                                                              | 47,055               | -                   | 65,282                | 2,544               | -                   | -                                           | 980                            | 115,861              |
| Due from other funds                                                              | -                    | -                   | -                     | 1,970               | -                   | -                                           | -                              | 1,970                |
| <b>TOTAL ASSETS</b>                                                               | <b>\$ 13,138,721</b> | <b>\$ 2,845,618</b> | <b>\$ 27,223,343</b>  | <b>\$ 6,518,573</b> | <b>\$ 4,064,369</b> | <b>\$ 14,468,910</b>                        | <b>\$ 11,467,023</b>           | <b>\$ 79,726,557</b> |
| <b>LIABILITIES</b>                                                                |                      |                     |                       |                     |                     |                                             |                                |                      |
| Accounts payable                                                                  | \$ 503,695           | \$ 18,500           | \$ 1,362,164          | \$ 6,625            | \$ 118,467          | \$ 2,460,034                                | \$ 239,738                     | \$ 4,709,223         |
| Accrued payroll                                                                   | 475,680              | 22,977              | -                     | -                   | 39,987              | -                                           | 94,303                         | 632,947              |
| Deposits payable                                                                  | 35,585               | 1,937,355           | 63,445                | 1,800               | 93,158              | -                                           | -                              | 2,131,343            |
| Unearned revenue                                                                  | 222,863              | -                   | -                     | -                   | -                   | -                                           | -                              | 222,863              |
| Due to other funds                                                                | -                    | -                   | 1,970                 | -                   | -                   | -                                           | -                              | 1,970                |
| <b>TOTAL LIABILITIES</b>                                                          | <b>1,237,823</b>     | <b>1,978,832</b>    | <b>1,427,579</b>      | <b>8,425</b>        | <b>251,612</b>      | <b>2,460,034</b>                            | <b>334,041</b>                 | <b>7,698,346</b>     |
| <b>DEFERRED INFLOWS OF RESOURCES</b>                                              |                      |                     |                       |                     |                     |                                             |                                |                      |
| Unavailable revenue                                                               | 381,864              | 1,542               | 3,425,246             | 79,704              | 1,549               | 7,609                                       | 5,509                          | 3,903,023            |
| <b>FUND BALANCES</b>                                                              |                      |                     |                       |                     |                     |                                             |                                |                      |
| Non-spendable                                                                     |                      |                     |                       |                     |                     |                                             |                                |                      |
| Prepaid insurance and deposits                                                    | 47,055               | -                   | 65,282                | 2,544               | -                   | -                                           | 980                            | 115,861              |
| Restricted for:                                                                   |                      |                     |                       |                     |                     |                                             |                                |                      |
| Debt service                                                                      | -                    | -                   | -                     | 1,180,570           | -                   | -                                           | -                              | 1,180,570            |
| Culture and recreation capital projects                                           | -                    | -                   | 5,656,947             | -                   | -                   | -                                           | -                              | 5,656,947            |
| Library operations                                                                | -                    | -                   | -                     | -                   | -                   | -                                           | 3,411,788                      | 3,411,788            |
| Building operations                                                               | -                    | -                   | -                     | -                   | -                   | -                                           | 5,175,665                      | 5,175,665            |
| Public works capital projects                                                     | -                    | -                   | 16,648,289            | -                   | 1,381,828           | -                                           | -                              | 18,030,117           |
| Committed to:                                                                     |                      |                     |                       |                     |                     |                                             |                                |                      |
| Debt service                                                                      | -                    | -                   | -                     | -                   | -                   | -                                           | 1,630,536                      | 1,630,536            |
| Culture and recreation projects                                                   | -                    | -                   | -                     | -                   | -                   | 703,564                                     | -                              | 703,564              |
| Planning and building operations                                                  | -                    | 865,244             | -                     | -                   | -                   | -                                           | 908,504                        | 1,773,748            |
| Public facilities                                                                 | -                    | -                   | -                     | -                   | -                   | 916,335                                     | -                              | 916,335              |
| Public safety facility construction                                               | -                    | -                   | -                     | -                   | -                   | 1,599,112                                   | -                              | 1,599,112            |
| Public works capital projects                                                     | -                    | -                   | -                     | -                   | 2,429,380           | 8,782,256                                   | -                              | 11,211,636           |
| Urban renewal capital projects                                                    | -                    | -                   | -                     | 5,247,330           | -                   | -                                           | -                              | 5,247,330            |
| Unassigned                                                                        | 11,471,979           | -                   | -                     | -                   | -                   | -                                           | -                              | 11,471,979           |
| <b>TOTAL FUND BALANCES</b>                                                        | <b>11,519,034</b>    | <b>865,244</b>      | <b>22,370,518</b>     | <b>6,430,444</b>    | <b>3,811,208</b>    | <b>12,001,267</b>                           | <b>11,127,473</b>              | <b>68,125,188</b>    |
| <b>TOTAL LIABILITIES, DEFERRED<br/>INFLOWS OF RESOURCES AND<br/>FUND BALANCES</b> | <b>\$ 13,138,721</b> | <b>\$ 2,845,618</b> | <b>\$ 27,223,343</b>  | <b>\$ 6,518,573</b> | <b>\$ 4,064,369</b> | <b>\$ 14,468,910</b>                        | <b>\$ 11,467,023</b>           | <b>\$ 79,726,557</b> |

The notes to the financial statements are an integral part of this statement

**CITY OF OREGON CITY, OREGON**  
**RECONCILIATION OF BALANCE SHEET – GOVERNMENTAL FUNDS TO THE STATEMENT OF NET POSITION**  
**JUNE 30, 2020**

|                                                                                                                                                                                                |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Fund Balances - Combined Balance Sheet                                                                                                                                                         | \$ 68,125,188  |
| The Statement of Net Position reports receivables at their net realizable value. However, receivables not available to pay for current period expenditures are deferred in governmental funds. | 3,903,023      |
| Capital assets are not financial resources in governmental funds, but are reported in the Statement of Net Position at their net depreciable value.                                            |                |
| Cost                                                                                                                                                                                           | 198,774,978    |
| Accumulated depreciation                                                                                                                                                                       | (49,485,042)   |
| All liabilities are reported in the Statement of Net Position. However, if they are not due and payable in the current period, they are not recorded in governmental funds.                    |                |
| Compensated absences payable                                                                                                                                                                   | (809,698)      |
| Other post employment benefits                                                                                                                                                                 | (9,468,870)    |
| Deferred inflows related to other post employment benefits                                                                                                                                     | (989,079)      |
| Deferred outflows related to other post employment benefits                                                                                                                                    | 698,803        |
| Accrued interest payable                                                                                                                                                                       | (144,554)      |
| Long-term debt payable                                                                                                                                                                         | (36,738,459)   |
| Net pension liability                                                                                                                                                                          | (19,954,501)   |
| Deferred inflows related to pensions                                                                                                                                                           | (1,039,478)    |
| Deferred outflows related to pensions                                                                                                                                                          | 7,120,981      |
| Net Position of Governmental Activities                                                                                                                                                        | \$ 159,993,292 |

The notes to the financial statements are an integral part of this statement

**CITY OF OREGON CITY, OREGON****STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES –  
GOVERNMENTAL FUNDS  
YEAR ENDED JUNE 30, 2020**

|                                                 | General              | Engineering       | System<br>Development | Urban<br>Renewal    | Transportation      | Community<br>Facilities<br>Capital<br>Projects | Other<br>Governmental<br>Funds | Total                |
|-------------------------------------------------|----------------------|-------------------|-----------------------|---------------------|---------------------|------------------------------------------------|--------------------------------|----------------------|
| <b>REVENUES</b>                                 |                      |                   |                       |                     |                     |                                                |                                |                      |
| Property taxes                                  | \$ 13,718,416        | \$ -              | \$ -                  | \$ 3,163,683        | \$ -                | \$ -                                           | \$ -                           | \$ 16,882,099        |
| Franchise taxes                                 | 3,913,647            | -                 | -                     | -                   | -                   | -                                              | -                              | 3,913,647            |
| Assessments and other taxes                     | 563,681              | -                 | -                     | -                   | -                   | -                                              | -                              | 563,681              |
| Licenses and permits                            | 203,122              | 126,971           | -                     | -                   | -                   | -                                              | 2,794,789                      | 3,124,882            |
| Charges for services                            | 2,400,146            | 810,621           | -                     | 100,545             | 2,666,365           | 1,204,961                                      | 2,019,540                      | 9,202,178            |
| System development charges                      | -                    | -                 | 3,181,584             | -                   | -                   | -                                              | -                              | 3,181,584            |
| Intergovernmental                               | 2,696,424            | 809               | 2,887,712             | -                   | 3,634,329           | -                                              | 2,596,655                      | 11,815,929           |
| Fines and forfeitures                           | 1,158,515            | -                 | -                     | -                   | -                   | -                                              | 38,473                         | 1,196,988            |
| Interest income                                 | 262,190              | 27,602            | 364,886               | 139,475             | 42,797              | 298,786                                        | 156,893                        | 1,292,629            |
| Miscellaneous                                   | 1,334,886            | 6,331             | 213,431               | -                   | 9,098               | 167,021                                        | 1,336,318                      | 3,067,085            |
| <b>TOTAL REVENUES</b>                           | <b>26,251,027</b>    | <b>972,334</b>    | <b>6,647,613</b>      | <b>3,403,703</b>    | <b>6,352,589</b>    | <b>1,670,768</b>                               | <b>8,942,668</b>               | <b>54,240,702</b>    |
| <b>EXPENDITURES</b>                             |                      |                   |                       |                     |                     |                                                |                                |                      |
| General government                              | 7,121,859            | -                 | -                     | 1,206,723           | -                   | -                                              | -                              | 8,328,582            |
| Public safety                                   | 10,926,748           | -                 | -                     | -                   | -                   | -                                              | -                              | 10,926,748           |
| Public works                                    | -                    | 932,302           | 231,188               | -                   | 2,952,315           | 112,987                                        | -                              | 4,228,792            |
| Culture and recreation                          | 3,875,734            | -                 | 63,515                | -                   | -                   | -                                              | 1,825,973                      | 5,765,222            |
| Planning and building                           | -                    | -                 | -                     | -                   | -                   | -                                              | 3,113,420                      | 3,113,420            |
| Debt service                                    |                      |                   |                       |                     |                     |                                                |                                |                      |
| Principal                                       | -                    | -                 | -                     | 859,640             | -                   | -                                              | 1,688,524                      | 2,548,164            |
| Interest                                        | -                    | -                 | -                     | 335,255             | -                   | -                                              | 1,345,778                      | 1,681,033            |
| Capital outlay                                  |                      |                   |                       |                     |                     |                                                |                                |                      |
| General government                              | 78,748               | -                 | -                     | 40,450              | -                   | 15,596                                         | -                              | 134,794              |
| Public safety                                   | 15,570               | -                 | -                     | -                   | -                   | 17,336,938                                     | -                              | 17,352,508           |
| Public works                                    | -                    | -                 | 5,685,860             | -                   | 2,109,499           | 581,156                                        | -                              | 8,376,515            |
| Culture and recreation                          | 590,084              | -                 | 319,072               | -                   | -                   | 9,378                                          | -                              | 918,534              |
| <b>TOTAL EXPENDITURES</b>                       | <b>22,608,743</b>    | <b>932,302</b>    | <b>6,299,635</b>      | <b>2,442,068</b>    | <b>5,061,814</b>    | <b>18,056,055</b>                              | <b>7,973,695</b>               | <b>63,374,312</b>    |
| <b>REVENUES OVER (UNDER)<br/>EXPENDITURES</b>   | <b>3,642,284</b>     | <b>40,032</b>     | <b>347,978</b>        | <b>961,635</b>      | <b>1,290,775</b>    | <b>(16,385,287)</b>                            | <b>968,973</b>                 | <b>(9,133,610)</b>   |
| <b>OTHER FINANCING SOURCES<br/>(USES)</b>       |                      |                   |                       |                     |                     |                                                |                                |                      |
| Transfers in                                    | -                    | 120,000           | -                     | -                   | 169,570             | 4,390,000                                      | 1,604,300                      | 6,283,870            |
| Transfers out                                   | (1,940,051)          | (16,000)          | (375,000)             | -                   | (330,000)           | (1,104,300)                                    | (40,000)                       | (3,805,351)          |
| <b>TOTAL OTHER FINANCING<br/>SOURCES (USES)</b> | <b>(1,940,051)</b>   | <b>104,000</b>    | <b>(375,000)</b>      | <b>-</b>            | <b>(160,430)</b>    | <b>3,285,700</b>                               | <b>1,564,300</b>               | <b>2,478,519</b>     |
| <b>NET CHANGE IN FUND BALANCE</b>               | <b>1,702,233</b>     | <b>144,032</b>    | <b>(27,022)</b>       | <b>961,635</b>      | <b>1,130,345</b>    | <b>(13,099,587)</b>                            | <b>2,533,273</b>               | <b>(6,655,091)</b>   |
| <b>FUND BALANCE, beginning of year</b>          | <b>9,816,801</b>     | <b>721,212</b>    | <b>22,397,540</b>     | <b>5,468,809</b>    | <b>2,680,863</b>    | <b>25,100,854</b>                              | <b>8,594,200</b>               | <b>74,780,279</b>    |
| <b>FUND BALANCE, end of year</b>                | <b>\$ 11,519,034</b> | <b>\$ 865,244</b> | <b>\$ 22,370,518</b>  | <b>\$ 6,430,444</b> | <b>\$ 3,811,208</b> | <b>\$ 12,001,267</b>                           | <b>\$ 11,127,473</b>           | <b>\$ 68,125,188</b> |

The notes to the financial statements are an integral part of this statement

**CITY OF OREGON CITY, OREGON**  
**RECONCILIATION OF STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES –**  
**GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**  
**YEAR ENDED JUNE 30, 2020**

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Net Change in Fund Balances - Total Governmental Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$ (6,655,091)              |
| Amounts reported for governmental activities in the Statement of Activities are different because:                                                                                                                                                                                                                                                                                                                                                                                                     |                             |
| Governmental funds defer revenues that do not provide current financial resources. However, the Statement of Activities recognizes such revenues at their net realizable value when earned, regardless of when received.                                                                                                                                                                                                                                                                               | 3,123,858                   |
| Governmental funds do not report expenditures that do not require the use of current financial resources. However, the Statement of Activities reports such expenses when incurred, regardless of when settlement ultimately occurs.                                                                                                                                                                                                                                                                   |                             |
| Accrued compensated absences                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | (79,419)                    |
| Accrued interest payable                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 13,977                      |
| Changes in pension liabilities and related deferred outflows and inflows of resources                                                                                                                                                                                                                                                                                                                                                                                                                  | (2,944,452)                 |
| Changes in OPEB liabilities and related deferred outflows and inflows of resources                                                                                                                                                                                                                                                                                                                                                                                                                     | (306,731)                   |
| Capital outlays are reported as expenditures in governmental funds. However, the Statement of Activities allocates the cost of capital outlay over their estimated useful lives as depreciation expense.                                                                                                                                                                                                                                                                                               |                             |
| Capital outlay expenditures net of proceeds from sale of assets                                                                                                                                                                                                                                                                                                                                                                                                                                        | 26,749,722                  |
| Depreciation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | (4,089,277)                 |
| Contribution and transfers of capital assets                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 351,689                     |
| Proceeds from the issuance of long-term debt provide current financial resources to governmental funds and are reported as revenues. In the same way, repayments of long-term debt use current financial resources and are reported as expenditures in governmental funds. However, neither the receipt of debt proceeds nor the payment of debt principal affect the Statement of Activities, but are reported as increases and decreases in noncurrent liabilities in the Statement of Net Position. |                             |
| Amortization of premium on bonds issued                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 77,109                      |
| Debt principal paid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2,548,164                   |
| Change in Net Position of Governmental Activities                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u><u>\$ 18,789,549</u></u> |

The notes to the financial statements are an integral part of this statement

**CITY OF OREGON CITY, OREGON**  
**STATEMENT OF NET POSITION – PROPRIETARY FUNDS**  
**JUNE 30, 2020**

|                                           | Water         | Wastewater    | Stormwater    | Total Enterprise Funds | Total Internal Service Funds | Total Proprietary Funds |
|-------------------------------------------|---------------|---------------|---------------|------------------------|------------------------------|-------------------------|
| <b>ASSETS</b>                             |               |               |               |                        |                              |                         |
| <b>Current Assets</b>                     |               |               |               |                        |                              |                         |
| Cash and investments                      | \$ 4,579,625  | \$ 11,491,949 | \$ 1,778,387  | \$ 17,849,961          | \$ 6,474,145                 | \$ 24,324,106           |
| Accounts receivable, net of allowance     | 1,079,454     | 1,665,816     | 445,596       | 3,190,866              | 5,920                        | 3,196,786               |
| Assessment liens receivable               | -             | 72,215        | -             | 72,215                 | -                            | 72,215                  |
| Interest receivable                       | 2,091         | 2,304         | 680           | 5,075                  | 4,213                        | 9,288                   |
| Inventories                               | 147,193       | -             | -             | 147,193                | -                            | 147,193                 |
| Total Current Assets                      | 5,808,363     | 13,232,284    | 2,224,663     | 21,265,310             | 6,484,278                    | 27,749,588              |
| <b>Noncurrent Assets</b>                  |               |               |               |                        |                              |                         |
| Investment in South Fork Water Board      | 10,687,428    | -             | -             | 10,687,428             | -                            | 10,687,428              |
| Nondepreciable capital assets             | 1,117,169     | 2,887,227     | 1,198,371     | 5,202,767              | -                            | 5,202,767               |
| Other capital assets, net of depreciation | 35,174,897    | 18,548,933    | 16,630,527    | 70,354,357             | 563,887                      | 70,918,244              |
| OPEB Asset                                | 11,127        | 11,098        | 14,896        | 37,121                 | 6,654                        | 43,775                  |
| Total Noncurrent Assets                   | 46,990,621    | 21,447,258    | 17,843,794    | 86,281,673             | 570,541                      | 86,852,214              |
| Total Assets                              | 52,798,984    | 34,679,542    | 20,068,457    | 107,546,983            | 7,054,819                    | 114,601,802             |
| <b>DEFERRED OUTFLOWS OF RESOURCES</b>     |               |               |               |                        |                              |                         |
| Deferred resources related to pensions    | 540,139       | 402,422       | 403,458       | 1,346,019              | 241,269                      | 1,587,288               |
| Deferred resources related to OPEB        | 39,593        | 39,491        | 53,006        | 132,090                | 23,677                       | 155,767                 |
| Total Deferred Outflows of Resources      | 579,732       | 441,913       | 456,464       | 1,478,109              | 264,946                      | 1,743,055               |
| <b>LIABILITIES</b>                        |               |               |               |                        |                              |                         |
| <b>Current Liabilities</b>                |               |               |               |                        |                              |                         |
| Accounts payable                          | 361,270       | 850,423       | 72,048        | 1,283,741              | 136,607                      | 1,420,348               |
| Accrued payroll liabilities               | 48,610        | 33,947        | 35,868        | 118,425                | 20,638                       | 139,063                 |
| Deposits payable                          | 34,190        | -             | 133,210       | 167,400                | -                            | 167,400                 |
| Current portion of long-term liabilities: |               |               |               |                        |                              |                         |
| Accrued compensated absences              | 14,746        | 9,109         | 9,499         | 33,354                 | 5,635                        | 38,989                  |
| Total Current Liabilities                 | 458,816       | 893,479       | 250,625       | 1,602,920              | 162,880                      | 1,765,800               |
| <b>Noncurrent Liabilities</b>             |               |               |               |                        |                              |                         |
| Accrued compensated absences              | 58,982        | 36,438        | 37,995        | 133,415                | 22,542                       | 155,957                 |
| Net pension liability                     | 1,513,584     | 1,127,673     | 1,130,574     | 3,771,831              | 676,086                      | 4,447,917               |
| OPEB liability                            | 547,611       | 546,206       | 733,128       | 1,826,945              | 327,474                      | 2,154,419               |
| Total Noncurrent Liabilities              | 2,120,177     | 1,710,317     | 1,901,697     | 5,732,191              | 1,026,102                    | 6,758,293               |
| Total Liabilities                         | 2,578,993     | 2,603,796     | 2,152,322     | 7,335,111              | 1,188,982                    | 8,524,093               |
| <b>DEFERRED INFLOWS OF RESOURCES</b>      |               |               |               |                        |                              |                         |
| Deferred resources related to pensions    | 78,846        | 58,743        | 58,894        | 196,483                | 35,219                       | 231,702                 |
| Deferred resources related to OPEB        | 56,039        | 55,895        | 75,023        | 186,957                | 33,512                       | 220,469                 |
| Total Deferred Inflows of Resources       | 134,885       | 114,638       | 133,917       | 383,440                | 68,731                       | 452,171                 |
| <b>NET POSITION:</b>                      |               |               |               |                        |                              |                         |
| Net investment in capital assets          | 36,292,066    | 21,436,160    | 17,828,898    | 75,557,124             | 563,887                      | 76,121,011              |
| Restricted for:                           |               |               |               |                        |                              |                         |
| OPEB benefits                             | 11,127        | 11,098        | 14,896        | 37,121                 | 6,654                        | 43,775                  |
| Unrestricted                              | 14,361,645    | 10,955,763    | 394,888       | 25,712,296             | 5,491,511                    | 31,203,807              |
| Total Net Position                        | \$ 50,664,838 | \$ 32,403,021 | \$ 18,238,682 | \$ 101,306,541         | \$ 6,062,052                 | \$ 107,368,593          |

The notes to the financial statements are an integral part of this statement

**CITY OF OREGON CITY, OREGON**  
**STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION – PROPRIETARY FUNDS**  
**YEAR ENDED JUNE 30, 2020**

|                                                          | <b>Water</b>         | <b>Wastewater</b>    | <b>Stormwater</b>    | <b>Total<br/>Enterprise<br/>Funds</b> | <b>Total Internal<br/>Service Funds</b> | <b>Total<br/>Proprietary<br/>Funds</b> |
|----------------------------------------------------------|----------------------|----------------------|----------------------|---------------------------------------|-----------------------------------------|----------------------------------------|
| <b>OPERATING REVENUES</b>                                |                      |                      |                      |                                       |                                         |                                        |
| Charges for services                                     | \$ 7,356,761         | \$ 11,094,148        | \$ 3,133,103         | \$ 21,584,012                         | \$ 1,471,711                            | \$ 23,055,723                          |
| System development revenue pass through                  | 258,197              | 585,443              | -                    | 843,640                               | -                                       | 843,640                                |
| Intergovernmental                                        | 8,491                | 7,218                | 46,105               | 61,814                                | 5,162                                   | 66,976                                 |
| Miscellaneous                                            | 13,052               | 33,457               | 14,069               | 60,578                                | 30,345                                  | 90,923                                 |
| <b>Total Operating Revenues</b>                          | <b>7,636,501</b>     | <b>11,720,266</b>    | <b>3,193,277</b>     | <b>22,550,044</b>                     | <b>1,507,218</b>                        | <b>24,057,262</b>                      |
| <b>OPERATING EXPENSES</b>                                |                      |                      |                      |                                       |                                         |                                        |
| Personnel services                                       | 1,435,620            | 1,448,482            | 1,494,269            | 4,378,371                             | 846,316                                 | 5,224,687                              |
| Materials and services                                   | 3,590,166            | 7,101,434            | 917,962              | 11,609,562                            | 695,134                                 | 12,304,696                             |
| Depreciation                                             | 805,170              | 1,270,921            | 337,549              | 2,413,640                             | 302,888                                 | 2,716,528                              |
| <b>Total Operating Expenses</b>                          | <b>5,830,956</b>     | <b>9,820,837</b>     | <b>2,749,780</b>     | <b>18,401,573</b>                     | <b>1,844,338</b>                        | <b>20,245,911</b>                      |
| <b>OPERATING INCOME (LOSS)</b>                           | <b>1,805,545</b>     | <b>1,899,429</b>     | <b>443,497</b>       | <b>4,148,471</b>                      | <b>(337,120)</b>                        | <b>3,811,351</b>                       |
| <b>NONOPERATING REVENUES<br/>(EXPENSES)</b>              |                      |                      |                      |                                       |                                         |                                        |
| Franchise taxes                                          | -                    | 291,325              | -                    | 291,325                               | -                                       | 291,325                                |
| Investment revenue                                       | 66,647               | 150,653              | 26,225               | 243,525                               | 98,033                                  | 341,558                                |
| Increase in equity of South Fork Water Board             | 280,510              | -                    | -                    | 280,510                               | -                                       | 280,510                                |
| <b>Total Nonoperating Revenues (Expenses)</b>            | <b>347,157</b>       | <b>441,978</b>       | <b>26,225</b>        | <b>815,360</b>                        | <b>98,033</b>                           | <b>913,393</b>                         |
| <b>NET INCOME BEFORE CONTRIBUTIONS<br/>AND TRANSFERS</b> | <b>2,152,702</b>     | <b>2,341,407</b>     | <b>469,722</b>       | <b>4,963,831</b>                      | <b>(239,087)</b>                        | <b>4,724,744</b>                       |
| Capital contributions                                    | 945,234              | 1,376,740            | 1,227,076            | 3,549,050                             | 171,167                                 | 3,720,217                              |
| Transfers in                                             | 209,493              | -                    | -                    | 209,493                               | 768,481                                 | 977,974                                |
| Transfers out                                            | (1,400,000)          | (1,140,000)          | (705,000)            | (3,245,000)                           | (211,493)                               | (3,456,493)                            |
| <b>CHANGE IN NET POSITION</b>                            | <b>1,907,429</b>     | <b>2,578,147</b>     | <b>991,798</b>       | <b>5,477,374</b>                      | <b>489,068</b>                          | <b>5,966,442</b>                       |
| Beginning net position                                   | 48,757,409           | 29,824,874           | 17,246,884           | 95,829,167                            | 5,572,984                               | 101,402,151                            |
| <b>Ending net position</b>                               | <b>\$ 50,664,838</b> | <b>\$ 32,403,021</b> | <b>\$ 18,238,682</b> | <b>\$ 101,306,541</b>                 | <b>\$ 6,062,052</b>                     | <b>\$ 107,368,593</b>                  |

The notes to the financial statements are an integral part of this statement

**CITY OF OREGON CITY, OREGON**  
**STATEMENT OF CASH FLOWS – PROPRIETARY FUNDS**  
**YEAR ENDED JUNE 30, 2020**

|                                                                                   | Water        | Wastewater    | Stormwater   | Total<br>Enterprise<br>Funds | Total Internal<br>Service Funds | Total<br>Proprietary<br>Funds |
|-----------------------------------------------------------------------------------|--------------|---------------|--------------|------------------------------|---------------------------------|-------------------------------|
| <b>CASH FLOWS FROM OPERATING ACTIVITIES</b>                                       |              |               |              |                              |                                 |                               |
| Collected from customers                                                          | \$ 7,430,386 | \$ 11,069,793 | \$ 3,133,384 | \$ 21,633,563                | \$ 1,468,166                    | \$ 23,101,729                 |
| Other receipts                                                                    | 21,543       | 40,675        | 60,174       | 122,392                      | 35,507                          | 157,899                       |
| Paid to suppliers                                                                 | (3,427,754)  | (6,353,647)   | (894,271)    | (10,675,672)                 | (943,146)                       | (11,618,818)                  |
| Paid to employees                                                                 | (1,473,225)  | (1,240,775)   | (1,160,485)  | (3,874,485)                  | (712,894)                       | (4,587,379)                   |
| Net Cash Provided by (Used in) Operating Activities                               | 2,550,950    | 3,516,046     | 1,138,802    | 7,205,798                    | (152,367)                       | 7,053,431                     |
| <b>CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES</b>                           |              |               |              |                              |                                 |                               |
| Cash receipts from taxes                                                          | -            | 291,325       | -            | 291,325                      | -                               | 291,325                       |
| Transfers in                                                                      | -            | -             | -            | -                            | 768,481                         | 768,481                       |
| Transfers out                                                                     | (1,400,000)  | (1,140,000)   | (705,000)    | (3,245,000)                  | (2,000)                         | (3,247,000)                   |
| Net Cash Provided by (Used in) Non-Capital Financing Activities                   | (1,400,000)  | (848,675)     | (705,000)    | (2,953,675)                  | 766,481                         | (2,187,194)                   |
| <b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>                   |              |               |              |                              |                                 |                               |
| Acquisition of capital assets                                                     | (290,903)    | (304,447)     | (82,307)     | (677,657)                    | (446,608)                       | (1,124,265)                   |
| Net Cash Provided by (Used in) Capital and Related Financing Activities           | (290,903)    | (304,447)     | (82,307)     | (677,657)                    | (446,608)                       | (1,124,265)                   |
| <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>                                       |              |               |              |                              |                                 |                               |
| Interest on investments                                                           | 67,106       | 154,583       | 26,559       | 248,248                      | 98,043                          | 346,291                       |
| Increase in Cash and Investments                                                  | 927,153      | 2,517,507     | 378,054      | 3,822,714                    | 265,549                         | 4,088,263                     |
| <b>CASH AND INVESTMENTS, Beginning of year</b>                                    | 3,652,472    | 8,974,442     | 1,400,333    | 14,027,247                   | 6,208,596                       | 20,235,843                    |
| <b>CASH AND INVESTMENTS, End of year</b>                                          | \$ 4,579,625 | \$ 11,491,949 | \$ 1,778,387 | \$ 17,849,961                | \$ 6,474,145                    | \$ 24,324,106                 |
| <b>RECONCILIATION OF OPERATING INCOME TO CASH FLOWS FROM OPERATING ACTIVITIES</b> |              |               |              |                              |                                 |                               |
| Operating income (loss)                                                           | \$ 1,805,545 | \$ 1,899,429  | \$ 443,497   | \$ 4,148,471                 | \$ (337,120)                    | \$ 3,811,351                  |
| Depreciation                                                                      | 805,170      | 1,270,921     | 337,549      | 2,413,640                    | 302,888                         | 2,716,528                     |
| <i>Change in assets and liabilities:</i>                                          |              |               |              |                              |                                 |                               |
| Accounts receivable                                                               | 73,625       | (24,355)      | 281          | 49,551                       | (3,545)                         | 46,006                        |
| Inventory                                                                         | (2,454)      | -             | -            | (2,454)                      | -                               | (2,454)                       |
| Accounts payable and accrued liabilities                                          | (67,226)     | 160,666       | 33,926       | 127,366                      | (240,915)                       | (113,549)                     |
| Net pension liability                                                             | 205,233      | 251,477       | 211,192      | 667,902                      | 202,273                         | 870,175                       |
| Net OPEB liability                                                                | (173,338)    | 62,536        | 203,194      | 92,392                       | 21,435                          | 113,827                       |
| Deferred outflows                                                                 | (56,630)     | (98,145)      | (94,935)     | (249,710)                    | (86,784)                        | (336,494)                     |
| Deferred inflows                                                                  | (38,975)     | (6,483)       | 4,098        | (41,360)                     | (10,599)                        | (51,959)                      |
| Net Cash Provided by (Used in) Operating Activities                               | \$ 2,550,950 | \$ 3,516,046  | \$ 1,138,802 | \$ 7,205,798                 | \$ (152,367)                    | \$ 7,053,431                  |
| <b>NONCASH INVESTING, CAPITAL AND RELATED FINANCING ACTIVITIES</b>                |              |               |              |                              |                                 |                               |
| Increase in equity of South Fork Water Board                                      | \$ 280,510   | \$ -          | \$ -         | \$ 280,510                   | \$ -                            | \$ 280,510                    |
| Capital Contributions                                                             | 945,234      | 1,376,740     | 1,227,076    | 3,549,050                    | 171,167                         | 3,720,217                     |
|                                                                                   | \$ 1,225,744 | \$ 1,376,740  | \$ 1,227,076 | \$ 3,829,560                 | \$ 171,167                      | \$ 4,000,727                  |

The notes to the financial statements are an integral part of this statement



## NOTES TO BASIC FINANCIAL STATEMENTS

**CITY OF OREGON CITY, OREGON**  
 NOTES TO BASIC FINANCIAL STATEMENTS  
 YEAR ENDED JUNE 30, 2020

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**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The financial statements of the City of Oregon City, Oregon (the City) have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP). GAAP statements require the application of all relevant Governmental Accounting Standards Board (GASB) pronouncements. The GASB is the accepted standard-setting body for establishing governmental accounting and financial reporting standards.

**A. The Financial Reporting Entity**

The City of Oregon City, Oregon is a municipal corporation governed by an elected mayor and four commission members who comprise the City Commission. The City Commission exercises supervisory responsibilities over the City operations, but day-to-day management control is the responsibility of a city manager. All significant activities and organizations for which the City is financially accountable are included in the financial statements for the year ended June 30, 2020.

In defining the City of Oregon City for financial reporting purposes, management considers: all funds, organizations, institutions, agencies, departments, and offices that are legally part of the City (the primary government) and organizations for which the City is financially accountable. As defined by accounting principles generally accepted in the United States of America, the financial reporting entity consists of the primary government, as well as its component units. Component units can be defined as legally separate entities for which the City is considered to be financially accountable. Blended component units are, in substance, part of the primary government's operations, even though they are legally separate entities. Thus, blended component units are appropriately presented as funds of the primary government.

Based on component unit criteria, the City of Oregon City's financial statements include the Oregon City Urban Renewal Commission as a blended component unit. The City Commission and Board of Directors of Oregon City Urban Renewal Commission are composed of the same individuals. Additionally, management of the City manages the activities of the component unit in the same manner as it manages its own activities. The separately issued financial statements of the Oregon City Urban Renewal Commission may be obtained from the Commission at 625 Center Street, Oregon City, Oregon 97045.

There are certain governmental agencies and various service districts which provide services within the City. These agencies have independently elected governing boards and the City is not financially accountable for these organizations. Therefore, financial information for these agencies is not included in the accompanying basic financial statements.

**B. Basic Financial Statements**

Basic financial statements are presented at both the government-wide and fund financial level. Both levels of statements categorize primary activities as either governmental or business-type. Governmental activities, which are normally supported by taxes and intergovernmental revenues are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

*Government-wide financial statements* (i.e., the statement of net position and the statement of activities) display information about the reporting government, the primary government and its component units. These statements focus on the sustainability of the City as an entity and the change in aggregate financial position resulting from the activities of the fiscal period. Governmental activities, which normally are supported by taxes, intergovernmental revenues, and other nonexchange transactions, are reported separately from business-type activities, which rely to a significant extent on fees and charges to external customers for support. All fiduciary activities are excluded from the government-wide statements and are reported only in fund financial statements.

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

The Statement of Activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment, and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

The City has interfund activity. Any residual balances outstanding at year end from such activity are reported as due from/to other funds. While these balances are reported in fund financial statements, eliminations are made in the preparation of the government-wide financial statements. Balances between the funds included in governmental activities are eliminated so that only the net amount is included as internal balances in the governmental activities column. Similarly, balances between the funds included in business-type activities are eliminated so that only the net amount is included as internal balances in the business-type activities column.

Exceptions to this rule include certain services provided between funds at market or near-market rates, which are treated as revenues and expenses. Elimination of these charges would distort the direct costs and program revenues reported for the various functions.

Further, certain activity occurs during the year involving transfers of resources between funds. In fund financial statements these amounts are reported at gross amounts as transfers in/out. While reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Transfers between the funds included in governmental activities are eliminated so that only the net amount is included as transfers in the governmental activities column. Similarly, balances between the funds included in business-type activities are eliminated so that only the net amount is included as transfers in the business-type activities column.

The City does not currently use an indirect cost allocation system. Administrative service fees are charged by the General Fund and the Community Development Fund to the other operating funds for services provided (e.g. general administration, financial services, geographic information systems, etc.) and are included as direct program expenses.

*Fund financial statements* display information at the individual fund level. Each fund is considered to be a separate accounting entity. Funds are classified and summarized as governmental, proprietary or fiduciary. Separate statements for each fund category—governmental, proprietary, and fiduciary—are presented. Currently, the City has general, special revenue, internal service, capital projects, debt service and enterprise type funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. Nonmajor funds are consolidated into a single column within each fund type in the financial section of the basic financial statements and are detailed in the other supplementary information.

### **C. Basis of Presentation**

The financial transactions of the City are recorded in individual funds. Each fund is accounted for by providing a separate set of self-balancing accounts that comprise its assets, deferred outflows of resources, liabilities, deferred inflows of resources, reserves, fund equity, revenues, and expenditures/expenses. The various funds are reported by generic classification within the financial statements.

There are stated minimum criteria for the determination of major funds: percentage of the assets and deferred outflows of resources, liabilities and deferred inflows of resources, revenues, or expenditures/expenses, of either fund category or the governmental and enterprise combined. The City electively added funds as major funds which either had debt outstanding or specific community focus. Non-major funds are combined in a column in the fund financial statements and detailed in the combining and individual fund statements and schedules located in the other supplementary information section.

## CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

The City reports the following major governmental funds:

*General Fund* – The government’s primary operating fund accounts for the City’s legislative activities and administration, human resources, finance, information technology, police department, municipal court, and parks and recreation. The primary revenue sources are property taxes, franchise fees, fines and forfeitures, and intergovernmental revenues.

*Engineering Fund* – This fund is used to provide engineering review and construction monitoring for private development within the City. Licenses and permits are the primary revenue source.

*System Development Fund* – This fund accounts for the collection of transportation, water, wastewater, stormwater and parks development charges and their use for related capital projects.

*Urban Renewal Fund* – This fund accounts for the activity of the Urban Renewal Agency. Property taxes are the primary revenue source. Expenditures are primarily for urban renewal projects.

*Transportation Fund* – This fund is used to account for the use of state gas tax revenue and pavement maintenance charges for street-related purposes.

*Community Facilities Fund* – This fund accounts for money set aside for construction of city facilities including the expansion of the library and building of public safety and public works facilities; funded by transfers from other funds.

The City’s proprietary funds mainly account for the water, wastewater, and stormwater operations. The City reports the following major proprietary funds:

*Water Fund* – Accounts for the operation of the City’s water system. Customer charges are the primary revenue source.

*Wastewater Fund* – Accounts for the operation of the City’s sanitary sewer collection system. Customer charges are the primary revenue source along with franchise taxes charged to wastewater treatment providers operating in the area for the purpose of recovering costs incurred in providing services.

*Stormwater Fund* – Accounts for the operation of the City’s storm drain activity. Customer charges are the primary revenue source.

Additionally, the City reports nonmajor funds within the governmental fund types:

*Special Revenue Funds* – The special revenue funds account for revenue derived from specific tax or other earmarked revenue sources, including grants and funds set aside to finance particular functions or activities. Funds included in this category are:

*Library Fund* – This fund accounts for the operation of the library. Proceeds from the Clackamas County Library Levy are the primary revenue source.

*Community Development Fund* – This fund accounts for personnel costs and other expenditures related to planning and development services. Licenses and charges for service are the primary revenue sources.

*Building Fund* – This fund is used to account for building inspection and related expenditures. Building permits are the primary revenue source.

### *Debt Service Funds*

*Debt Service Fund* – The debt service fund is used to account for the accumulation of resources that are restricted, committed, or assigned for the payment of principal and interest on long-term obligations of governmental funds. During the current year, debt principal and interest for the Public Employee Retirement System Bonds and the Oregon City Full Faith and Credit Obligation Bonds were paid from the fund.

**OF OREGON CITY, OREGON**

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

The City does not have any nonmajor enterprise funds. It does however report nonmajor internal service funds within the proprietary fund types:

*Internal Service Funds*

The City has three internal service funds which provide services to other City departments, primarily the enterprise funds. Therefore, the internal service funds are combined with the enterprise funds in the government-wide financial statement. Internal charges are the primary revenue source these funds. Expenditures are for the purposes as described below.

*Fleet Service Fund* – This fund accounts for the current operating costs of City owned vehicles.

*Customer Service Fund* – This fund accounts for the cost of providing utility billing services.

*Equipment Replacement Fund* – This fund accounts for accumulated resources to be used for vehicle and equipment replacement.

**D. Measurement Focus and Basis of Accounting**

Measurement focus is a term used to describe which transactions are recorded within the various financial statements. Basis of accounting refers to when transactions are recorded regardless of the measurement focus.

The government-wide and proprietary fund financial statements are accounted for using an economic resources measurement focus, whereby all assets and liabilities are included in the Statement of Net Position. The increases and decreases in the net position are presented in the government-wide Statement of Activities and in the proprietary fund Statement of Revenues, Expenses and Changes in Net Position.

These funds use the accrual basis of accounting whereby revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Amounts reported as program revenues in the Statement of Activities include (1) fines, fees and charges to customers or applicants for goods, services or privileges provided, (2) operating grants and contributions, and (3) capital grants and contributions, including special assessments. Grants and contributions not restricted are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Operating revenues and operating expenses are intermediate components within the proprietary fund Statement of Revenues, Expenses and Changes in Net Position, and include only those transactions that constitute their principal, ongoing activities exclusive of investing or financing transactions. Significant operating revenues include charges for services and miscellaneous income. Significant operating expenses include personnel, materials and supplies, outside services, and depreciation. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

The governmental fund financial statements are accounted for using a current financial resources measurement focus, whereby only current assets and current liabilities generally are included in the balance sheet, and the statement of revenues, expenditures and changes in fund balances present increases and decreases in those net current assets. These funds use the modified accrual basis of accounting whereby revenues are recorded only when susceptible to accrual (both measurable and available). “Measurable” means that the amount of the transaction can be determined. “Available” is defined as being collectible within the current period or soon enough thereafter (60 days) to be used to liquidate liabilities of the current period. Expenditures other than interest on noncurrent obligations, are recorded when the fund liability is incurred.

## CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

Real and personal property taxes are levied as of July 1 for each fiscal year on values assessed as of January 1. Property taxes are an enforceable lien on both real and personal property as of July 1 and are due and payable in installments on November 15, February 15 and May 15. All property taxes are billed and collected by Clackamas County and remitted to the City. In the governmental fund financial statements, property taxes are reflected as revenues in the fiscal period for which they were levied, provided they are due, or past due and receivable within the current period, and collected within the current period or expected to be collected soon enough thereafter to be used to pay liabilities of the current period (60 days). Otherwise, they are reported as deferred revenues.

Intergovernmental revenues are recognized as revenues when all eligibility requirements are met. There are, however, essentially two types of intergovernmental revenues. In one, monies must be expended on the specific purpose or project before any amounts will be paid to the City; therefore, all eligibility requirements are determined to be met when the underlying expenditures are recorded. In the other, monies are virtually unrestricted as to the purpose of the expenditure and are usually revocable only for failure to comply with prescribed requirements; therefore, all eligibility requirements are determined to be met at the time of receipt, or earlier, if the susceptible accrual criteria are met.

Licenses and permits, charges for services, fines and forfeitures and miscellaneous revenues (except investment earnings) are recorded as revenues when received in cash because they are generally not measurable until actually received. Investment earnings are recorded as earned since they are measurable and available. Special assessments receivable and repayment of revolving loans are offset by deferred revenues.

Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements' governmental column, a reconciliation is necessary to explain the adjustments needed to transform the fund based financial statements into the governmental column of the government-wide presentation. This reconciliation is part of the basic financial statements.

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect reporting amounts of certain assets, liabilities, deferred inflows and outflows, revenues and expenses. Actual results may differ from such estimates.

### **E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance**

#### *Cash and Investments*

Cash and cash equivalents include cash on hand, demand deposits and short-term investments with original maturities of three months or less when purchased. Investments for the City, as well as for its component unit, are reported at fair value based on quoted market prices. Interest earned on cash and investments is allocated monthly based on each fund's average cash balance as a proportion of the City's total cash and investments.

#### *Receivables and Revenues*

Receivables for state, county and local shared revenues, included in accounts receivable, are recorded as revenue in the governmental funds as earned. Property taxes receivable for the governmental fund types, which have been collected within sixty days subsequent to year end, are considered measurable and available and are recognized as revenues. All other property taxes are offset by unavailable property tax revenues and, accordingly, have not been recorded as revenue. Property taxes receivable by the City represent the City's allocated share of delinquent property taxes and other amounts to be collected from property owners within Clackamas County, Oregon.

Assessment liens in the governmental fund types are recognized as receivables at the time property owners are assessed for property improvements. All assessments receivable are offset by an unavailable revenue account and, accordingly, have not been recorded as revenue; assessment revenue is recognized upon collection.



**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

*Inventory and Prepaids*

Inventory in the proprietary funds is stated at cost (first-in, first-out basis) and is charged to expense as used. The purchases method is used for inventory for governmental funds. In both government-wide and fund financial statements, certain payments to vendors reflect costs applicable to future City accounting periods and are recorded as prepaid expenses. The cost of these prepaid items is recorded as expenditures/expenses when consumed.

*Capital Assets*

Capital assets are stated at cost or estimated historical cost. Donated capital assets are reported at their acquisition value, that is the price that would be paid to acquire the asset. Estimated acquisition value of donated assets is determined based on engineering estimates of current cost or price indexed cost. Capital assets include land, right-of-way (included with land), buildings, improvements, equipment, infrastructure and other tangible and intangible assets costing over \$5,000 used in operations that have initial useful lives extending beyond a single reporting period. Infrastructure are those capital assets that are stationary in nature and can be preserved for a significantly greater number of years than most other capital assets. Infrastructure reported in governmental activities consists of roads, bridges, sidewalks and traffic and lighting systems. Infrastructure reported in business-type activities consists of water, stormwater and wastewater collection systems.

All capital assets, except for infrastructure in governmental activities prior to July 1, 1980, have been capitalized in the government-wide and proprietary fund financial statements. In accordance with the current financial resources measurement focus, capital assets are not capitalized in the governmental fund financial statements. Purchased capital assets are valued at cost when historical records are available and at estimated historical cost if no historical records exist. Historical cost is measured by the cash or cash equivalent price of obtaining an asset, including ancillary charges necessary to place the asset into its intended location and condition for use.

Additions, improvements, and other capital outlays that significantly extend the useful life of an asset are capitalized. Amounts expended for maintenance and repairs are charged to expenditures/expenses in the appropriate funds as incurred and are not capitalized.

Capital assets are depreciated unless they are inexhaustible in nature (e.g., land and right-of-ways). Depreciation is an accounting process to allocate the cost of capital assets to expense in a systematic and rational manner to those periods expected to benefit from the use of capital assets. Depreciation is not intended to represent an estimate in the decline of fair market value, nor are capital assets, net of accumulated depreciation, intended to represent an estimate of the current condition of the assets, or the maintenance requirements needed to maintain the assets at their current level of condition.

Depreciation is computed over the estimated useful lives of the capital assets. All estimates of useful lives are based on actual experience by City departments with identical or similar capital assets. Depreciation is calculated on the straight-line basis, except for infrastructure and improvements other than buildings reported in the governmental activities column of the government-wide financial statements, which are calculated using a composite depreciation method. The estimated useful lives of the various categories of assets are as follows:

|                                |               |
|--------------------------------|---------------|
| Buildings and improvements     | 40 years      |
| Water and Sewer Infrastructure | 20 – 50 years |
| Governmental Infrastructure    | 20 – 50 years |
| Equipment                      | 10 – 20 years |

Upon disposal of capital assets, cost and accumulated depreciation are removed from the accounts and, if appropriate, a gain or loss on the disposal is recognized.



## CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

### *Deferred Inflows/Outflows of Resources*

In addition to assets, the statement of financial position will report a separate section for deferred outflows of resources. Deferred outflows of resources represent a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

The City reports deferred outflows of resources for both pension and other postemployment benefit (OPEB) related amounts: payments since the measurement date (MD), changes in assumptions, and for the difference between future payments of deferred revenues' projected and actual earnings. This amount is deferred and recognized as an outflow of resources in the period when the City's recognizes pension expense/expenditures. The City also reports the deferred charge on refunding as a deferred outflow of resources. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred over the shorter of the life of the refunded or refunding debt. Deferred outflows are included in the government-wide Statement of Net Position and the proprietary funds Statement of Net Position.

In addition to liabilities, the statement of financial position will report a separate section for deferred inflows of resources. Deferred inflows of resources represent an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

The governmental funds report unavailable revenues from property taxes, assessment liens, and investment income, as deferred inflows of resources. These items arise only under a modified accrual basis of accounting and accordingly, are reported only in the governmental funds balance sheet. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

The City also reports deferred inflows of resources for both pension and OPEB-related amounts: differences between projected and actual investment earnings and changes in employer proportion and differences between employer contributions and the City's proportionate share of contributions. This amount is deferred and recognized as an inflow of resources in the period when the City's recognizes pension income. Deferred inflows are included in the government-wide Statement of Net Position and the proprietary funds Statement of Net Position.

### *Long-Term Debt*

Long-term debt directly related and expected to be paid from the enterprise funds is recorded in these funds. All other unmatured long-term debt is recorded on the Statement of Net Position. Repayment of general bonded debt will be made from debt service funds with the exception of the library bonds, which are expenses of the library fund. Payment of vacation liabilities will be made from all funds that have personnel expenses. Significant bond premiums, discounts, and amounts deferred on refunding are deferred and amortized over the applicable bond term. Issuance costs are reported as period costs in the year of issue. In the fund financial statements, governmental fund types recognize bond premiums, discounts, and issuance costs, as period costs in the year of issue. The face amount of debt issued and any related premium is reported as other financing sources.

### *Accrued Compensated Absences*

Accumulated vested vacation pay is accrued in the enterprise funds as it is earned by employees. In governmental fund types, the amounts, if any, expected to be liquidated with expendable available resources are accrued as liabilities of the funds and the amount payable from future resources is recorded on the Statement of Net Position. Sick pay, which does not vest, is recorded in all funds when leave is taken. Compensated absences payable are recorded as liabilities in the governmental funds only if they have matured (i.e., there are unpaid amounts still outstanding after an employee's termination). In the past, compensated absences and other postemployment benefits have been paid by the fund resulting in the underlying liability, or each fund that reports personnel expenses (General, Library, Building, Community Development, Engineering, Water, Wastewater, Stormwater funds.)

**CITY OF OREGON CITY, OREGON**  
 NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
 YEAR ENDED JUNE 30, 2020

*Other Postemployment Benefit Obligations (OPEB)*

In accordance with Governmental Accounting Standards Board (GASB) Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions (OPEB), the City's net OPEB obligation is recognized as a long-term liability in the government-wide financial statements and in the proprietary fund statements, the amount of which is actuarially determined. The annual required contribution is recognized on an accrual basis in accordance with actuarial standards. The General Fund liquidates the long-term portions of other postemployment benefits.

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the City's two separate plans, the Implicit Rate Subsidy and Oregon Public Employees Retirement Systems (PERS), and additions to/deductions from Implicit Rate Subsidy and PERS's fiduciary net position, have been determined on the same basis as they are reported by Implicit Rate Subsidy and PERS. For this purpose, Implicit Rate Subsidy and PERS recognizes benefit payments when due and payable in accordance with the benefit terms. Investments are reported at fair value, except for money market investments and participating interest-earning investment contracts that have a maturity at the time of purchase of one year or less, which are reported at cost.

*Pension Obligations – Oregon Public Employees Retirement System (PERS)*

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the PERS and additions to/deductions from PERS's fiduciary net position have been determined on the same basis as they are reported by PERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value. The long-term portion of pension liabilities are expected to be paid in future years from future resources. In prior years, these liabilities have been liquidated primarily by the governmental and enterprise funds for which the employees who earned the benefits were assigned.

*Net Position*

In the government-wide financial statements and proprietary funds financial statements, net position is reported in three categories: net investment in capital assets; restricted net position; and unrestricted net position. Net investment in capital assets represents capital assets less accumulated depreciation less outstanding principal of related debt. Restricted net position represents net position restricted by parties outside of the City (such as creditors, grantors, contributors, laws, and regulations of other governments) and includes funds restricted for payment of debt or to acquire or construct capital assets. All other net position is considered unrestricted.

*Net Position Flow Assumption*

Sometimes the government will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to consider restricted net position to have been depleted before unrestricted net position is applied.

# CITY OF OREGON CITY, OREGON

## NOTES TO BASIC FINANCIAL STATEMENTS (Continued)

YEAR ENDED JUNE 30, 2020

### *Fund Balance*

In the fund financial statements, the fund balance for governmental funds is reported in classifications that comprise a hierarchy based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. Governmental fund type fund balances are reported in the following classifications.

Nonspendable includes resources that cannot be spent because they are either in a nonspendable form or legally or contractually required to be maintained intact. Resources in nonspendable form include inventories, prepaids and deposits, and assets held for resale.

Restricted includes resources with constraints placed on their use either: (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Committed resources exist when the City Commission takes formal action such as adoption of an ordinance that places specific constraints on how the resources may be used. The City Commission can modify or rescind the commitment at any time through passage of an additional ordinance.

Assigned resources are constrained by the City's intent to use them for a specific purpose, but are neither restricted nor committed. Intent is expressed when the City Commission approves which resources should be "reserved" during the adoption of the budget. The City's Finance Director uses that information to determine whether those resources should be classified as assigned or unassigned for presentation in the City's Consolidated Annual Financial Report.

Unassigned is the residual classification for the General Fund. This classification represents fund balance that has not been restricted, committed, or assigned within the General Fund. This classification is also used to report any negative fund balance amounts in other governmental funds.

### *Fund Balance Flow Assumptions*

The City may fund outlays for a particular purpose from both restricted and unrestricted resources. In order to calculate the amounts to report as restricted, committed, assigned and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which resources are considered to have been applied. When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as needed. When components of restricted fund balance can be used for the same purpose, committed fund balance is depleted second, followed by assigned fund balance. Unassigned fund balance is applied last.

## NOTE 2: DETAILED NOTES

### **A. Cash and Investments**

The City maintains a cash and investment pool that is available for use by all funds. Each fund's portion of the pool is displayed as part of Cash and Investments by type of activity on the Statement of Net Position. Cash and investments are comprised of the following at June 30, 2020:

|                                      |                      |
|--------------------------------------|----------------------|
| <b>Cash</b>                          |                      |
| Petty cash                           | \$ 3,586             |
| Deposits with financial institutions | 20,464,436           |
| <b>Investments</b>                   |                      |
| Local Government Investment Pool     | 56,329,268           |
| US Agency Securities                 | 20,082,160           |
| Total Cash and Investments           | <u>\$ 96,879,450</u> |

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

*Deposits*

Deposits with financial institutions consist primarily of bank demand deposits. The total book balance of deposits at year-end was \$20,464,436 and the bank balance was \$16,975,356. The difference is due to transactions in process.

*Custodial Credit Risk – Deposits*

There is a risk that in the event of a bank failure, deposits may not be returned. The City does not have a policy related to custodial credit risk. The City's bank balance deposits are secured by the Federal Depository Insurance Corporation (FDIC) for \$250,000. Deposits in excess of FDIC coverage are held at a qualified depository bank and collateralized in accordance with Oregon Revised Statute 295 through a multiple-institution collateral pool administered by the Oregon State Treasurer. In the event of a bank failure, the entire pool of collateral pledged by participating Oregon public fund banks is available to repay the deposits. As of June 30, 2020, \$16,725,356 of the City's bank balances were exposed to custodial credit risk as they were collateralized with securities held by the pledging financial institution's agent but not in the City's name.

*Investments*

Oregon Revised Statutes authorize the City to invest in general obligations of the United States and its agencies, certain obligations of specific states and their political subdivisions, time deposits, certificates of deposit, savings accounts, banker's acceptances, corporate indebtedness, repurchase agreements and the State of Oregon Local Government Investment Pool.

The City invests in the Local Government Investment Pool (LGIP). The LGIP is not registered with the U.S. Securities and Exchange Commission as an investment company. Oregon Revised Statutes 294.805 to 294.895 and the Oregon Investment Council govern the LGIP's investment policies. The State Treasurer is the investment officer responsible for the funds, and investments are further governed by portfolio guidelines issued by the Oregon Short-Term Fund Board. The fair value of pool shares is equal to the City's proportionate position in the pool.

*Fair Value Measurement*

The City's investments in U.S. Agency Securities are reported at fair value. The City categorizes fair value measurements within the hierarchy established by GASB Statement No. 72. The hierarchy is based on the activity level in the market for the security type and the inputs used to determine fair value. Level 1 inputs are quoted prices in active markets for identical instruments; Level 2 inputs are quoted prices for similar instruments in active markets or quoted prices for identical instruments in markets that are not active; Level 3 inputs are valuations derived from techniques in which significant inputs are unobservable. The City's \$20,082,160 of investments in U.S. Agency Securities are valued using quoted prices for similar instruments in active markets (Level 2).

*Interest Rate Risk*

In accordance with Oregon Revised Statutes, the City manages its exposure to declines in fair value resulting from changes in interest rates by limiting the weighted average maturity of its investments to 18 months or the date of anticipated use of the funds, whichever period is shorter.

*Credit Risk*

The risk that issuers of debt securities will be unable to make scheduled payments exists to some degree for all debt securities. The City's investments in U.S. Agency Securities were rated AAA by Moody's Investor's Service and AA+ by Standard & Poor's at year-end. The Local Government Investment Pool is not rated.

*Concentration of Credit Risk*

To reduce the City's risk of loss that can result from not diversifying investments, the City's investment policy does not allow for investment in any one issuer that exceeds 5% of the City's total investments, with the exception of U.S. Treasuries, Agencies and Instrumentalities and the LGIP.

**CITY OF OREGON CITY, OREGON**

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
 YEAR ENDED JUNE 30, 2020

*Custodial Risk – Investments*

For an investment, this is the risk that, in the event of a failure of the counterparty, the City will not be able to recover the value of its investments or collateralized securities that are in the possession of an outside party. The City's investment policy limits the types of investments that may be held to those specified by Oregon Revised Statutes and does not allow securities to be held by a counterparty. The City's policy is in compliance with State statutes.

**B. Receivables**

Receivables at June 30, 2020, consisted of the following:

| <b>Governmental Activities</b>     | <b>General</b>      | <b>Engineering</b> | <b>System Development</b> | <b>Urban Renewal</b> | <b>Transportation</b> | <b>Community Facilities Capital Projects</b> | <b>Other Governmental Funds</b> | <b>Total</b>        |
|------------------------------------|---------------------|--------------------|---------------------------|----------------------|-----------------------|----------------------------------------------|---------------------------------|---------------------|
| Accounts                           | \$ 1,208,361        | \$ 89              | \$ 252,473                | \$ 5,652             | \$ 1,271,272          | \$ 167,249                                   | \$ 128,563                      | \$ 3,033,659        |
| Property taxes                     | 464,040             | -                  | -                         | 102,316              | -                     | -                                            | -                               | 566,356             |
| Interest                           | -                   | -                  | 11,958                    | -                    | -                     | 41,725                                       | 6,035                           | 59,718              |
| Assessments                        | -                   | -                  | 3,412,717                 | -                    | -                     | -                                            | -                               | 3,412,717           |
| Less: Allowance for uncollectibles | -                   | -                  | -                         | -                    | (16,038)              | (3,030)                                      | -                               | (19,068)            |
|                                    | <u>\$ 1,672,401</u> | <u>\$ 89</u>       | <u>\$ 3,677,148</u>       | <u>\$ 107,968</u>    | <u>\$ 1,255,234</u>   | <u>\$ 205,944</u>                            | <u>\$ 134,598</u>               | <u>\$ 7,053,382</u> |

| <b>Business-type Activities</b>    | <b>Water</b>        | <b>Wastewater</b>   | <b>Stormwater</b> | <b>Other</b>     | <b>Total</b>        |
|------------------------------------|---------------------|---------------------|-------------------|------------------|---------------------|
| Accounts                           | \$ 1,119,630        | \$ 1,722,909        | \$ 461,889        | \$ 5,920         | \$ 3,310,348        |
| Assessments                        | -                   | 72,215              | -                 | -                | 72,215              |
| Interest                           | 2,091               | 2,304               | 680               | 4,213            | 9,288               |
| Less: Allowance for uncollectibles | (40,176)            | (57,093)            | (16,293)          | -                | (113,562)           |
|                                    | <u>\$ 1,081,545</u> | <u>\$ 1,740,335</u> | <u>\$ 446,276</u> | <u>\$ 10,133</u> | <u>\$ 3,278,289</u> |

Based on the payment schedule for special assessments receivable, approximately \$346,600 of the amount reported in the system development fund and approximately \$58,600 of the amount reported in the wastewater fund is not expected to be collected within the next year. Additionally, approximately \$57,000 of property taxes receivable are not expected to be collected within the next year.

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

### C. Capital Assets

Capital asset activity for the fiscal year ended June 30, 2020 is as follows:

| <b>Governmental Activities</b>    | <b>Balance<br/>June 30, 2019</b> | <b>Increases</b> | <b>Reclasses</b> | <b>Decreases</b> | <b>Balance<br/>June 30, 2020</b> |
|-----------------------------------|----------------------------------|------------------|------------------|------------------|----------------------------------|
| Nondepreciable capital assets     |                                  |                  |                  |                  |                                  |
| Land                              | \$ 13,639,501                    | \$ -             | \$ -             | \$ -             | \$ 13,639,501                    |
| Construction In Progress          | 5,641,416                        | 24,057,051       | (1,083,438)      | -                | 28,615,029                       |
| Total Non-depreciable             | 19,280,917                       | 24,057,051       | (1,083,438)      | -                | 42,254,530                       |
| Depreciable capital assets        |                                  |                  |                  |                  |                                  |
| Equipment                         | 5,135,953                        | 127,481          | 22,986           | (165,623)        | 5,120,797                        |
| Buildings and Improvements        | 21,804,876                       | 9,378            | 364,937          | -                | 22,179,191                       |
| Infrastructure                    | 125,584,816                      | 2,940,129        | 695,515          | -                | 129,220,460                      |
| Total Depreciable                 | 152,525,645                      | 3,076,988        | 1,083,438        | (165,623)        | 156,520,448                      |
| Accumulated depreciation          |                                  |                  |                  |                  |                                  |
| Equipment                         | (4,121,368)                      | (304,213)        | -                | 132,995          | (4,292,586)                      |
| Buildings and Improvements        | (5,260,085)                      | (554,480)        | -                | -                | (5,814,565)                      |
| Infrastructure                    | (36,147,307)                     | (3,230,584)      | -                | -                | (39,377,891)                     |
| Total Accumulated Depreciation    | (45,528,760)                     | (4,089,277)      | -                | 132,995          | (49,485,042)                     |
| Depreciable capital assets, net   | 106,996,885                      | (1,012,289)      | 1,083,438        | (32,628)         | 107,035,406                      |
| Governmental capital assets, net  | \$ 126,277,802                   | \$ 23,044,762    | \$ -             | \$ (32,628)      | \$ 149,289,936                   |
| <b>Business-type Activities</b>   | <b>Balance<br/>June 30, 2019</b> | <b>Increases</b> | <b>Reclasses</b> | <b>Decreases</b> | <b>Balance<br/>June 30, 2020</b> |
| Nondepreciable capital assets     |                                  |                  |                  |                  |                                  |
| Land                              | \$ 1,686,195                     | \$ -             | \$ -             | \$ -             | 1,686,195                        |
| Construction In Progress          | 1,711,607                        | 1,936,372        | (131,407)        | -                | 3,516,572                        |
| Total Non-depreciable             | 3,397,802                        | 1,936,372        | (131,407)        | -                | 5,202,767                        |
| Depreciable capital assets        |                                  |                  |                  |                  |                                  |
| Equipment                         | 9,489,479                        | 617,774          | -                | (66,614)         | 10,040,639                       |
| Buildings and Improvements        | 19,654,152                       | 1,179,750        | 21,717           | -                | 20,855,619                       |
| Infrastructure                    | 91,721,500                       | 1,113,852        | 109,690          | -                | 92,945,042                       |
| Total Depreciable                 | 120,865,131                      | 2,911,376        | 131,407          | (66,614)         | 123,841,300                      |
| Accumulated depreciation          |                                  |                  |                  |                  |                                  |
| Equipment                         | (8,002,674)                      | (392,466)        | -                | 63,347           | (8,331,793)                      |
| Buildings and Improvements        | (4,743,748)                      | (349,756)        | -                | -                | (5,093,504)                      |
| Infrastructure                    | (37,523,454)                     | (1,974,305)      | -                | -                | (39,497,759)                     |
| Total Accumulated Depreciation    | (50,269,876)                     | (2,716,527)      | -                | 63,347           | (52,923,056)                     |
| Depreciable capital assets, net   | 70,595,255                       | 194,849          | 131,407          | (3,267)          | 70,918,244                       |
| Business-type capital assets, net | \$ 73,993,057                    | \$ 2,131,221     | \$ -             | \$ (3,267)       | \$ 76,121,011                    |

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

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Depreciation expense for the year was charged to each function as follows:

|                                        |                     |
|----------------------------------------|---------------------|
| Governmental Activities                |                     |
| General government                     | \$ 100,521          |
| Public safety                          | 204,059             |
| Public works                           | 3,020,537           |
| Culture and recreation                 | 726,818             |
| Planning and building                  | 37,342              |
| Depreciation, governmental activities  | <u>\$ 4,089,277</u> |
| Business-type Activities               |                     |
| Water                                  | \$ 805,170          |
| Wastewater                             | 1,270,921           |
| Stormwater                             | 337,549             |
| Fleet                                  | 302,887             |
| Depreciation, business-type activities | <u>\$ 2,716,527</u> |



**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

### D. Long Term Debt – Bonds Payable

The following table presents current year changes in long-term debt obligations and the current portions due for each issue. Under Oregon Revised Statutes, general obligation debt issues are limited to 3% of real market value of all taxable property within the City's boundaries. The City's outstanding general obligation debt of \$15.6 million is significantly below the debt limitation of \$169 million. The City has no outstanding bonds payable for its Business Activities.

|                                                                                                                           | Outstanding<br>June 30, 2019 | Issued      | Matured /<br>Redeemed | Outstanding<br>June 30, 2020 | Due Within<br>One Year |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------|-----------------------|------------------------------|------------------------|
| <b>Governmental Activities</b>                                                                                            |                              |             |                       |                              |                        |
| <b>Direct Placement General Obligation Bonds</b>                                                                          |                              |             |                       |                              |                        |
| Library General Obligation Bonds, Issued<br>January 7, 2015, interest rate at 3.08%                                       | \$ 4,930,098                 | \$ -        | \$ (263,524)          | \$ 4,666,574                 | \$ 271,640             |
| <b>Limited Obligation Bonds</b>                                                                                           |                              |             |                       |                              |                        |
| PERS Limited Tax Pension Obligations,<br>Series 2005, Issued September 28, 2005,<br>interest rates from 4.21% to 5.00%    | 11,810,000                   | -           | (925,000)             | 10,885,000                   | 1,030,000              |
| Oregon City Full Faith and Credit<br>Obligations, Series 2018, Issued June 5,<br>2018, interest rates from 3.00% to 5.00% | 14,125,000                   | -           | (500,000)             | 13,625,000                   | 520,000                |
| <b>Tax Increment Bonds</b>                                                                                                |                              |             |                       |                              |                        |
| Urban Renewal Commission Revenue<br>Bonds, Series 2008A, issued July 18, 2008,<br>interest rate at 4.95%                  | 5,655,000                    | -           | (515,000)             | 5,140,000                    | 540,000                |
| <b>Direct Placement Tax Increment Bonds</b>                                                                               |                              |             |                       |                              |                        |
| Urban Renewal Commission Revenue<br>Bonds, Series 2013, issued January 31,<br>2013, Tax Exempt, interest rate at 3.05%    | 492,789                      | -           | (123,197)             | 369,592                      | 123,197                |
| Urban Renewal Commission Revenue<br>Bonds, Series 2013, issued January 31,<br>2013, Taxable, interest rate at 4.55%       | 885,771                      | -           | (221,443)             | 664,328                      | 221,443                |
| <b>Bond Premiums and Discounts</b>                                                                                        | 1,465,074                    | -           | (77,109)              | 1,387,965                    | 77,109                 |
| <b>Total long-term debt</b>                                                                                               | <u>\$ 39,363,732</u>         | <u>\$ -</u> | <u>\$ (2,625,273)</u> | <u>\$ 36,738,459</u>         | <u>\$ 2,783,389</u>    |

## CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)

YEAR ENDED JUNE 30, 2020

### *Governmental Activities*

*Direct Placement Library General Obligation Bonds:* On January 7, 2015, the City issued \$6,000,000 of voter-approved General Obligation Bonds through a direct placement. The purpose of the bonds were to renovate and expand the Oregon City Library at Carnegie Center. The interest rate on the bonds is 3.08% and the final payment is due June 1, 2034. The City has pledged its full faith and credit and taxing power to pay the Bonds. In the event of default, the outstanding principal amount of the Bonds shall bear interest at the default rate of 6.00% per annum until the default is remedied.

*Public Employee Retirement System (PERS) Unfunded Actuarial Liability Bonds:* During 2005-06, the City issued \$17,030,000 in bonds to fund its PERS actuarial liability. The bonds are limited tax obligations and are payable from ad valorem property taxes and any unrestricted taxes, fees, charges, and other revenues. They are not general obligation bonds. The bonds bear interest at rates varying between 4.21% and 5.00%. Semiannual payments of interest are due on December 1 and June 1 of each year, and annual payments of principal are due on June 1 of each year. The final payment is due June 1, 2028.

*Oregon City Full Faith and Credit Obligations:* The City issued \$16,000,000 of voter-approved Full Faith and Credit Obligation bonds dated June 5, 2018, to provide a new police and municipal court facility. The bonds were issued at a premium of \$1,542,183 resulting in face value of the bonds of \$14,615,000. The bond premium is to be amortized over the life of the bonds, which mature in 2038. Interest rates on the bonds range from 3.00% to 5.00%.

*Urban Renewal Commission Revenue Bonds, Series 2008:* On July 1, 2000, the Oregon City Urban Renewal Commission (URC) issued \$10,000,000 of Urban Renewal Tax Increment Revenue Bonds to provide financing for projects within the Oregon City Downtown Urban Renewal area. The bonds bear interest at 4.95%. Semiannual payments of interest are due on December 1 and June 1 of each year, and annual payments of principal are due on June 1 of each year and mature on June 1, 2023. The bonds are secured by and payable from the tax increment revenue of the Urban Renewal Commission. In addition, a covenant to maintain a Debt Service Reserve Account in an amount not less than the lesser of the following:

- a. Maximum annual debt service due on the Credit Facility; or
- b. 125% of the average amount of principal, interest and premium due on the Credit Facility, or
- c. 10% of the proceeds of the Credit Facility.

*Direct Placement Urban Renewal Commission Revenue Bonds, Series 2013:* On January 31, 2013, the URC issued \$3,446,400 of Urban Renewal Tax Increment Revenue Bonds to refinance the URC's Line of Credit. Part of the bonds issued are tax exempt while part are taxable. The City covenants and agrees that it will file and collect tax increment revenues in each fiscal year in an amount equal to or greater than 110% of the annual debt service. Interest rate on the tax-exempt bonds is 3.05% while the taxable bonds is 4.55%. The bonds mature on February 21, 2023.

Oregon City and the URC were in compliance with all covenants at June 30, 2020.

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

*Future Principal and Interest*

Future maturities of bond principal and interest at June 30, 2020, are as follows:

| Fiscal Year<br>Ending June 30, | Governmental Activities |                     |                        |                     | Total                |                      |
|--------------------------------|-------------------------|---------------------|------------------------|---------------------|----------------------|----------------------|
|                                | Bonds                   |                     | Direct Placement Bonds |                     |                      |                      |
|                                | Principal               | Interest            | Principal              | Interest            | Principal            | Interest             |
| 2021                           | \$ 2,090,000            | \$ 1,383,415        | \$ 616,280             | \$ 185,230          | \$ 2,706,280         | \$ 1,568,645         |
| 2022                           | 2,250,000               | 1,284,344           | 624,647                | 163,030             | 2,874,647            | 1,447,374            |
| 2023                           | 5,860,000               | 1,177,481           | 633,271                | 140,574             | 6,493,271            | 1,318,055            |
| 2024                           | 1,980,000               | 892,048             | 297,521                | 117,850             | 2,277,521            | 1,009,898            |
| 2025                           | 2,145,000               | 798,842             | 306,685                | 108,686             | 2,451,685            | 907,528              |
| 2026-2030                      | 7,940,000               | 2,504,883           | 1,681,065              | 395,789             | 9,621,065            | 2,900,672            |
| 2031-2035                      | 4,325,000               | 1,197,300           | 1,541,025              | 120,458             | 5,866,025            | 1,317,758            |
| 2036-2040                      | 3,060,000               | 248,000             | -                      | -                   | 3,060,000            | 248,000              |
|                                | <u>\$ 29,650,000</u>    | <u>\$ 9,486,313</u> | <u>\$ 5,700,494</u>    | <u>\$ 1,231,617</u> | <u>\$ 35,350,494</u> | <u>\$ 10,717,930</u> |

**E. Long Term Debt – Compensated Absences**

The City's policy relating to compensated absences is described in Note 1. E. Changes in the liability for accrued compensated absences are as follows:

|                          | Outstanding<br>June 30, 2019 | Earned            | Paid              | Outstanding<br>June 30, 2020 | Due Within<br>One Year |
|--------------------------|------------------------------|-------------------|-------------------|------------------------------|------------------------|
| Governmental Activities  | \$ 730,279                   | \$ 754,195        | \$ 674,776        | \$ 809,698                   | \$ 161,939             |
| Business-type Activities | 135,477                      | 232,913           | 173,444           | 194,946                      | 38,989                 |
|                          | <u>\$ 865,756</u>            | <u>\$ 987,108</u> | <u>\$ 848,220</u> | <u>\$ 1,004,644</u>          | <u>\$ 200,928</u>      |

**F. Other Postemployment Benefits (OPEB)**

Other postemployment benefits (OPEB) for the City combines two separate plans. The City provides an implicit and explicit rate subsidy for retiree health insurance premiums, and a contribution to the State of Oregon's PERS cost-sharing multiple-employer defined benefit health insurance plan.

The City's two OPEB plans are presented in the aggregate on the Statement of Net Position. The amounts on the financial statements relate to the plans as follows:

|                                              | Implicit Rate<br>Subsidy | PERS RHIA<br>Plan | Total OPEB on<br>Financials |
|----------------------------------------------|--------------------------|-------------------|-----------------------------|
| Net OPEB Asset                               | \$ -                     | \$ 240,165        | \$ 240,165                  |
| Deferred Outflows of Resources               |                          |                   |                             |
| Change in Assumptions                        | 465,220                  | -                 | 465,220                     |
| Change in Proportionate Share                | -                        | 4                 | 4                           |
| Contributions After MD                       | 380,897                  | 8,449             | 389,346                     |
| Total OPEB Liability                         | (11,819,679)             | -                 | (11,819,679)                |
| Deferred Inflows of Resources                |                          |                   |                             |
| Difference in Expected and Actual Experience | (326,747)                | (31,670)          | (358,417)                   |
| Difference in Earnings                       | -                        | (14,824)          | (14,824)                    |
| Change in Assumptions                        | (835,186)                | (249)             | (835,435)                   |
| Change in Proportionate Share                | -                        | (872)             | (872)                       |
| OPEB Expense/(Income)*                       | 711,082                  | (31,785)          | 679,297                     |

\*Included in program expenses on Statement of Activities

## CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

### G. Other Postemployment Benefits (OPEB) – Health Insurance

#### *Plan Description*

The City follows GASB 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*. The OPEB for the City includes an implicit and explicit rate subsidy for retiree health insurance continuation premiums and a single employer plan for employees meeting certain eligibility requirements. The City's single-employer defined benefit postemployment healthcare plan is administered by CityCounty Insurance Services (CIS). Benefit provisions are established through negotiations between the City and representatives of collective bargaining units or through resolutions passed by City Commission. The City has not established a formal plan or an irrevocable trust (or equivalent arrangement) to account for the plan. No assets are accumulated in a trust that meets the criteria in paragraph 4 of Statement 75. The City's postemployment healthcare plan administrator issues a publicly available financial report that includes financial statements and required supplementary information for CIS. This report may be obtained through their website at: <https://www.cisoregon.org/About/TrustDocs>.

#### *Benefits Provided*

Implicit rate subsidy: As required by ORS 243.303, the City must offer retirees the same group health and dental insurance as provided to current employees from the date of retirement to the age when retirees and spouses typically become eligible for Medicare. The difference between retiree claims costs, which because of the effect of age is generally higher than plan members, and the amount of retiree healthcare premiums represents the implicit employer contribution.

Explicit rate subsidy: Based on negotiated union agreements, the City provides retiree health benefits to employees that retired from active service while eligible to receive a pension benefit from Oregon PERS meeting one of the following three criteria:

- Hired before July 1, 2005 for retirees represented by AFSCME
- Hired before November 17, 2005 for Management retirees
- Retired while represented by the Oregon City Police Employees' Association

Retirees under 65 are eligible to receive the same medical and dental coverage as active employees. 50% or \$100, whichever is less, of the premiums for the medical plan are paid by the Employer for AFSCME retirees. 50% of the premiums for the medical plan are paid by the Employer for Police retirees. 100% of the premiums for the medical plan are paid by the Employer for Management retirees. The retiree is responsible for the dental premiums. No spousal or family coverage is paid for by the Employer (single premium amounts only). For Police retirees over age 65, 50% of the premiums for Medicare supplemental health care coverage are paid by the Employer for the retiree only. For Management retirees over age 65, the City pays 100% of the Medicare supplemental health care coverage. Coverage for AFSCME retirees ends when the retiree turns 65.

#### *Funding Policy and Covered Employees*

The City funds the plan only to the extent of current year insurance premium requirements on a pay-as-you-go basis. At June 30, 2020, the City had 178 active employees and 59 retirees participating in the program with all insurance premium costs paid in full by the individual for management personnel hired after November 17, 2005 and AFSCME personnel hired after July 1, 2005.

#### *Total OPEB Liability and Actuarial Assumptions*

As of June 30, 2020, the total OPEB liability was \$11,819,679. The covered payroll (annual payroll of active employees covered by the plan) was \$14,893,881 and the ratio of the total liability to the covered payroll was 79.36%. Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

## CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)

YEAR ENDED JUNE 30, 2020

The total OPEB liability in the actuarial valuation was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified. The assumptions in this report reflect the Bond Buyer 20-Year General Obligation Bond Index. Mortality rates were based on the RP-2000 healthy white collar male and female mortality tables, set back one year for males. Mortality is projected on a generational basis using Scale BB for males and females. The actuarial assumptions and methods used are shown below:

|                                 |                                     |                                     |
|---------------------------------|-------------------------------------|-------------------------------------|
| Actuarial valuation:            | July 1, 2018                        | July 1, 2016                        |
| Effective:                      | June 30, 2018 and 2019              | June 30, 2016 and 2017              |
| Actuarial cost method:          | Entry Age Normal                    | Entry Age Normal                    |
| Amortization method:            | Level percentage of payroll, closed | Level percentage of payroll, closed |
| Amortization period:            | 6.8 years                           | 7.7 years                           |
| Asset valuation method:         | Market value                        | Market value                        |
| Remaining amortization periods: | 20 years                            | 20 years                            |
| Actuarial assumptions           |                                     |                                     |
| Inflation rate                  | 2.50 percent                        | 2.50 percent                        |
| Projected salary increases      | 3.50 percent                        | 3.50 percent                        |

*Total OPEB Liability, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB*

The City's total OPEB liability was measured as of June 30, 2019 and was determined by an actuarial valuation as of July 1, 2018. For the fiscal year ended June 30, 2020, the City recognized OPEB expense from this plan of \$711,082. The City reported deferred outflows of resources and deferred inflows of resources related to this OPEB plan from the following sources:

|                                                    | <b>Deferred Outflows<br/>of Resources</b> | <b>Deferred Inflows<br/>of Resources</b> |
|----------------------------------------------------|-------------------------------------------|------------------------------------------|
| Differences between expected and actual experience | \$ -                                      | \$ 326,747                               |
| Changes of assumptions                             | 465,220                                   | 835,186                                  |
| Total (prior to post-MD contributions)             | 465,220                                   | 1,161,933                                |
| Contributions subsequent to the MD                 | 380,897                                   | -                                        |
| Total                                              | <u>\$ 846,117</u>                         | <u>\$ 1,161,933</u>                      |

Deferred outflows of resources related to OPEB of \$380,897 resulting from the City's contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability in the year ended June 30, 2021. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

| <u>Year ended June 30:</u> |           |                  |
|----------------------------|-----------|------------------|
| 2021                       | \$        | (225,388)        |
| 2022                       |           | (225,388)        |
| 2023                       |           | (225,388)        |
| 2024                       |           | (75,523)         |
| 2025                       |           | (2,161)          |
| Thereafter                 |           | 57,135           |
| Total                      | <u>\$</u> | <u>(696,713)</u> |

**CITY OF OREGON CITY, OREGON**

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

*Changes in the Total OPEB Liability*

|                                              | <b>Total OPEB<br/>Liability</b> |
|----------------------------------------------|---------------------------------|
| Balance as of June 30, 2019                  | \$ 10,730,874                   |
| Changes for the year:                        |                                 |
| Service cost                                 | 509,046                         |
| Interest on Total OPEB Liability             | 427,424                         |
| Effect of assumptions changes or inputs      | 546,837                         |
| Effect of economic demographic gains or loss | -                               |
| Benefit payments                             | (394,502)                       |
| Balance as of June 30, 2020                  | <u>\$ 11,819,679</u>            |

The effect of assumptions and other inputs reflect a change in the discount rate from 3.87% in 2018 to 3.5% in 2019.

*Sensitivity Analysis*

The following presents the total OPEB liability of the Plan, calculated using the discount rate of 3.50%, as well as what the Plan's total OPEB liability would be if it were calculated using a discount rate that is 1 percentage point lower (2.50%) or 1 percentage point higher (4.50%) than the current rate. A similar sensitivity analysis is then presented for changes in the healthcare trend assumption using a 1 percentage point lower (6.0% decreasing to 3.5%) or 1 percentage point higher (8.5% decreasing to 5.5%) than the current healthcare cost trend rates.

Discount Rate:

|                      | <b>1% Decrease<br/>(2.50%)</b> | <b>Current Discount<br/>Rate (3.50%)</b> | <b>1% Increase<br/>(4.50%)</b> |
|----------------------|--------------------------------|------------------------------------------|--------------------------------|
| Total OPEB Liability | \$ 13,517,061                  | \$ 11,819,679                            | \$ 10,410,100                  |

Healthcare Cost Trend:

|                      | <b>1% Decrease</b> | <b>Current Health<br/>Care Trend Rates</b> | <b>1% Increase</b> |
|----------------------|--------------------|--------------------------------------------|--------------------|
| Total OPEB Liability | \$ 10,128,132      | \$ 11,819,679                              | \$ 13,946,294      |

*OPEB Expense and Deferred Outflows and Inflows of Resources related to OPEB*

For the year ended June 30, 2020, the City recognized OPEB expense of \$711,082 as follows:

|                                                         |                   |
|---------------------------------------------------------|-------------------|
| Service cost                                            | \$ 509,046        |
| Interest on total OPEB liability                        | 427,424           |
| Recognition of Deferred (Inflows)/Outflows of Resources |                   |
| Recognition of economic/demographic (gains) or losses   | (69,520)          |
| Recognition of assumption changes                       | (155,868)         |
| OPEB Expense                                            | <u>\$ 711,082</u> |

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

## **H. Other Postemployment Benefits (OPEB) – Retirement Health Insurance Account (RHIA)**

### *Plan Description*

As a member of Oregon Public Employees Retirement System, the City contributes to the Retirement Health Insurance Account (RHIA) for each of its eligible employees. RHIA is a cost-sharing multiple-employer defined benefit other postemployment benefit plan administered by PERS. RHIA pays a monthly contribution toward the cost of Medicare companion health insurance premiums of eligible retirees. Oregon Revised Statute (ORS) 238.420 established this trust fund. Authority to establish and amend the benefit provisions of RHIA reside with the Oregon Legislature. The plan is closed to new entrants after January 1, 2004. PERS issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to Oregon Public Employees Retirement System, P.O. Box 23700, Tigard, OR 97281-3700 or online at [http://Oregon.gov/PERS/section/financial\\_reports/financials.shtml](http://Oregon.gov/PERS/section/financial_reports/financials.shtml).

### *Funding Policy*

Because RHIA was created by enabling legislation (ORS 238.420), contribution requirements of the plan members and the participating employers were established and may be amended only by the Oregon Legislature. ORS require that an amount equal to \$60 or the total monthly cost of Medicare companion health insurance premiums coverage, whichever is less, shall be paid from the RHIA established by the employer, and any monthly cost in excess of \$60 shall be paid by the eligible retired member in the manner provided in ORS 238.410. To be eligible to receive this monthly payment toward the premium cost the member must: (1) have eight years or more of qualifying service in PERS at the time of retirement or receive a disability allowance as if the member had eight years or more of creditable service in PERS, (2) receive both Medicare Parts A and B coverage, and (3) enroll in a PERS-sponsored health plan. An eligible surviving spouse or dependent of a deceased PERS retiree may receive the subsidy if he or she (1) is receiving a retirement benefit or allowance from PERS or (2) was insured at the time the member died and the member retired before May 1, 1991.

Participating entities are contractually required to contribute to RHIA at a rate assessed each year by PERS, currently 0.6% of annual covered payroll for Tier One/Tier Two. The PERS Board of Trustees sets the employer contribution rate based on the annual required contribution (ARC) of the employers, an amount actuarially determined in accordance with the parameters of GASB Statement 45. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and amortize any unfunded actuarial liabilities (or funding excess) of the plan over a period not to exceed thirty years. The City's contributions to RHIA for the fiscal years ended June 30, 2020, 2019, and 2018, were approximately \$26,700, \$25,900, and \$25,100 respectively which equal the required contributions for those years.

### *OPEB Assets, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB*

At June 30, 2020, the City reported an asset of \$240,165 for its proportionate share of the PERS net OPEB asset. The net OPEB asset was measured as of June 30, 2019, and the total OPEB asset used to calculate the net OPEB asset was determined by an actuarial valuation as of December 31, 2017 rolled forward to June 30, 2019. The City's proportion of the net OPEB asset was based on the City's contributions to the RHIA program during the measurement period relative to contributions from all participating employers. At June 30, 2019, the City's proportionate share was 0.12429%, which is an increase from its proportion of 0.12358% as of June 30, 2018.



**CITY OF OREGON CITY, OREGON**

## NOTES TO BASIC FINANCIAL STATEMENTS (Continued)

YEAR ENDED JUNE 30, 2020

For the year ended June 30, 2020, the City recognized OPEB income from this plan of \$31,785. At June 30, 2020, the City reported deferred outflows of resources and deferred inflows of resources related to this OPEB plan from the following sources:

|                                                                     | <b>Deferred Outflows<br/>of Resources</b> | <b>Deferred Inflows<br/>of Resources</b> |
|---------------------------------------------------------------------|-------------------------------------------|------------------------------------------|
| Differences between expected and actual experience                  | \$ -                                      | \$ 31,670                                |
| Changes of assumptions                                              | -                                         | 249                                      |
| Net difference between projected and actual earnings on investments | -                                         | 14,824                                   |
| Changes in proportionate share                                      | 4                                         | 872                                      |
| Total (prior to post-MD contributions)                              | 4                                         | 47,615                                   |
| Contributions subsequent to the MD                                  | 8,449                                     | -                                        |
| Total                                                               | <u>\$ 8,453</u>                           | <u>\$ 47,615</u>                         |

Deferred outflows of resources related to OPEB of \$8,449 resulting from the City's contributions subsequent to the measurement date will be recognized as an increase in the net OPEB asset in the year ended June 30, 2021. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

|                            |           |                 |
|----------------------------|-----------|-----------------|
| <u>Year ended June 30:</u> |           |                 |
| 2021                       | \$        | (24,580)        |
| 2022                       |           | (21,798)        |
| 2023                       |           | (2,760)         |
| 2024                       |           | 1,527           |
| 2025                       |           | -               |
| Total                      | <u>\$</u> | <u>(47,611)</u> |

*Actuarial Methods and Assumptions*

The total OPEB asset in the December 31, 2017 actuarial valuation was determined using the actuarial methods and assumptions as the same as listed below in Note I – Public Employees Retirement System under the “Actuarial Assumptions” section.

*Long-Term Expected Rate of Return*

The Long-Term Expected Rate of Return is the same as listed below in Note I – Public Employees Retirement System under the “Long-term Expected Rate of Return” section.

*Discount Rate*

The discount rate used to measure the total OPEB liability was 7.20% for the RHIA Plan. The projection of cash flows used to determine the discount rate assumed that contributions from plan members and those contributing employers are made at the contractually required rates, as actuarially determined. Based on those assumptions, the RHIA plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments for the RHIA Plan was applied to all periods of projected benefit payments to determine the total OPEB liability.

**CITY OF OREGON CITY, OREGON**

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

*Sensitivity of the City's proportionate share of the net OPEB liability (asset) to changes in the discount rate*

The following presents the City's proportionate share of the net OPEB liability (asset) calculated using the discount rate of 7.20%, as well as what the City's proportionate share of the net OPEB liability (asset) would be if it were calculated using a discount rate that is 1 percentage point lower (6.20%) or 1 percentage point higher (8.20%) than the current rate:

Discount Rate:

|                              | <b>1% Decrease<br/>(6.20%)</b> | <b>Current Discount<br/>Rate (7.20%)</b> | <b>1% Increase<br/>(8.20%)</b> |
|------------------------------|--------------------------------|------------------------------------------|--------------------------------|
| Total OPEB Liability (Asset) | \$ (186,190)                   | \$ (240,165)                             | \$ (286,155)                   |

*OPEB Plan Fiduciary Net Position*

Detailed information about the pension plan's fiduciary net position is available in the separately issued PERS financial report.

*Changes in Plan Provisions During the Measurement Date*

There were no changes during the measurement date which require disclosure.

*Changes in Plan Provisions Subsequent to Measurement Date*

There were no changes subsequent to the June 30, 2019 measurement date that require disclosure.

**I. Public Employees Retirement System (PERS)***Plan Description*

The City is a participating employer in the Oregon Public Employees Retirement System (PERS), a cost-sharing multiple-employer defined benefit pension plan. PERS is administered under Oregon Revised Statute (ORS) Chapter 238, which establishes the Public Employees Retirement Board as the governing body of PERS. All benefits of PERS are established by the legislature pursuant to ORS Chapters 238 and 238A.

The *Tier One/Tier Two Retirement Benefit Plan* was created by ORS Chapter 238 and is closed to new members hired on or after August 29, 2003. The *Pension Program* (OPSRP) provides benefits to members hired on or after August 29, 2003 and was created by ORS 238A. Both PERS plans provide retirement and disability benefits, post-employment healthcare benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries.

Benefits are calculated by a formula for members who attain normal retirement age. The formula takes into account final average salary and years of service. Beginning January 1, 2004, all PERS member contributions go into the Individual Account Program (IAP), the defined contribution portion of the plan. PERS members retain their existing PERS accounts, but any future member contributions are deposited into the member's IAP, not the member's PERS account.

PERS issues a publicly available Comprehensive Annual Financial Report and Actuarial Valuation that can be obtained by writing to PERS, PO Box 23700, Tigard, Oregon, 97281, by calling 503-598-7377 or on their website at <http://www.oregon.gov/PERS/Pages/Financials/CAFR-Previous-Years.aspx>. Detailed information about the pension plan's fiduciary net position is available in the separately issued PERS financial report.

# CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

## *Benefits Provided*

### *1. Tier One/Tier Two Retirement Benefit Plan*

#### Pension Benefits

The PERS retirement allowance is payable monthly for life. It may be selected from 13 retirement benefit options. These options include survivorship benefits and lump-sum refunds. The basic benefit is based on years of service and final average salary. A percentage, 1.67% for general service employees and 2% for police employees, is multiplied by the number of years of service and the final average salary. Benefits may also be calculated under either a formula plus annuity (for members who were contributing before August 21, 1981) or a money match computation if a greater benefit results.

A member is considered vested and will be eligible at minimum retirement age for a service retirement allowance if he or she has had a contribution in each of five calendar years or has reached at least 50 years of age before ceasing employment with a participating employer (age 45 for police and fire members). General service employees may retire after reaching age 55. Police and fire members are eligible after reaching age 50. Tier One general service employee benefits are reduced if retirement occurs prior to age 58 with fewer than 30 years of service. Tier Two members are eligible for full benefits at age 60. The ORS Chapter 238 Defined Benefit Pension Plan is closed to new members hired on or after August 29, 2003.

#### Death Benefits

Upon the death of a non-retired member, the beneficiary receives a lump-sum refund of the member's account balance (accumulated contributions and interest). In addition, the beneficiary will receive a lump-sum payment from employer funds equal to the account balance, provided one or more of the following conditions are met:

- the member was employed by a PERS employer at the time of death,
- the member died within 120 days after termination of PERS-covered employment,
- the member died as a result of injury sustained while employed in a PERS covered job, or
- the member was on an official leave of absence from a PERS-covered job at the time of death.

A member's beneficiary may choose a monthly payment for life instead of the lump-sum or a combination of lump-sum and monthly payments, if eligible. The monthly payment must be a minimum of \$30 per month for deaths that occur July 30, 2003, and earlier; \$200 per month for deaths that occur after July 30, 2003.

#### Disability Benefits

A member with 10 or more years of creditable service who becomes disabled from other than duty-connected causes may receive a non-duty disability benefit. A disability resulting from a job-incurred injury or illness qualifies a member for disability benefits regardless of the length of PERS-covered service. Upon qualifying for either a non-duty or duty disability, service time is computed to age 58 (55 for police and fire members) when determining the monthly benefit.

#### Benefit Changes

After retirement, members may choose to continue participation in a variable equities investment account after retiring and may experience annual benefit fluctuations due to changes in the market value of equity investments. Under ORS 238.360 monthly benefits are adjusted annually through cost-of-living changes. Under current law, the cap on the COLA for service prior to 2013 is capped at 2.0% and service credit for 2013 and beyond is calculated at 1.25% on the first \$60,000 of annual benefit and 0.15% on annual benefits above \$60,000.

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

2. *Oregon Public Service Retirement Plan Defined Benefit Pension Program (OPSRP DB)*

Pension Benefits

The Pension Program is available to members hired on or after August 29, 2003. It provides a life pension benefit that is funded by employer contributions. Benefits are calculated for members who attain normal retirement age by multiplying 1.5% by the number of years of service and the final average salary. Normal retirement age for general service members is age 65, or age 58 with 30 years of retirement credit.

For police and fire members, 1.8% is multiplied by the number of years of service and the final average salary. Normal retirement age for police and fire members is age 60 or age 53 with 25 years of retirement credit. A member of the OPSRP Pension Program becomes vested on the earliest of either the date the member completes 600 hours of service in each of five calendar years, the date the member reaches normal retirement age, or, if the pension program is terminated, the date on which termination becomes effective.

Death Benefits

Upon the death of a non-retired member, the spouse or other person who is constitutionally required to be treated in the same manner as the spouse, receives for life 50% of the pension that would otherwise have been paid to the deceased member. The surviving spouse or other person may elect to delay payment of the death benefit, but payment must commence no later than December 31 of the calendar year in which the member would have reached 70½ years.

Disability Benefits

A member who has accrued 10 or more years of retirement credits before the member becomes disabled or a member who becomes disabled due to job-related injury shall receive a disability benefit of 45% of the member's salary determined as of the last full month of employment before the disability occurred.

Benefit Changes After Retirement

Under ORS 238A.210 monthly benefits are adjusted annually through cost-of-living changes. Under current law, the cap on the COLA in fiscal year 2015 and beyond will vary based on 1.25% on the first \$60,000 of annual benefit and \$750 plus 0.15% on annual benefits above \$60,000.

3. *Individual Account Program (IAP)*

Pension Benefits

The IAP is a defined contribution pension plan. An IAP member becomes vested on the date the employee account is established or on the date the rollover account was established. If the employer makes optional employer contributions for a member, the member becomes vested on the earliest of the following dates: the date the member completes 600 hours of service in each of five calendar years, the date the member reaches normal retirement age, the date the IAP is terminated, the date the active member becomes disabled, or the date the active member dies.

Upon retirement, a member of the IAP may receive the amounts in the employee account, rollover account, and vested employer account as a lump-sum payment or in equal installments over a 5-, 10-, 15-, 20-year period or an anticipated life span option. Each distribution option has a \$200 minimum distribution limit.

Death Benefits

Upon the death of a non-retired member, the beneficiary receives in a lump sum the member's account balance, rollover account balance, and vested employer optional contribution account balance. If a retired member dies before the installment payments are completed, the beneficiary may receive the remaining installment payments or choose a lump-sum payment.

Recordkeeping

PERS contracts with VOYA Financial to maintain IAP participant records.

**CITY OF OREGON CITY, OREGON**

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

*Funding Policy*

PERS funding policy provides for monthly employer contributions at actuarially determined rates. These contributions, expressed as a percentage of covered payroll, are intended to accumulate sufficient assets to pay benefits when due. This funding policy applies to both PERS Defined Benefit Plans. Employer contribution rates during the period were based on the December 31, 2015 actuarial valuation, which became effective July 1, 2017 and are effective through June 30, 2019. Employer contributions for the year ended June 30, 2020 were \$2,752,856 excluding amounts to fund employer specific liabilities. Members are required to contribute 6% of their salary covered under the plan to be invested in the Individual Account Program. The City makes this contribution on behalf of its employees; contributions for the current year were \$869,692.

The rates in effect for the fiscal year ended June 30, 2020 were 22.76% for Tier One/Tier Two General Service members, 15.11% for OPSRP Pension Program General Service members, 19.74% for OPSRP Pension Program Police Members, and 6% for Individual Account Program of PERS-covered salaries. These rates are reported inclusive of the retiree healthcare rates disclosed in a separate note disclosure. The contribution requirements for plan members and the City are established by ORS Chapter 238 and may be amended by an act of the Oregon Legislature.

In 2006, the City issued pension bonds, the proceeds of which were used to finance a portion of its estimated unfunded actuarial liability. The current value of this prepayment is used to reduce the projected long-term contribution to PERS.

*Pension Assets, Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions*

At June 30, 2020, the City reported a liability of \$24,402,418 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2019, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2017 rolled forward to June 30, 2019. The City's proportion of the net pension liability was based on a projection of the City's long-term share of contributions to the pension plan relative to the projected contributions of all participating entities, actuarially determined. At June 30, 2020, the City's proportion was 0.1411% which was increased from its proportion of 0.1278% measured as of June 30, 2019. For the year ended June 30, 2020, the City recognized pension expense of \$6,437,152. At June 30, 2020, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

|                                                                                     | <b>Deferred Outflows<br/>of Resources</b> | <b>Deferred Inflows<br/>of Resources</b> |
|-------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------|
| Differences between expected and actual experience                                  | \$ 1,345,721                              | \$ -                                     |
| Changes of assumptions                                                              | 3,310,466                                 | -                                        |
| Net difference between projected and actual earnings on investments                 | -                                         | 691,784                                  |
| Changes in proportion                                                               | 1,528,858                                 | 167,142                                  |
| Differences between employer contributions and proportionate share of contributions | 65,027                                    | 412,254                                  |
| Total (prior to post-MD contributions)                                              | 6,250,072                                 | 1,271,180                                |
| Contributions subsequent to the MD                                                  | 2,458,197                                 | -                                        |
| Total                                                                               | <u>\$ 8,708,269</u>                       | <u>\$ 1,271,180</u>                      |

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

Deferred outflows of resources related to pensions in the amount of \$2,458,197 resulting from the City's contribution subsequent to the measurement date will be recognized as a reduction in the net pension liability in the year ended June 30, 2021. Other amounts reported as deferred outflows and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

| Year ended June 30: |                     |
|---------------------|---------------------|
| 2021                | \$ 2,413,283        |
| 2022                | 445,480             |
| 2023                | 1,015,308           |
| 2024                | 930,369             |
| 2025                | 174,452             |
| Thereafter          | -                   |
| Total               | <u>\$ 4,978,892</u> |

*Actuarial assumptions*

The employer contribution rates effective July 1, 2019, through June 30, 2021, were set using the projected unit credit actuarial cost method. For the Tier One/Tier Two component of the PERS Defined Benefit Plan, this method produced an employer contribution rate consisting of (1) an amount for normal cost (the estimated amount necessary to finance benefits earned by the employees during the current service year), (2) an amount for the amortization of unfunded actuarial accrued liabilities, which are being amortized over a fixed period with new unfunded actuarial accrued liabilities being amortized over 20 years.

For the OPSRP Pension Program component of the PERS Defined Benefit Plan, this method produced an employer contribution rate consisting of (a) an amount for normal cost (the estimated amount necessary to finance benefits earned by the employees during the current service year), (b) an amount for the amortization of unfunded actuarial accrued liabilities, which are being amortized over a fixed period with new unfunded actuarial accrued liabilities being amortized over 16 years. The total pension liability in the December 31, 2017 actuarial valuation was determined using the following actuarial assumptions:

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Valuation Date                    | December 31, 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Measurement Date                  | June 30, 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Experience Study Report           | 2016, published July 26, 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Actuarial Cost Method             | Entry Age Normal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Actuarial Assumptions:            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Inflation Rate                    | 2.50 percent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Long-Term Expected Rate of Return | 7.20 percent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Discount Rate                     | 7.20 percent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Projected Salary Increases        | 3.50 percent overall payroll growth                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Cost of Living Adjustments (COLA) | Blend of 2.00% COLA and grade COLA (1.25%/0.15%) in accordance with <i>Moro</i> decision, blend based on service.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Mortality                         | <p><b>Health retirees and beneficiaries:</b> RP-2014 healthy annuitant, sex-distinct, generational with Unisex, Social Security Data Scale, with collar adjustments and set-backs as described in the valuation.</p> <p><b>Active Members:</b> RP-2014 Employees, sex-distinct, generational with Unisex, Social Security Data Scale, with collar adjustments and set-backs as described in the valuation.</p> <p><b>Disabled retirees:</b> RP-2014 Disabled retirees, sex-distinct, generational with Unisex, Social Security Data Scale.</p> |

# CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

Actuarial valuations of an ongoing plan involve estimates of the value of projected benefits and assumptions about the probability of events far into the future. Actuarially determined amounts are subject to continual revision as actual results are compared to past expectations and new estimates are made about the future. Experience studies are performed as of December 31 of even numbered years. The methods and assumptions shown above are based on the 2016 Experience Study which reviewed experience for the four-year period ending on December 31, 2016.

## *Long-term expected rate of return*

To develop an analytical basis for the selection of the long-term expected rate of return assumption, in July 2017 the PERS Board reviewed long-term assumptions developed by both Milliman's capital market assumptions team and the Oregon Investment Council's (OIC) investment advisors. The table below shows Milliman's assumptions for each of the asset classes in which the plan was invested at that time based on the OIC long-term target asset allocation. The OIC's description of each asset class was used to map the target allocation to the asset classes shown. Each asset class assumption is based on a consistent set of underlying assumptions, and includes adjustment for the inflation assumption. These assumptions are not based on historical returns, but instead are based on a forward-looking capital market economic model.

| Asset Class/Strategy  | Assumed Asset Allocation |            |        |
|-----------------------|--------------------------|------------|--------|
|                       | Low Range                | High Range | Target |
| Debt Securities       | 15.0%                    | 25.0%      | 20.0%  |
| Public Equity         | 32.5%                    | 42.5%      | 37.5%  |
| Real Estate           | 9.5%                     | 15.5%      | 12.5%  |
| Private Equity        | 14.0%                    | 21.0%      | 17.5%  |
| Alternative Equity    | 0.0%                     | 12.5%      | 12.5%  |
| Opportunity Portfolio | 0.0%                     | 3.0%       | 0.0%   |
| Total                 |                          |            | 100.0% |

| Asset Class                       | Target Allocation | Compounded Annual Return (Geometric) |
|-----------------------------------|-------------------|--------------------------------------|
| Core Fixed Income                 | 8.00%             | 3.49%                                |
| Short-Term Bonds                  | 8.00%             | 3.38%                                |
| Bank/Leveraged Loans              | 3.00%             | 5.09%                                |
| High Yield Bonds                  | 1.00%             | 6.45%                                |
| Large/Mid Cap US Equities         | 15.75%            | 6.30%                                |
| Small Cap US Equities             | 1.30%             | 6.69%                                |
| Micro Cap US Equities             | 1.30%             | 6.80%                                |
| Developed Foreign Equities        | 13.13%            | 6.71%                                |
| Emerging Foreign Equities         | 4.12%             | 7.45%                                |
| Non-US Small Cap Equities         | 1.88%             | 7.01%                                |
| Private Equities                  | 17.50%            | 7.82%                                |
| Real Estate (Property)            | 10.00%            | 5.51%                                |
| Real Estate (REITS)               | 2.50%             | 6.37%                                |
| Hedge Fund of Funds - Diversified | 2.50%             | 4.09%                                |
| Hedge Fund - Event-Driven         | 0.63%             | 5.86%                                |
| Timber                            | 1.88%             | 5.62%                                |
| Farmland                          | 1.88%             | 6.15%                                |
| Infrastructure                    | 3.75%             | 6.60%                                |
| Commodities                       | 1.88%             | 3.84%                                |
| Total                             | 100.00%           |                                      |
| Assumed Inflation - Mean          |                   | 2.50%                                |



## CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)

YEAR ENDED JUNE 30, 2020

*Depletion Date Projection*

GASB 67 generally requires that a blended discount rate be used to measure the Total Pension Liability (the Actuarial Accrued Liability calculated using the Individual Entry Age Normal Cost Method). The long-term expected return on plan investments may be used to discount liabilities to the extent that the plan's Fiduciary Net Position (fair market value of assets) is projected to cover benefit payments and administrative expenses. A 20-year high quality (AA/Aa or higher) municipal bond rate must be used for periods where the Fiduciary Net Position is not projected to cover benefit payments and administrative expenses. Determining the discount rate under GASB 68 will often require that the actuary perform complex projections of future benefit payments and pension plan investments. GASB 67 (paragraph 43) does allow for alternative evaluations of projected solvency, if such evaluation can reliably be made. GASB does not contemplate a specific method for making an alternative evaluation of sufficiency; it is left to professional judgment.

The following circumstances justify an alternative evaluation of sufficiency for PERS:

- PERS has a formal written policy to calculate an Actuarially Determined Contribution (ADC), which is articulated in the actuarial valuation report.
- The ADC is based on a closed, layered amortization period, which means that payment of the full ADC each year will bring the plan to a 100% funded position by the end of the amortization period if future experience follows assumption.
- GASB 68 specifies that the projections regarding future solvency assume that plan assets earn the assumed rate return and there are no future changes in the plan provisions or actuarial methods and assumptions, which means that the projections would not reflect any adverse future experience which might impact the plan's funded position.

Based on these circumstances, it is our independent actuary's opinion that the detailed depletion date projections outlined in GASB 68 would clearly indicate that the Fiduciary Net Position is always projected to be sufficient to cover benefit payments and administrative expenses.

*Discount rate*

The discount rate used to measure the total pension liability was 7.2% for the Defined Benefit Pension Plan. The projection of cash flows used to determine the discount rate assumed that contributions from plan members and those of the contributing employers are made at the contractually required rates, as actuarially determined. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments for the Defined Benefit Pension Plan was applied to all periods of projected benefit payments to determine the total pension liability.

*Sensitivity of the City's proportionate share of the net pension liability to changes in the discount rate*

The following presents the City's proportionate share of the net pension liability calculated using the discount rate of 7.2%, as well as what the City's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1 percentage point lower (6.2%) or 1 percentage point higher (8.2%) than the current rate:

|                                                                 | <u>1% Decrease (6.20%)</u> | <u>Discount Rate (7.20%)</u> | <u>1% Increase (8.20%)</u> |
|-----------------------------------------------------------------|----------------------------|------------------------------|----------------------------|
| City's proportionate share of the net pension liability (asset) | \$ 39,078,307              | \$ 24,402,418                | \$ 12,120,720              |

*Pension plan fiduciary net position*

Detailed information about the pension plan's fiduciary net position is available in the separately issued PERS financial report.

**CITY OF OREGON CITY, OREGON**

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

*Changes in Plan Provisions During the Measurement Date*

There were no changes during the June 30, 2019 measurement date which require disclosure.

*Changes in Plan Provisions Subsequent to Measurement Date*

There were no changes subsequent to the June 30, 2019 measurement date which require disclosure.

**J. Deferred Compensation Plan**

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section (IRC) 457. The Plan, available to all City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

In accordance with IRC 457, the City has transferred all of the Plan assets into trust accounts. The assets and income of the transferred plans are held for the exclusive benefit of the participants and their beneficiaries, and accordingly are not included in the City's financial statements.

**K. Transfers and Interfund Transactions**

Transfers are used to (1) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them, (2) move receipts restricted to debt service from the funds collecting the receipts to the debt service fund as debt service payments become due, and (3) use unrestricted revenues collected in the general fund to finance various programs accounted for in other funds in accordance with budgetary authorizations.

Interfund transfer activity for the year ended June 30, 2020, is as follows:

| <b>Fund</b>                | <b>Transfers In</b> | <b>Transfers Out</b> |
|----------------------------|---------------------|----------------------|
| General Fund               | \$ -                | \$ 1,940,051         |
| Library Fund               | 150,000             | 20,000               |
| Community Development Fund | 350,000             | -                    |
| Building Fund              | -                   | 20,000               |
| Engineering Fund           | 120,000             | 16,000               |
| Transportation Fund        | 169,570             | 330,000              |
| SDC Fund                   | -                   | 375,000              |
| Community Facilities Fund  | 4,390,000           | 1,104,300            |
| Debt Service               | 1,104,300           | -                    |
| Water Fund                 | -                   | 1,400,000            |
| Wastewater Fund            | -                   | 1,140,000            |
| Stormwater Fund            | -                   | 705,000              |
| Equipment Replacement Fund | 768,481             | -                    |
| Customer Service Fund      | -                   | 2,000                |
| Total Transfers            | <u>\$ 7,052,351</u> | <u>\$ 7,052,351</u>  |

Capital assets are not financial resources in governmental funds but are reported in the Statement of Net Position at their net depreciable value. The System Development fund transferred capital assets to proprietary funds during the year in the amounts shown below. These amounts were recorded as capital contributions in the proprietary funds but are not recorded in the governmental funds; conversely, they are eliminated as interfund transactions in the government-wide statement of activities.

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

| <b>Fund</b>     | <b>Transfers In</b> | <b>Transfers Out</b> |
|-----------------|---------------------|----------------------|
| SDC             | \$ -                | \$ 1,279,879         |
| Water           | 425,841             | -                    |
| Wastewater      | 806,712             | -                    |
| Stormwater Fund | 47,326              | -                    |
|                 | <u>\$ 1,279,879</u> | <u>\$ 1,279,879</u>  |

The composition of interfund receivables and payables at June 30, 2020, is as follows:

| <b>Receivable Fund</b>               | <b>Payable Fund</b> | <b>Due at<br/>June 30, 2020</b> |
|--------------------------------------|---------------------|---------------------------------|
| Urban Renewal                        | System Development  | \$ 1,970                        |
| Total Interfund Receivables/Payables |                     | <u>\$ 1,970</u>                 |

- The amount due from the System Development Fund to Urban Renewal is to reimburse for expenses incurred.

#### **L. Tax Abatements**

The City enters into property tax abatement agreements with local businesses under the state Vertical Housing Program from Oregon Housing and Community Services, authorized by ORS 456.555 and Oregon Administrative Rule (OAR) 813-013. The purpose of the Program is to encourage investment in and rehabilitation of properties in targeted areas of a city or community, to augment the availability of appropriate housing, and to revitalize communities. The program encourages mixed-use developments that contain both non-residential and residential uses in areas (zones) designated by local jurisdictions. Eligible projects receive a partial property tax exemption which varies with the number of "Equalized Floors" in a project, with a maximum property tax exemption of 80% over a 10-year term. The City has one project under this program.

Additionally, the State of Oregon under the Oregon Business Development Department offers an Enterprise Zone (EZ) Tax Abatement program, authorized by ORS 285C. Under this program, local governments are responsible for creating, managing and renewing enterprise zones. In exchange for locating or expanding into an enterprise zone, eligible (generally non-retail) businesses receive total exemption from the property taxes normally assessed on new plant and equipment for three to five years after the property is in service. Minimum eligibility requirements include an increase in full-time, permanent employment by 10%, maintaining minimum employment levels during the exemption period, and employee wages to exceed at least 150% of the State minimum wage. The City has one agreement under this program.

| <b>Program Name</b>         | <b>Purpose</b>                                                                   | <b>Percent of<br/>Current Tax<br/>Abatement</b> | <b>Amount of<br/>Current Tax<br/>Abatement</b> | <b>Percent of Tax to<br/>be Abated Upon<br/>Completion</b> |
|-----------------------------|----------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------|------------------------------------------------------------|
| <b>Vertical Housing</b>     | Mixed-use project on undeveloped and challenging site, environmental restoration | 60% of<br>property value                        | \$63,037                                       | 60% of<br>improvement (land<br>value fully taxable)        |
| <b>Enterprise<br/>Zones</b> | Expand office into EZ and create additional jobs                                 | 100%                                            | \$6,434                                        | 100% of machinery<br>& equipment                           |

# CITY OF OREGON CITY, OREGON

NOTES TO BASIC FINANCIAL STATEMENTS (Continued)

YEAR ENDED JUNE 30, 2020

## NOTE 3: OTHER INFORMATION

### A. Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees and natural disasters. The City purchases commercial insurance to minimize its exposure to these risks. There has been no reduction in commercial insurance coverage from the previous fiscal year. Settled claims have not exceeded coverage for any of the past three fiscal years. Liabilities are reported when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated.

### B. Contingencies

The City is a defendant in various litigation proceedings. Management believes any losses arising from these actions will not materially affect the City's financial position as they are all insured.

### C. Commitments

*Construction Commitments* – The City has various active construction projects as of June 30, 2020. At year end, the City's commitments with contractors are as follows:

| Project                                      | Spent to date | Commitment    |
|----------------------------------------------|---------------|---------------|
| Molalla Avenue - Beavercreek Road to Hwy 213 | \$ 2,132,729  | \$ 11,875,537 |
| Meyers Road Extension                        | 5,960,855     | 8,814,137     |
| High Street Waterline Replacement - Phase II | 335,608       | 1,048,439     |
| 2020 Inflow Reduction Project                | 118,331       | 913,673       |

*Sewage Treatment* – Water Environment Services is a County district that treats wastewater in the region. On behalf of the district, the City processes permit applications, bills and collects user charges from district customers, and collects connection charges. The City operates and maintains local collection facilities.

*Public Safety / 911 Communication Services* – The City has an arrangement with Clackamas County Department of Communications, also known as C-COM, to provide 9-1-1 emergency and non-emergency call taking services to the public. Future payments are approximately \$420,000 each year, with annual increases subject to inflation (Consumer Price Index).

### D. Subsequent Events

Management has evaluated subsequent events through March 26, 2021, the date on which the financial statements were available to be issued.

At a meeting of the Urban Renewal Commission on August 19, 2020, the Commission decided to retire all outstanding bonded indebtedness of the Urban Renewal Agency, the blended component unit of the City, as soon as practicable. As of December 1, 2020, the Urban Renewal Agency had retired all of its outstanding bonded indebtedness.

**CITY OF OREGON CITY, OREGON**  
NOTES TO BASIC FINANCIAL STATEMENTS (Continued)  
YEAR ENDED JUNE 30, 2020

**E. Joint Venture**

The South Fork Water Board (the Board) was created in 1915 by an Intergovernmental Cooperative Agreement between the cities of Oregon City and West Linn for operation and maintenance of water distribution systems. Ownership of assets is adjusted based on reevaluation of population and water usage. The City of Oregon City appoints 50% of the Board's Commission. The investment is reported using the equity method. Each City's share of assets, liabilities and net position is 50%. The following is a summary of financial information on the joint venture as of and for the year ended June 30, 2020.

|                                            | <b>South Fork<br/>Water Board</b> | <b>Oregon City<br/>Portion</b> |
|--------------------------------------------|-----------------------------------|--------------------------------|
| Total assets                               | \$ 23,546,672                     | \$ 11,773,336                  |
| Total deferred outflows of resources       | 747,410                           | 373,705                        |
| Total liabilities                          | 2,770,707                         | 1,385,354                      |
| Total deferred inflows of resources        | 148,519                           | 74,259                         |
| Total equity                               | 21,374,856                        | 10,687,428                     |
| Operating revenues                         | 3,929,280                         | 1,964,640                      |
| Operating expenses                         | 3,975,902                         | 1,987,951                      |
| Other non-operating revenue (expense), net | 141,368                           | 70,684                         |
| Capital contributions                      | 466,273                           | 233,137                        |
| Change in net position                     | 561,019                           | 280,510                        |

A copy of the financial statements of the South Fork Water Board may be obtained by writing to: South Fork Water Board, Oregon City City Hall, P.O. Box 3040, Oregon City, Oregon, 97045-0304.

**F. Stewardship**

At June 30, 2020, an internal service fund has a deficit net position: the Customer Service Fund has a positive budgetary fund balance but a deficit net position of \$641,478 due to implementation of GASB Statement No. 75.

**G. New Pronouncements**

During the fiscal year ended June 30, 2020, the City implemented the following GASB pronouncements:

*GASB Statement No. 95, Postponement of the Effective Dates of Certain Authoritative Guidance.* The primary objective of this Statement is to provide temporary relief to governments and other stakeholders in light of the COVID-19 pandemic. That objective is accomplished by postponing the effective dates of certain provisions in Statements and Implementation Guides that first became effective or are scheduled to become effective for periods beginning after June 15, 2018, and later.

## REQUIRED SUPPLEMENTARY INFORMATION

### *Schedules of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual*

General Fund

Major Special Revenue Funds:

Engineering

System Development

Urban Renewal

Transportation

### *Schedule of Changes in Total OPEB Liability and Related Ratios – Implicit Rate Subsidy*

### *Schedule of Contributions to OPEB – Implicit Rate Subsidy*

### *Schedule of the Proportionate Share of OPEB – RHIA*

### *Schedule of Contributions to OPEB – RHIA*

### *Schedule of the Proportionate Share of the Net Pension Liability*

### *Schedule of Contributions – PERS*

### *Notes to Required Supplementary Information*

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –**  
**BUDGET AND ACTUAL – GENERAL FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                           | <b>Biennial Budget</b> |               | <b>Actual</b>  |                | <b>Biennial</b> | <b>Variance</b> |
|-------------------------------------------|------------------------|---------------|----------------|----------------|-----------------|-----------------|
|                                           | <b>Original</b>        | <b>Final</b>  | <b>FY 2020</b> | <b>FY 2021</b> |                 |                 |
| <b>REVENUES</b>                           |                        |               |                |                |                 |                 |
| Property taxes                            | \$ 27,891,400          | \$ 27,891,400 | \$ 13,718,416  | \$ -           | \$ 13,718,416   | \$ (14,172,984) |
| Franchise taxes                           | 7,511,070              | 7,511,070     | 3,913,647      | -              | 3,913,647       | (3,597,423)     |
| Assessments and other taxes               | 886,000                | 886,000       | 563,681        | -              | 563,681         | (322,319)       |
| Licenses and permits                      | 426,000                | 426,000       | 203,122        | -              | 203,122         | (222,878)       |
| Charges for services                      | 5,510,330              | 5,510,330     | 2,400,146      | -              | 2,400,146       | (3,110,184)     |
| Intergovernmental                         | 3,783,842              | 4,234,042     | 2,696,424      | -              | 2,696,424       | (1,537,618)     |
| Fines and forfeitures                     | 3,425,000              | 3,425,000     | 1,158,515      | -              | 1,158,515       | (2,266,485)     |
| Interest income                           | 500,000                | 500,000       | 262,190        | -              | 262,190         | (237,810)       |
| Miscellaneous                             | 1,620,390              | 1,620,390     | 1,334,886      | -              | 1,334,886       | (285,504)       |
| <b>TOTAL REVENUES</b>                     | 51,554,032             | 52,004,232    | 26,251,027     | -              | 26,251,027      | (25,753,205)    |
| <b>EXPENDITURES</b>                       |                        |               |                |                |                 |                 |
| Policy & Administration                   | 12,132,953             | 12,395,953    | 5,240,009      | -              | 5,240,009       | 7,155,944       |
| Police                                    | 23,340,009             | 23,330,609    | 10,942,318     | -              | 10,942,318      | 12,388,291      |
| Community Services                        | 9,468,704              | 10,250,904    | 4,465,818      | -              | 4,465,818       | 5,785,086       |
| General Government                        | 4,473,449              | 4,473,449     | 1,960,598      | -              | 1,960,598       | 2,512,851       |
| Contingency                               | 6,396,470              | 6,396,470     | -              | -              | -               | 6,396,470       |
| <b>TOTAL EXPENDITURES</b>                 | 55,811,585             | 56,847,385    | 22,608,743     | -              | 22,608,743      | 34,238,642      |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | (4,257,553)            | (4,843,153)   | 3,642,284      | -              | 3,642,284       | 8,485,437       |
| <b>OTHER FINANCING SOURCES (USES)</b>     |                        |               |                |                |                 |                 |
| Transfers out                             | (3,419,166)            | (3,438,566)   | (1,940,051)    | -              | (1,940,051)     | 1,498,515       |
| <b>NET CHANGE IN FUND BALANCE</b>         | (7,676,719)            | (8,281,719)   | 1,702,233      | -              | 1,702,233       | 9,983,952       |
| <b>FUND BALANCE, beginning of year</b>    | 8,496,719              | 9,101,719     | 9,816,801      | -              | 9,816,801       | 715,082         |
| <b>FUND BALANCE, end of year</b>          | \$ 820,000             | \$ 820,000    | \$ 11,519,034  | \$ -           | \$ 11,519,034   | \$ 10,699,034   |



**CITY OF OREGON CITY, OREGON****SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –  
BUDGET AND ACTUAL – ENGINEERING FUND  
YEAR ENDED JUNE 30, 2020**

|                                             | Budget Amounts   |                  | Actual            |             |                   | Variance           |
|---------------------------------------------|------------------|------------------|-------------------|-------------|-------------------|--------------------|
|                                             | Original         | Final            | FY 2020           | FY 2021     | Biennial          |                    |
| <b>REVENUES</b>                             |                  |                  |                   |             |                   |                    |
| Licenses and permits                        | \$ 76,000        | \$ 76,000        | \$ 126,971        | \$ -        | \$ 126,971        | \$ 50,971          |
| Charges for services                        | 1,906,100        | 1,906,100        | 810,621           | -           | 810,621           | (1,095,479)        |
| Intergovernmental                           | -                | -                | 809               | -           | 809               | 809                |
| Interest                                    | 34,000           | 34,000           | 27,602            | -           | 27,602            | (6,398)            |
| Miscellaneous                               | -                | -                | 6,331             | -           | 6,331             | 6,331              |
| <b>TOTAL REVENUES</b>                       | <b>2,016,100</b> | <b>2,016,100</b> | <b>972,334</b>    | <b>-</b>    | <b>972,334</b>    | <b>(1,043,766)</b> |
| <b>EXPENDITURES</b>                         |                  |                  |                   |             |                   |                    |
| Personnel services                          | 1,557,884        | 1,557,884        | 755,746           | -           | 755,746           | 802,138            |
| Materials and services                      | 491,940          | 491,940          | 176,556           | -           | 176,556           | 315,384            |
| Contingency                                 | 922,919          | 922,919          | -                 | -           | -                 | 922,919            |
| <b>TOTAL EXPENDITURES</b>                   | <b>2,972,743</b> | <b>2,972,743</b> | <b>932,302</b>    | <b>-</b>    | <b>932,302</b>    | <b>2,040,441</b>   |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b>   | <b>(956,643)</b> | <b>(956,643)</b> | <b>40,032</b>     | <b>-</b>    | <b>40,032</b>     | <b>996,675</b>     |
| <b>OTHER FINANCING SOURCES (USES)</b>       |                  |                  |                   |             |                   |                    |
| Transfers in                                | 240,000          | 240,000          | 120,000           | -           | 120,000           | (120,000)          |
| Transfers out                               | (32,000)         | (32,000)         | (16,000)          | -           | (16,000)          | 16,000             |
| <b>TOTAL OTHER FINANCING SOURCES (USES)</b> | <b>208,000</b>   | <b>208,000</b>   | <b>104,000</b>    | <b>-</b>    | <b>104,000</b>    | <b>(104,000)</b>   |
| <b>NET CHANGE IN FUND BALANCE</b>           | <b>(748,643)</b> | <b>(748,643)</b> | <b>144,032</b>    | <b>-</b>    | <b>144,032</b>    | <b>892,675</b>     |
| <b>FUND BALANCE, beginning of year</b>      | <b>748,643</b>   | <b>748,643</b>   | <b>721,212</b>    | <b>-</b>    | <b>721,212</b>    | <b>(27,431)</b>    |
| <b>FUND BALANCE, end of year</b>            | <b>\$ -</b>      | <b>\$ -</b>      | <b>\$ 865,244</b> | <b>\$ -</b> | <b>\$ 865,244</b> | <b>\$ 865,244</b>  |

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –**  
**BUDGET AND ACTUAL – SYSTEM DEVELOPMENT FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                           | <b>Budget Amounts</b> |                     | <b>Actual</b>        |                |                      | <b>Variance</b>      |
|-------------------------------------------|-----------------------|---------------------|----------------------|----------------|----------------------|----------------------|
|                                           | <b>Original</b>       | <b>Final</b>        | <b>FY 2020</b>       | <b>FY 2021</b> | <b>Biennial</b>      |                      |
| <b>REVENUES</b>                           |                       |                     |                      |                |                      |                      |
| System development charges                | \$ 6,860,000          | \$ 6,860,000        | \$ 3,181,584         | \$ -           | \$ 3,181,584         | \$ (3,678,416)       |
| Intergovernmental                         | 2,887,712             | 3,775,516           | 2,887,712            | -              | 2,887,712            | (887,804)            |
| Interest                                  | 362,000               | 362,000             | 364,886              | -              | 364,886              | 2,886                |
| Miscellaneous                             | 253,806               | 253,806             | 213,431              | -              | 213,431              | (40,375)             |
| <b>TOTAL REVENUES</b>                     | <b>10,363,518</b>     | <b>11,251,322</b>   | <b>6,647,613</b>     | <b>-</b>       | <b>6,647,613</b>     | <b>(4,603,709)</b>   |
| <b>EXPENDITURES</b>                       |                       |                     |                      |                |                      |                      |
| Materials and services                    | 1,265,203             | 1,265,203           | 294,703              | -              | 294,703              | 970,500              |
| Capital outlay                            | 23,355,512            | 24,543,316          | 6,004,932            | -              | 6,004,932            | 18,538,384           |
| Contingency                               | 8,239,521             | 7,939,521           | -                    | -              | -                    | 7,939,521            |
| <b>TOTAL EXPENDITURES</b>                 | <b>32,860,236</b>     | <b>33,748,040</b>   | <b>6,299,635</b>     | <b>-</b>       | <b>6,299,635</b>     | <b>27,448,405</b>    |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | <b>(22,496,718)</b>   | <b>(22,496,718)</b> | <b>347,978</b>       | <b>-</b>       | <b>347,978</b>       | <b>22,844,696</b>    |
| <b>OTHER FINANCING SOURCES (USES)</b>     |                       |                     |                      |                |                      |                      |
| Transfers out                             | (375,000)             | (375,000)           | (375,000)            | -              | (375,000)            | -                    |
| <b>NET CHANGE IN FUND BALANCE</b>         | <b>(22,871,718)</b>   | <b>(22,871,718)</b> | <b>(27,022)</b>      | <b>-</b>       | <b>(27,022)</b>      | <b>22,844,696</b>    |
| <b>FUND BALANCE, beginning of year</b>    | <b>22,871,718</b>     | <b>22,871,718</b>   | <b>22,397,540</b>    | <b>-</b>       | <b>22,397,540</b>    | <b>(474,178)</b>     |
| <b>FUND BALANCE, end of year</b>          | <b>\$ -</b>           | <b>\$ -</b>         | <b>\$ 22,370,518</b> | <b>\$ -</b>    | <b>\$ 22,370,518</b> | <b>\$ 22,370,518</b> |

**CITY OF OREGON CITY, OREGON**
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –  
 BUDGET AND ACTUAL – URBAN RENEWAL FUND  
 YEAR ENDED JUNE 30, 2020**

|                                           | Budget Amounts      |                     | Actual              |             |                     | Variance            |
|-------------------------------------------|---------------------|---------------------|---------------------|-------------|---------------------|---------------------|
|                                           | Original            | Final               | FY 2020             | FY 2021     | Biennial            |                     |
| <b>REVENUES</b>                           |                     |                     |                     |             |                     |                     |
| Property Taxes                            | \$ 5,759,000        | \$ 5,759,000        | \$ 3,163,683        | \$ -        | \$ 3,163,683        | \$ (2,595,317)      |
| Charges for services                      | 207,000             | 207,000             | 100,545             | -           | 100,545             | (106,455)           |
| Interest                                  | 180,000             | 180,000             | 139,475             | -           | 139,475             | (40,525)            |
| <b>TOTAL REVENUES</b>                     | <b>6,146,000</b>    | <b>6,146,000</b>    | <b>3,403,703</b>    | <b>-</b>    | <b>3,403,703</b>    | <b>(2,742,297)</b>  |
| <b>EXPENDITURES</b>                       |                     |                     |                     |             |                     |                     |
| Materials and services                    | 1,507,490           | 1,507,490           | 1,206,723           | -           | 1,206,723           | 300,767             |
| Capital outlay                            | 300,000             | 300,000             | 40,450              | -           | 40,450              | 259,550             |
| Debt Service                              |                     |                     |                     |             |                     |                     |
| Principal                                 | 1,744,280           | 1,744,280           | 859,640             | -           | 859,640             | 884,640             |
| Interest                                  | 631,186             | 631,186             | 335,255             | -           | 335,255             | 295,931             |
| Contingency                               | 127,000             | 127,000             | -                   | -           | -                   | 127,000             |
| <b>TOTAL EXPENDITURES</b>                 | <b>4,309,956</b>    | <b>4,309,956</b>    | <b>2,442,068</b>    | <b>-</b>    | <b>2,442,068</b>    | <b>1,867,888</b>    |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | <b>1,836,044</b>    | <b>1,836,044</b>    | <b>961,635</b>      | <b>-</b>    | <b>961,635</b>      | <b>(874,409)</b>    |
| <b>FUND BALANCE, beginning of year</b>    | <b>5,403,980</b>    | <b>5,403,980</b>    | <b>5,468,809</b>    | <b>-</b>    | <b>5,468,809</b>    | <b>64,829</b>       |
| <b>FUND BALANCE, end of year</b>          | <b>\$ 7,240,024</b> | <b>\$ 7,240,024</b> | <b>\$ 6,430,444</b> | <b>\$ -</b> | <b>\$ 6,430,444</b> | <b>\$ (809,580)</b> |

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –**  
**BUDGET AND ACTUAL – TRANSPORTATION FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                             | Budget Amounts     |                    | Actual              |             |                     | Variance            |
|---------------------------------------------|--------------------|--------------------|---------------------|-------------|---------------------|---------------------|
|                                             | Original           | Final              | FY 2020             | FY 2021     | Biennial            |                     |
| <b>REVENUES</b>                             |                    |                    |                     |             |                     |                     |
| Charges for services                        | \$ 5,327,207       | \$ 5,327,207       | \$ 2,666,365        | \$ -        | \$ 2,666,365        | \$ (2,660,842)      |
| Intergovernmental                           | 8,691,107          | 8,691,107          | 3,634,329           | -           | 3,634,329           | (5,056,778)         |
| Interest                                    | 35,000             | 35,000             | 42,797              | -           | 42,797              | 7,797               |
| Miscellaneous                               | -                  | -                  | 9,098               | -           | 9,098               | 9,098               |
| <b>TOTAL REVENUES</b>                       | <b>14,053,314</b>  | <b>14,053,314</b>  | <b>6,352,589</b>    | <b>-</b>    | <b>6,352,589</b>    | <b>(7,700,725)</b>  |
| <b>EXPENDITURES</b>                         |                    |                    |                     |             |                     |                     |
| Personnel services                          | 3,023,189          | 3,042,589          | 1,368,686           | -           | 1,368,686           | 1,673,903           |
| Materials and services                      | 3,032,358          | 3,032,358          | 1,583,629           | -           | 1,583,629           | 1,448,729           |
| Capital outlay                              | 9,277,132          | 9,277,132          | 2,109,499           | -           | 2,109,499           | 7,167,633           |
| Contingency                                 | 969,013            | 969,013            | -                   | -           | -                   | 969,013             |
| <b>TOTAL EXPENDITURES</b>                   | <b>16,301,692</b>  | <b>16,321,092</b>  | <b>5,061,814</b>    | <b>-</b>    | <b>5,061,814</b>    | <b>11,259,278</b>   |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b>   | <b>(2,248,378)</b> | <b>(2,267,778)</b> | <b>1,290,775</b>    | <b>-</b>    | <b>1,290,775</b>    | <b>3,558,553</b>    |
| <b>OTHER FINANCING SOURCES (USES)</b>       |                    |                    |                     |             |                     |                     |
| Transfers in                                | 300,340            | 319,740            | 169,570             | -           | 169,570             | (150,170)           |
| Transfers out                               | (410,000)          | (410,000)          | (330,000)           | -           | (330,000)           | 80,000              |
| <b>TOTAL OTHER FINANCING SOURCES (USES)</b> | <b>(109,660)</b>   | <b>(90,260)</b>    | <b>(160,430)</b>    | <b>-</b>    | <b>(160,430)</b>    | <b>(70,170)</b>     |
| <b>NET CHANGE IN FUND BALANCE</b>           | <b>(2,358,038)</b> | <b>(2,358,038)</b> | <b>1,130,345</b>    | <b>-</b>    | <b>1,130,345</b>    | <b>3,488,383</b>    |
| <b>FUND BALANCE, beginning of year</b>      | <b>2,358,038</b>   | <b>2,358,038</b>   | <b>2,680,863</b>    | <b>-</b>    | <b>2,680,863</b>    | <b>322,825</b>      |
| <b>FUND BALANCE, end of year</b>            | <b>\$ -</b>        | <b>\$ -</b>        | <b>\$ 3,811,208</b> | <b>\$ -</b> | <b>\$ 3,811,208</b> | <b>\$ 3,811,208</b> |

**CITY OF OREGON CITY, OREGON****SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY AND RELATED RATIOS – IMPLICIT RATE SUBSIDY  
FOR THE LAST TEN FISCAL YEARS****Implicit Rate Subsidy for Retiree Health Insurance Continuation Premiums**

|                                                                          | <b>2020</b>          | <b>2019</b>          | <b>2018</b>          |
|--------------------------------------------------------------------------|----------------------|----------------------|----------------------|
| <b>Total OPEB Liability</b>                                              |                      |                      |                      |
| Service Interest                                                         | \$ 509,046           | \$ 495,179           | \$ 550,475           |
| Interest                                                                 | 427,424              | 406,225              | 345,133              |
| Changes of benefit terms                                                 | -                    | -                    | -                    |
| Economic/demographic gains or losses                                     | -                    | (465,787)            | -                    |
| Changes of assumptions                                                   | 546,837              | (336,053)            | (1,161,431)          |
| Benefit payment                                                          | (394,502)            | (437,294)            | (446,894)            |
| <b>Net change in total OPEB liability</b>                                | <b>1,088,805</b>     | <b>(337,730)</b>     | <b>(712,717)</b>     |
| <b>Total OPEB liability - beginning</b>                                  | <b>10,730,874</b>    | <b>11,068,604</b>    | <b>11,781,321</b>    |
| <b>Total OPEB liability - ending</b>                                     | <b>\$ 11,819,679</b> | <b>\$ 10,730,874</b> | <b>\$ 11,068,604</b> |
| <br>Covered-employee payroll                                             | <br>\$ 13,814,411    | <br>\$ 13,435,454    | <br>\$ 12,916,238    |
| <br>Total OPEB liability as a percentage of covered-<br>employee payroll | <br>85.56%           | <br>79.87%           | <br>85.70%           |

**NOTES TO SCHEDULE**

The amounts presented for each fiscal year were actuarially determined at July 1 and rolled forward to the measurement date.

This schedule is presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF CONTRIBUTIONS TO OPEB – IMPLICIT RATE SUBSIDY**  
**FOR THE LAST TEN FISCAL YEARS**

Implicit Rate Subsidy for Retiree Health Insurance Continuation Premiums

| Year<br>Ended<br>June 30, | (a)<br>Actuarially<br>determined<br>contribution | (b)<br>Contributions in<br>relation to the<br>actuarially required<br>contribution | (a-b)<br>Contribution<br>deficiency<br>(excess) | (c)<br>Covered<br>payroll | (b/c)<br>Contributions<br>as a percent<br>of covered<br>payroll |
|---------------------------|--------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------|-----------------------------------------------------------------|
| 2020                      | \$ 380,897                                       | \$ 380,897                                                                         | \$ -                                            | \$ 14,893,881             | 2.56%                                                           |
| 2019                      | 394,502                                          | 394,502                                                                            | -                                               | 13,814,411                | 2.86%                                                           |
| 2018                      | 437,294                                          | 437,294                                                                            | -                                               | 13,435,454                | 3.25%                                                           |
| 2017                      | 446,894                                          | 446,894                                                                            | -                                               | 12,916,238                | 3.46%                                                           |

**NOTES TO SCHEDULE**

The amounts presented for each fiscal year were actuarially determined at July 1 and rolled forward to the measurement date.

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**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF THE PROPORTIONATE SHARE OF OPEB – RHIA**  
**FOR THE LAST TEN FISCAL YEARS**

**PERS Retirement Health Insurance Account (RHIA)**

| Measurement<br>Date<br>June 30, | (a)<br>City's<br>proportion of<br>the net OPEB<br>liability (asset) | (b)<br>City's<br>proportionate share<br>of the net OPEB<br>liability (asset) | (c)<br>Covered<br>payroll | (b/c)<br>City's<br>proportionate<br>share of the net<br>OPEB liability<br>(asset) as a<br>percentage of<br>its covered<br>payroll | Plan fiduciary<br>net position as<br>a percentage of<br>the total OPEB<br>liability |
|---------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 2019                            | 0.12428557%                                                         | \$ (240,165)                                                                 | \$ 13,814,411             | -1.74%                                                                                                                            | 144.4%                                                                              |
| 2018                            | 0.12357764%                                                         | (137,947)                                                                    | 13,435,454                | -1.03%                                                                                                                            | 124.0%                                                                              |
| 2017                            | 0.11810032%                                                         | (49,288)                                                                     | 12,916,238                | -0.38%                                                                                                                            | 108.9%                                                                              |

**NOTES TO SCHEDULE**

The amounts presented for each fiscal year were actuarial determined at December 31 and rolled forward to the measurement date.

This schedule is presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.



**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF CONTRIBUTIONS TO OPEB – RHIA**  
**FOR THE LAST TEN FISCAL YEARS**

**PERS Retirement Health Insurance Account (RHIA)**

| Year<br>Ended<br>June 30, | (a)<br>Contractually<br>determined<br>contribution | (b)<br>Contributions in<br>relation to the<br>actuarially required<br>contribution | (a-b)<br>Contribution<br>deficiency<br>(excess) | (c)<br>Covered<br>payroll | (b/c)<br>Contributions<br>as a percent<br>of covered<br>payroll |
|---------------------------|----------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------|-----------------------------------------------------------------|
| 2020                      | \$ 8,449                                           | \$ 8,449                                                                           | \$ -                                            | \$ 14,893,881             | 0.06%                                                           |
| 2019                      | 58,059                                             | 58,059                                                                             | -                                               | 13,814,411                | 0.42%                                                           |
| 2018                      | 57,087                                             | 57,087                                                                             | -                                               | 13,435,454                | 0.42%                                                           |
| 2017                      | 55,599                                             | 55,599                                                                             | -                                               | 12,916,238                | 0.43%                                                           |

**NOTES TO SCHEDULE**

The amounts presented for each fiscal year were actuarial determined at December 31 and rolled forward to the measurement date.

This schedule is presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

**CITY OF OREGON CITY, OREGON****SCHEDULE OF THE PROPORTIONATE SHARE OF THE NET PENSION LIABILITY  
FOR THE LAST TEN FISCAL YEARS****Public Employees Retirement System (PERS)**

| Measurement<br>Date<br>June 30, | (a)<br>City's<br>proportion of<br>the net pension<br>liability (asset) | (b)<br>City's<br>proportionate share<br>of the net pension<br>liability (asset) | (c)<br>City's<br>covered<br>payroll | (b/c)<br>City's<br>proportionate share<br>of the net pension<br>liability (asset) as a<br>percentage of its<br>covered payroll | Plan fiduciary<br>net position as<br>a percentage of<br>the total pension<br>liability |
|---------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 2019                            | 0.14107397%                                                            | \$ 24,402,418                                                                   | \$ 13,814,411                       | 176.64%                                                                                                                        | 80.20%                                                                                 |
| 2018                            | 0.12784356%                                                            | 19,366,617                                                                      | 13,435,454                          | 144.15%                                                                                                                        | 82.10%                                                                                 |
| 2017                            | 0.12661947%                                                            | 17,068,354                                                                      | 12,916,238                          | 132.15%                                                                                                                        | 83.10%                                                                                 |
| 2016                            | 0.12480580%                                                            | 18,736,249                                                                      | 11,561,433                          | 162.06%                                                                                                                        | 80.53%                                                                                 |
| 2015                            | 0.12813896%                                                            | 7,357,049                                                                       | 11,671,425                          | 63.03%                                                                                                                         | 91.90%                                                                                 |
| 2014                            | 0.11809467%                                                            | (2,676,869)                                                                     | 10,524,989                          | -25.43%                                                                                                                        | 103.60%                                                                                |
| 2013                            | 0.11809467%                                                            | 6,026,544                                                                       | 10,536,259                          | 57.20%                                                                                                                         | 91.97%                                                                                 |

The amounts presented for each fiscal year were actuarially determined at December 31 and rolled forward to the measurement date.

This schedule is presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF CONTRIBUTIONS – PENSION**  
**FOR THE LAST TEN FISCAL YEARS**

Public Employees Retirement System (PERS)

| Year<br>Ended<br>June 30, | (a)<br>Statutorily<br>required<br>contribution | (b)<br>Contributions in<br>relation to the<br>statutorily required<br>contribution | (a-b)<br>Contribution<br>deficiency<br>(excess) | (c)<br>liability (asset)<br>covered<br>payroll | (b/c)<br>Contributions<br>as a percent<br>of covered<br>payroll |
|---------------------------|------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------|
| 2020                      | \$ 2,458,197                                   | \$ 2,458,197                                                                       | \$ -                                            | \$ 14,893,881                                  | 16.50%                                                          |
| 2019                      | 1,806,645                                      | 1,806,645                                                                          | -                                               | 13,814,411                                     | 13.08%                                                          |
| 2018                      | 1,707,646                                      | 1,707,646                                                                          | -                                               | 13,435,454                                     | 12.71%                                                          |
| 2017                      | 1,162,608                                      | 1,162,608                                                                          | -                                               | 12,916,238                                     | 9.00%                                                           |
| 2016                      | 1,122,770                                      | 1,122,770                                                                          | -                                               | 11,561,433                                     | 9.71%                                                           |
| 2015                      | 1,027,122                                      | 1,027,122                                                                          | -                                               | 11,671,425                                     | 8.80%                                                           |
| 2014                      | 1,067,092                                      | 1,067,092                                                                          | -                                               | 10,524,989                                     | 10.14%                                                          |

The amounts presented for each fiscal year were actuarially determined at December 31 and rolled forward to the measurement date.

This schedule is presented to illustrate the requirements to show information for 10 years. However, until a full 10-year trend has been compiled, information is presented only for the years for which the required supplementary information is available.

**CITY OF OREGON CITY, OREGON**  
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION  
YEAR ENDED JUNE 30, 2020

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**NOTE 1: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

**A. Budget and Budgetary Accounting**

According to City Charter and Oregon Law (ORS 294), the City of Oregon City must prepare and adopt a balanced budget. Local Budget law allows governments to budget either on a one-year or a two-year cycle, as approved by the governing body. The Oregon City budget is prepared for a biennial (two-year) period.

A budget is prepared for each fund in accordance with the modified accrual basis of accounting for all funds. Appropriations are made at the department level for all funds; expenditures which don't pertain to a specific department, such as debt or contingency, are appropriated for separately within each fund. Expenditures may not legally exceed appropriations. Appropriations lapse at the end of each budget period.

Budget amounts include original approved amounts and all subsequent budget amendments approved by the City Commission. Oregon Budget Law allows for amendments to the City budget for reasons unforeseen at the time of adoption. After budget approval, the Commission may adopt resolution changes that decrease one existing appropriation and increase another. Unexpected additional resources may be added to the budget through the use of appropriation resolutions or supplemental budget procedures in some cases. Supplemental budgets may require the use of public hearings. Management may not amend the budget. The City had three budget adjustments during the year.

Oregon state law requires disclosure of fund expenditures in excess of budgeted appropriations. For the 2019-2021 biennium, there were no expenditures exceeding budgeted appropriations.

**NOTE 2: OPEB**

**A. Actuarial assumptions – CIS**

Actuarial Assumptions and Methods Used to Set the Actuarially Determined Contributions:

|                                 |                                     |                                     |
|---------------------------------|-------------------------------------|-------------------------------------|
| Actuarial valuation:            | July 1, 2018                        | July 1, 2016                        |
| Effective:                      | June 30, 2018 and 2019              | June 30, 2016 and 2017              |
| Actuarial cost method:          | Entry Age Normal                    | Entry Age Normal                    |
| Amortization method:            | Level percentage of payroll, closed | Level percentage of payroll, closed |
| Amortization period:            | 6.8 years                           | 7.7 years                           |
| Asset valuation method:         | Market value                        | Market value                        |
| Remaining amortization periods: | 20 years                            | 20 years                            |
| Actuarial assumptions           |                                     |                                     |
| Inflation rate                  | 2.50 percent                        | 2.50 percent                        |
| Projected salary increases      | 3.50 percent                        | 3.50 percent                        |

**CITY OF OREGON CITY, OREGON**  
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION  
YEAR ENDED JUNE 30, 2020

**B. Changes of assumptions – RHIA**

The PERS Board adopted assumption changes that were used to measure the June 30, 2018 total OPEB liability. The changes include lowering of the long-term expected rate of return to 7.20 percent. In addition, healthy retiree participation and healthy mortality assumptions were changes to reflect an updated trends and mortality improvement scale for all groups.

**C. Actuarial assumptions – RHIA**

**Actuarial Assumptions and Methods Used to Set the Actuarially Determined Contributions**

|                                 |                                                                        |                                                                        |                                                                        |
|---------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|
| Actuarial valuation:            | December 31, 2015                                                      | December 31, 2013                                                      | December 31, 2011                                                      |
| Effective:                      | July 2017 - June 2019                                                  | July 2015 - June 2017                                                  | July 2013 - June 2015                                                  |
| Actuarial cost method:          | Entry Age Normal                                                       | Entry Age Normal                                                       | Projected Unit Credit                                                  |
| Amortization method:            | Level percentage of payroll, closed                                    | Level percentage of payroll, closed                                    | Level percentage of payroll, closed                                    |
| Amortization period:            | 10 years                                                               | 10 years                                                               | 10 years                                                               |
| Asset valuation method:         | Market value                                                           | Market value                                                           | Market value                                                           |
| Remaining amortization periods: | 20 years                                                               | 20 years                                                               | N/A                                                                    |
| Actuarial assumptions           |                                                                        |                                                                        |                                                                        |
| Inflation rate                  | 2.50%                                                                  | 2.75%                                                                  | 2.75%                                                                  |
| Projected salary increases      | 3.50%                                                                  | 3.75%                                                                  | 3.75%                                                                  |
| Investment rate of return       | 7.50%                                                                  | 7.75%                                                                  | 8.00%                                                                  |
| Healthcare cost trend rates     | None. Statute stipulates \$60 monthly payment for healthcare insurance | None. Statute stipulates \$60 monthly payment for healthcare insurance | None. Statute stipulates \$60 monthly payment for healthcare insurance |

**NOTE 3: PENSIONS**

**A. Changes of assumptions**

The PERS Board adopted assumption changes that were used to measure the June 30, 2016 total pension liability and June 30, 2018 total pension liability. For June 30, 2016, the changes included the lowering of the long-term expected rate of return to 7.50 percent and lowering of the assumed inflation to 2.50 percent. For June 30, 2018, the long-term expected rate of return was lowered to 7.20 percent. In addition, the healthy mortality assumption was changed to reflect an updated mortality improvement scale for all groups, and assumptions were updated for merit increases, unused sick leave, and vacation pay were updated.

**B. Changes in benefit terms**

The 2013 Oregon Legislature made a series of changes to PERS that lowered projected future benefit payments from the System. These changes included reductions to future Cost of Living Adjustments (COLA) made through Senate Bills 822 and 861. Senate Bill 822 also required the contribution rates scheduled to be in effect from July 2013 to June 2015 to be reduced. The Oregon Supreme Court decision in *Moro v. State of Oregon*, issued on April 30, 2015, reversed a significant portion of the reductions the 2013 Oregon Legislature made to future System Cost of Living Adjustments (COLA) through Senate Bills 822 and 861. This reversal increased the total pension liability as of June 30, 2015 compared to June 30, 2014 total pension liability.

A legislative change that occurred after the December 31, 2017 valuation date affected the plan provisions reflected for financial reporting purposes. Senate Bill 1049, signed into law in June 2019, introduced a limit on the amount of annual salary included for the calculation of benefits. Beginning in 2020, annual salary in excess of \$195,000 (as indexed in future years) will be excluded when determining member benefits. As a result, future Tier 1/Tier 2 and OPSRP benefits for certain active members are now projected to be lower than prior to the legislation. Senate Bill 1049 was reflected in the June 30, 2019 Total Pension Liability as a reduction in liability.

**CITY OF OREGON CITY, OREGON**  
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION  
YEAR ENDED JUNE 30, 2020

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**C. Actuarial Assumptions**

Actuarial Assumptions and Methods Used to Set the Actuarially Determined Contributions

|                                 |                             |                             |                             |
|---------------------------------|-----------------------------|-----------------------------|-----------------------------|
| Actuarial valuation:            | December 31, 2015           | December 31, 2013           | December 31, 2011           |
| Effective:                      | July 2017 - June 2019       | July 2015 - June 2017       | July 2013 - June 2015       |
| Actuarial cost method:          | Entry Age Normal            | Entry Age Normal            | Projected Unit Credit       |
| Amortization method:            | Level percentage of payroll | Level percentage of payroll | Level percentage of payroll |
| Asset valuation method:         | Market value                | Market value                | Market value                |
| Remaining amortization periods: | 20 years                    | 20 years                    | N/A                         |
| Actuarial assumptions           |                             |                             |                             |
| Inflation rate                  | 2.50 percent                | 2.75 percent                | 2.75 percent                |
| Projected salary increases      | 3.50 percent                | 3.75 percent                | 3.75 percent                |
| Investment rate of return       | 7.50 percent                | 7.75 percent                | 8.00 percent                |







## OTHER SUPPLEMENTARY INFORMATION

*Schedule of Revenues, Expenditures and Changes in  
Fund Balance – Budget and Actual –  
Major Capital Projects Fund*

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –**  
**BUDGET AND ACTUAL – COMMUNITY FACILITIES FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                             | <b>Budget Amounts</b> |                     | <b>Actual</b>        |                |                      | <b>Variance</b>      |
|---------------------------------------------|-----------------------|---------------------|----------------------|----------------|----------------------|----------------------|
|                                             | <b>Original</b>       | <b>Final</b>        | <b>FY 2020</b>       | <b>FY 2021</b> | <b>Biennial</b>      |                      |
| <b>REVENUES</b>                             |                       |                     |                      |                |                      |                      |
| Charges for services                        | \$ 2,160,000          | \$ 2,160,000        | \$ 1,204,961         | \$ -           | \$ 1,204,961         | \$ (955,039)         |
| Interest                                    | 431,000               | 431,000             | 298,786              | -              | 298,786              | (132,214)            |
| Miscellaneous                               | 2,500,000             | 2,500,000           | 167,021              | -              | 167,021              | (2,332,979)          |
| <b>TOTAL REVENUES</b>                       | <b>5,091,000</b>      | <b>5,091,000</b>    | <b>1,670,768</b>     | <b>-</b>       | <b>1,670,768</b>     | <b>(3,420,232)</b>   |
| <b>EXPENDITURES</b>                         |                       |                     |                      |                |                      |                      |
| Materials and services                      | 100,000               | 100,000             | 112,987              | -              | 112,987              | (12,987)             |
| Capital outlay                              | 32,790,000            | 32,880,000          | 17,943,068           | -              | 17,943,068           | 14,936,932           |
| Debt service                                |                       |                     |                      |                |                      |                      |
| Interest                                    | 2,000                 | 2,000               | -                    | -              | -                    | 2,000                |
| Contingency                                 | 1,436,461             | 1,346,461           | -                    | -              | -                    | 1,346,461            |
| <b>TOTAL EXPENDITURES</b>                   | <b>34,328,461</b>     | <b>34,328,461</b>   | <b>18,056,055</b>    | <b>-</b>       | <b>18,056,055</b>    | <b>16,272,406</b>    |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b>   | <b>(29,237,461)</b>   | <b>(29,237,461)</b> | <b>(16,385,287)</b>  | <b>-</b>       | <b>(16,385,287)</b>  | <b>12,852,174</b>    |
| <b>OTHER FINANCING SOURCES (USES)</b>       |                       |                     |                      |                |                      |                      |
| Transfers in                                | 7,230,000             | 7,230,000           | 4,390,000            | -              | 4,390,000            | (2,840,000)          |
| Transfers out                               | (2,208,600)           | (2,208,600)         | (1,104,300)          | -              | (1,104,300)          | 1,104,300            |
| <b>TOTAL OTHER FINANCING SOURCES (USES)</b> | <b>5,021,400</b>      | <b>5,021,400</b>    | <b>3,285,700</b>     | <b>-</b>       | <b>3,285,700</b>     | <b>(1,735,700)</b>   |
| <b>NET CHANGE IN FUND BALANCE</b>           | <b>(24,216,061)</b>   | <b>(24,216,061)</b> | <b>(13,099,587)</b>  | <b>-</b>       | <b>(13,099,587)</b>  | <b>11,116,474</b>    |
| <b>FUND BALANCE, beginning of year</b>      | <b>24,216,061</b>     | <b>24,216,061</b>   | <b>25,100,854</b>    | <b>-</b>       | <b>25,100,854</b>    | <b>884,793</b>       |
| <b>FUND BALANCE, end of year</b>            | <b>\$ -</b>           | <b>\$ -</b>         | <b>\$ 12,001,267</b> | <b>\$ -</b>    | <b>\$ 12,001,267</b> | <b>\$ 12,001,267</b> |

*Combining and Individual Fund Financial  
Statements and Schedules –  
Nonmajor Governmental Funds*

**CITY OF OREGON CITY, OREGON**  
**COMBINING BALANCE SHEET – NONMAJOR GOVERNMENTAL FUNDS**  
**JUNE 30, 2020**

|                                                                           | <b>Special Revenue</b> |                              |                     | <b>Debt Service</b> |                      |
|---------------------------------------------------------------------------|------------------------|------------------------------|---------------------|---------------------|----------------------|
|                                                                           | <b>Library</b>         | <b>Community Development</b> | <b>Building</b>     | <b>Debt Service</b> | <b>Total</b>         |
| <b>ASSETS</b>                                                             |                        |                              |                     |                     |                      |
| Cash and investments                                                      | \$ 3,451,801           | \$ 1,085,561                 | \$ 5,247,677        | \$ 1,546,406        | \$ 11,331,445        |
| Receivables:                                                              |                        |                              |                     |                     |                      |
| Accounts                                                                  | 32,580                 | 4,094                        | 10,063              | 81,826              | 128,563              |
| Interest                                                                  | 1,391                  | -                            | 275                 | 4,369               | 6,035                |
| Prepays and deposits                                                      | 980                    | -                            | -                   | -                   | 980                  |
| <b>TOTAL ASSETS</b>                                                       | <b>\$ 3,486,752</b>    | <b>\$ 1,089,655</b>          | <b>\$ 5,258,015</b> | <b>\$ 1,632,601</b> | <b>\$ 11,467,023</b> |
| <b>LIABILITIES</b>                                                        |                        |                              |                     |                     |                      |
| Accounts payable                                                          | \$ 34,850              | \$ 156,684                   | \$ 46,325           | \$ 1,879            | \$ 239,738           |
| Accrued payroll                                                           | 37,250                 | 23,863                       | 33,190              | -                   | 94,303               |
| <b>TOTAL LIABILITIES</b>                                                  | <b>72,100</b>          | <b>180,547</b>               | <b>79,515</b>       | <b>1,879</b>        | <b>334,041</b>       |
| <b>DEFERRED INFLOWS OF RESOURCES</b>                                      |                        |                              |                     |                     |                      |
| Unavailable revenue                                                       | 1,884                  | 604                          | 2,835               | 186                 | 5,509                |
| Total Deferred Inflows of Resources                                       | 1,884                  | 604                          | 2,835               | 186                 | 5,509                |
| <b>FUND BALANCES</b>                                                      |                        |                              |                     |                     |                      |
| Non-spendable                                                             | 980                    | -                            | -                   | -                   | 980                  |
| Restricted for:                                                           |                        |                              |                     |                     |                      |
| Library operations                                                        | 3,411,788              | -                            | -                   | -                   | 3,411,788            |
| Building operations                                                       | -                      | -                            | 5,175,665           | -                   | 5,175,665            |
| Committed to:                                                             |                        |                              |                     |                     |                      |
| Debt service                                                              | -                      | -                            | -                   | 1,630,536           | 1,630,536            |
| Planning and building operations                                          | -                      | 908,504                      | -                   | -                   | 908,504              |
| <b>TOTAL FUND BALANCES</b>                                                | <b>3,412,768</b>       | <b>908,504</b>               | <b>5,175,665</b>    | <b>1,630,536</b>    | <b>11,127,473</b>    |
| <b>TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES</b> | <b>\$ 3,486,752</b>    | <b>\$ 1,089,655</b>          | <b>\$ 5,258,015</b> | <b>\$ 1,632,601</b> | <b>\$ 11,467,023</b> |

**CITY OF OREGON CITY, OREGON****COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES –  
NONMAJOR GOVERNMENTAL FUNDS  
YEAR ENDED JUNE 30, 2020**

|                                             | <b>Special Revenue</b> |                                  |                     | <b>Debt Service</b> |                      |
|---------------------------------------------|------------------------|----------------------------------|---------------------|---------------------|----------------------|
|                                             | <b>Library</b>         | <b>Community<br/>Development</b> | <b>Building</b>     | <b>Debt Service</b> | <b>Total</b>         |
| <b>REVENUES</b>                             |                        |                                  |                     |                     |                      |
| Licenses and permits                        | \$ -                   | \$ 16,712                        | \$ 2,778,077        | \$ -                | \$ 2,794,789         |
| Charges for services                        | 3,433                  | 1,695,437                        | 320,670             | -                   | 2,019,540            |
| Intergovernmental                           | 2,481,216              | 84,438                           | 31,001              | -                   | 2,596,655            |
| Fines and forfeitures                       | 38,473                 | -                                | -                   | -                   | 38,473               |
| Interest income                             | 55,402                 | 11,198                           | 61,105              | 29,188              | 156,893              |
| Miscellaneous                               | 32,604                 | 2,799                            | 14,431              | 1,286,484           | 1,336,318            |
| <b>TOTAL REVENUES</b>                       | <b>2,611,128</b>       | <b>1,810,584</b>                 | <b>3,205,284</b>    | <b>1,315,672</b>    | <b>8,942,668</b>     |
| <b>EXPENDITURES</b>                         |                        |                                  |                     |                     |                      |
| Culture and recreation                      | 1,825,973              | -                                | -                   | -                   | 1,825,973            |
| Planning and building                       | -                      | 1,549,019                        | 1,564,401           | -                   | 3,113,420            |
| Debt service                                |                        |                                  |                     |                     |                      |
| Principal                                   | 263,524                | -                                | -                   | 1,425,000           | 1,688,524            |
| Interest                                    | 151,847                | -                                | -                   | 1,193,931           | 1,345,778            |
| <b>TOTAL EXPENDITURES</b>                   | <b>2,241,344</b>       | <b>1,549,019</b>                 | <b>1,564,401</b>    | <b>2,618,931</b>    | <b>7,973,695</b>     |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b>   | <b>369,784</b>         | <b>261,565</b>                   | <b>1,640,883</b>    | <b>(1,303,259)</b>  | <b>968,973</b>       |
| <b>OTHER FINANCING SOURCES (USES)</b>       |                        |                                  |                     |                     |                      |
| Transfers in                                | 150,000                | 350,000                          | -                   | 1,104,300           | 1,604,300            |
| Transfers out                               | (20,000)               | -                                | (20,000)            | -                   | (40,000)             |
| <b>TOTAL OTHER FINANCING SOURCES (USES)</b> | <b>130,000</b>         | <b>350,000</b>                   | <b>(20,000)</b>     | <b>1,104,300</b>    | <b>1,564,300</b>     |
| <b>NET CHANGE IN FUND BALANCE</b>           | <b>499,784</b>         | <b>611,565</b>                   | <b>1,620,883</b>    | <b>(198,959)</b>    | <b>2,533,273</b>     |
| <b>FUND BALANCE, beginning of year</b>      | <b>2,912,984</b>       | <b>296,939</b>                   | <b>3,554,782</b>    | <b>1,829,495</b>    | <b>8,594,200</b>     |
| <b>FUND BALANCE, end of year</b>            | <b>\$ 3,412,768</b>    | <b>\$ 908,504</b>                | <b>\$ 5,175,665</b> | <b>\$ 1,630,536</b> | <b>\$ 11,127,473</b> |



*Schedules of Revenues, Expenditures and Changes  
in Fund Balance – Budget and Actual – Nonmajor  
Governmental Funds*

**CITY OF OREGON CITY, OREGON****SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –  
BUDGET AND ACTUAL – LIBRARY FUND  
YEAR ENDED JUNE 30, 2020**

|                                             | <b>Budget Amounts</b> |                    | <b>Actual</b>       |                |                     | <b>Variance</b>     |
|---------------------------------------------|-----------------------|--------------------|---------------------|----------------|---------------------|---------------------|
|                                             | <b>Original</b>       | <b>Final</b>       | <b>FY 2020</b>      | <b>FY 2021</b> | <b>Biennial</b>     |                     |
| <b>REVENUES</b>                             |                       |                    |                     |                |                     |                     |
| Charges for services                        | \$ -                  | \$ -               | \$ 3,433            | \$ -           | \$ 3,433            | \$ 3,433            |
| Intergovernmental                           | 4,775,566             | 4,775,566          | 2,481,216           | -              | 2,481,216           | (2,294,350)         |
| Fines and forfeitures                       | 80,000                | 80,000             | 38,473              | -              | 38,473              | (41,527)            |
| Interest                                    | 90,000                | 90,000             | 55,402              | -              | 55,402              | (34,598)            |
| Miscellaneous                               | 10,000                | 10,000             | 32,604              | -              | 32,604              | 22,604              |
| <b>TOTAL REVENUES</b>                       | <b>4,955,566</b>      | <b>4,955,566</b>   | <b>2,611,128</b>    | <b>-</b>       | <b>2,611,128</b>    | <b>(2,344,438)</b>  |
| <b>EXPENDITURES</b>                         |                       |                    |                     |                |                     |                     |
| Personnel services                          | 2,879,275             | 2,934,275          | 1,344,124           | -              | 1,344,124           | 1,590,151           |
| Materials and services                      | 1,008,666             | 1,105,666          | 481,849             | -              | 481,849             | 623,817             |
| Debt service                                |                       |                    |                     |                |                     |                     |
| Principal                                   | 535,164               | 535,164            | 263,524             | -              | 263,524             | 271,640             |
| Interest                                    | 295,577               | 295,577            | 151,847             | -              | 151,847             | 143,730             |
| Contingency                                 | 3,235,010             | 3,235,010          | -                   | -              | -                   | 3,235,010           |
| <b>TOTAL EXPENDITURES</b>                   | <b>7,953,692</b>      | <b>8,105,692</b>   | <b>2,241,344</b>    | <b>-</b>       | <b>2,241,344</b>    | <b>5,864,348</b>    |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b>   | <b>(2,998,126)</b>    | <b>(3,150,126)</b> | <b>369,784</b>      | <b>-</b>       | <b>369,784</b>      | <b>3,519,910</b>    |
| <b>OTHER FINANCING SOURCES (USES)</b>       |                       |                    |                     |                |                     |                     |
| Transfers in                                | 300,000               | 300,000            | 150,000             | -              | 150,000             | (150,000)           |
| Transfers out                               | (40,000)              | (40,000)           | (20,000)            | -              | (20,000)            | 20,000              |
| <b>TOTAL OTHER FINANCING SOURCES (USES)</b> | <b>260,000</b>        | <b>260,000</b>     | <b>130,000</b>      | <b>-</b>       | <b>130,000</b>      | <b>(130,000)</b>    |
| <b>NET CHANGE IN FUND BALANCE</b>           | <b>(2,738,126)</b>    | <b>(2,890,126)</b> | <b>499,784</b>      | <b>-</b>       | <b>499,784</b>      | <b>3,389,910</b>    |
| <b>FUND BALANCE, beginning of year</b>      | <b>2,738,126</b>      | <b>2,890,126</b>   | <b>2,912,984</b>    | <b>-</b>       | <b>2,912,984</b>    | <b>22,858</b>       |
| <b>FUND BALANCE, end of year</b>            | <b>\$ -</b>           | <b>\$ -</b>        | <b>\$ 3,412,768</b> | <b>\$ -</b>    | <b>\$ 3,412,768</b> | <b>\$ 3,412,768</b> |

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –**  
**BUDGET AND ACTUAL – COMMUNITY DEVELOPMENT FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                           | Budget Amounts   |                  | Actual            |             |                   | Variance          |
|-------------------------------------------|------------------|------------------|-------------------|-------------|-------------------|-------------------|
|                                           | Original         | Final            | FY 2020           | FY 2021     | Biennial          |                   |
| <b>REVENUES</b>                           |                  |                  |                   |             |                   |                   |
| Licenses and permits                      | \$ 40,000        | \$ 40,000        | \$ 16,712         | \$ -        | \$ 16,712         | \$ (23,288)       |
| Charges for services                      | 2,332,470        | 2,332,470        | 1,695,437         | -           | 1,695,437         | (637,033)         |
| Intergovernmental                         | 10,000           | 167,500          | 84,438            | -           | 84,438            | (83,062)          |
| Interest                                  | 7,200            | 7,200            | 11,198            | -           | 11,198            | 3,998             |
| Miscellaneous                             | -                | -                | 2,799             | -           | 2,799             | 2,799             |
| <b>TOTAL REVENUES</b>                     | <b>2,389,670</b> | <b>2,547,170</b> | <b>1,810,584</b>  | <b>-</b>    | <b>1,810,584</b>  | <b>(736,586)</b>  |
| <b>EXPENDITURES</b>                       |                  |                  |                   |             |                   |                   |
| Personnel services                        | 1,437,683        | 1,468,683        | 726,738           | -           | 726,738           | 741,945           |
| Materials and services                    | 1,835,560        | 1,962,060        | 822,281           | -           | 822,281           | 1,139,779         |
| Contingency                               | 23,772           | 23,772           | -                 | -           | -                 | 23,772            |
| <b>TOTAL EXPENDITURES</b>                 | <b>3,297,015</b> | <b>3,454,515</b> | <b>1,549,019</b>  | <b>-</b>    | <b>1,549,019</b>  | <b>1,905,496</b>  |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | <b>(907,345)</b> | <b>(907,345)</b> | <b>261,565</b>    | <b>-</b>    | <b>261,565</b>    | <b>1,168,910</b>  |
| <b>OTHER FINANCING SOURCES (USES)</b>     |                  |                  |                   |             |                   |                   |
| Transfers in                              | 700,000          | 700,000          | 350,000           | -           | 350,000           | (350,000)         |
| <b>NET CHANGE IN FUND BALANCE</b>         | <b>(207,345)</b> | <b>(207,345)</b> | <b>611,565</b>    | <b>-</b>    | <b>611,565</b>    | <b>818,910</b>    |
| <b>FUND BALANCE, beginning of year</b>    | <b>207,345</b>   | <b>207,345</b>   | <b>296,939</b>    | <b>-</b>    | <b>296,939</b>    | <b>89,594</b>     |
| <b>FUND BALANCE, end of year</b>          | <b>\$ -</b>      | <b>\$ -</b>      | <b>\$ 908,504</b> | <b>\$ -</b> | <b>\$ 908,504</b> | <b>\$ 908,504</b> |

**CITY OF OREGON CITY, OREGON**
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –  
 BUDGET AND ACTUAL – BUILDING FUND  
 YEAR ENDED JUNE 30, 2020**

|                                           | <b>Budget Amounts</b> |                    | <b>Actual</b>       |                |                     | <b>Variance</b>     |
|-------------------------------------------|-----------------------|--------------------|---------------------|----------------|---------------------|---------------------|
|                                           | <b>Original</b>       | <b>Final</b>       | <b>FY 2020</b>      | <b>FY 2021</b> | <b>Biennial</b>     |                     |
| <b>REVENUES</b>                           |                       |                    |                     |                |                     |                     |
| Licenses and permits                      | \$ 3,201,158          | \$ 3,201,158       | \$ 2,778,077        | \$ -           | \$ 2,778,077        | \$ (423,081)        |
| Charges for services                      | 488,658               | 488,658            | 320,670             | -              | 320,670             | (167,988)           |
| Intergovernmental                         | -                     | -                  | 31,001              | -              | 31,001              | 31,001              |
| Interest                                  | 120,000               | 120,000            | 61,105              | -              | 61,105              | (58,895)            |
| Miscellaneous                             | -                     | -                  | 14,431              | -              | 14,431              | 14,431              |
| <b>TOTAL REVENUES</b>                     | <b>3,809,816</b>      | <b>3,809,816</b>   | <b>3,205,284</b>    | <b>-</b>       | <b>3,205,284</b>    | <b>(604,532)</b>    |
| <b>EXPENDITURES</b>                       |                       |                    |                     |                |                     |                     |
| Personnel services                        | 2,215,949             | 2,215,949          | 1,051,262           | -              | 1,051,262           | 1,164,687           |
| Materials and services                    | 948,690               | 948,690            | 513,139             | -              | 513,139             | 435,551             |
| Contingency                               | 4,016,273             | 4,016,273          | -                   | -              | -                   | 4,016,273           |
| <b>TOTAL EXPENDITURES</b>                 | <b>7,180,912</b>      | <b>7,180,912</b>   | <b>1,564,401</b>    | <b>-</b>       | <b>1,564,401</b>    | <b>5,616,511</b>    |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | <b>(3,371,096)</b>    | <b>(3,371,096)</b> | <b>1,640,883</b>    | <b>-</b>       | <b>1,640,883</b>    | <b>5,011,979</b>    |
| <b>OTHER FINANCING SOURCES (USES)</b>     |                       |                    |                     |                |                     |                     |
| Transfers out                             | (40,000)              | (40,000)           | (20,000)            | -              | (20,000)            | 20,000              |
| <b>NET CHANGE IN FUND BALANCE</b>         | <b>(3,411,096)</b>    | <b>(3,411,096)</b> | <b>1,620,883</b>    | <b>-</b>       | <b>1,620,883</b>    | <b>5,031,979</b>    |
| <b>FUND BALANCE, beginning of year</b>    | <b>3,411,096</b>      | <b>3,411,096</b>   | <b>3,554,782</b>    | <b>-</b>       | <b>3,554,782</b>    | <b>143,686</b>      |
| <b>FUND BALANCE, end of year</b>          | <b>\$ -</b>           | <b>\$ -</b>        | <b>\$ 5,175,665</b> | <b>\$ -</b>    | <b>\$ 5,175,665</b> | <b>\$ 5,175,665</b> |

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –**  
**BUDGET AND ACTUAL – DEBT SERVICE FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                           | Budget Amounts |              | Actual       |         |              | Variance    |
|-------------------------------------------|----------------|--------------|--------------|---------|--------------|-------------|
|                                           | Original       | Final        | FY 2020      | FY 2021 | Biennial     |             |
| <b>REVENUES</b>                           |                |              |              |         |              |             |
| Interest                                  | \$ 60,000      | \$ 60,000    | \$ 29,188    | \$ -    | \$ 29,188    | \$ (30,812) |
| Miscellaneous                             | 2,741,893      | 2,741,893    | 1,286,484    | -       | 1,286,484    | (1,455,409) |
| <b>TOTAL REVENUES</b>                     | 2,801,893      | 2,801,893    | 1,315,672    | -       | 1,315,672    | (1,486,221) |
| <b>EXPENDITURES</b>                       |                |              |              |         |              |             |
| Debt service                              |                |              |              |         |              |             |
| Principal                                 | 2,975,000      | 2,975,000    | 1,425,000    | -       | 1,425,000    | 1,550,000   |
| Interest                                  | 2,322,916      | 2,322,916    | 1,193,931    | -       | 1,193,931    | 1,128,985   |
| <b>TOTAL EXPENDITURES</b>                 | 5,297,916      | 5,297,916    | 2,618,931    | -       | 2,618,931    | 2,678,985   |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | (2,496,023)    | (2,496,023)  | (1,303,259)  | -       | (1,303,259)  | 1,192,764   |
| <b>OTHER FINANCING SOURCES (USES)</b>     |                |              |              |         |              |             |
| Transfers in                              | 2,208,600      | 2,208,600    | 1,104,300    | -       | 1,104,300    | (1,104,300) |
| <b>NET CHANGE IN FUND BALANCE</b>         | (287,423)      | (287,423)    | (198,959)    | -       | (198,959)    | 88,464      |
| <b>FUND BALANCE, beginning of year</b>    | 1,795,868      | 1,795,868    | 1,829,495    | -       | 1,829,495    | 33,627      |
| <b>FUND BALANCE, end of year</b>          | \$ 1,508,445   | \$ 1,508,445 | \$ 1,630,536 | \$ -    | \$ 1,630,536 | \$ 122,091  |



*Schedules of Revenues, Expenditures and Changes in Fund  
Balance – Budget (Non-GAAP Basis) and Actual –  
Proprietary Funds – Enterprise Funds*



**CITY OF OREGON CITY, OREGON****SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –  
BUDGET (NON-GAAP BASIS) AND ACTUAL – WATER FUND  
YEAR ENDED JUNE 30, 2020**

|                                    | Biennial Budget |               | Actual       |         |              |                |
|------------------------------------|-----------------|---------------|--------------|---------|--------------|----------------|
|                                    | Original        | Final         | FY 2020      | FY 2021 | Biennial     | Variance       |
| REVENUES                           |                 |               |              |         |              |                |
| Charges for services               | \$ 15,631,242   | \$ 15,631,242 | \$ 7,356,761 | \$ -    | \$ 7,356,761 | \$ (8,274,481) |
| System development charges         | 600,000         | 600,000       | 258,197      | -       | 258,197      | (341,803)      |
| Intergovernmental                  | -               | -             | 8,491        | -       | 8,491        | 8,491          |
| Interest                           | 135,000         | 135,000       | 66,647       | -       | 66,647       | (68,353)       |
| Miscellaneous                      | -               | -             | 15,246       | -       | 15,246       | 15,246         |
|                                    |                 |               |              |         |              |                |
| Total Revenues                     | 16,366,242      | 16,366,242    | 7,705,342    | -       | 7,705,342    | (8,660,900)    |
| EXPENDITURES                       |                 |               |              |         |              |                |
| Personnel services                 | 2,966,797       | 2,966,797     | 1,472,051    | -       | 1,472,051    | 1,494,746      |
| Materials and services             | 8,092,282       | 8,092,282     | 3,590,166    | -       | 3,590,166    | 4,502,116      |
| Capital outlay                     | 6,869,000       | 6,869,000     | 293,097      | -       | 293,097      | 6,575,903      |
| Contingency                        | 1,113,233       | 1,113,233     | -            | -       | -            | 1,113,233      |
|                                    |                 |               |              |         |              |                |
| Total Expenditures                 | 19,041,312      | 19,041,312    | 5,355,314    | -       | 5,355,314    | 13,685,998     |
| REVENUES OVER (UNDER) EXPENDITURES |                 |               |              |         |              |                |
|                                    | (2,675,070)     | (2,675,070)   | 2,350,028    | -       | 2,350,028    | 5,025,098      |
| OTHER FINANCING SOURCES (USES)     |                 |               |              |         |              |                |
| Transfers out                      | (1,650,000)     | (1,650,000)   | (1,400,000)  | -       | (1,400,000)  | 250,000        |
| NET CHANGE IN FUND BALANCE         |                 |               |              |         |              |                |
|                                    | (4,325,070)     | (4,325,070)   | 950,028      | -       | 950,028      | 5,275,098      |
| FUND BALANCE, beginning of year    |                 |               |              |         |              |                |
|                                    | 4,325,070       | 4,325,070     | 4,414,265    | -       | 4,414,265    | 89,195         |
| FUND BALANCE, end of year          |                 |               |              |         |              |                |
|                                    | \$ -            | \$ -          | \$ 5,364,293 | \$ -    | 5,364,293    | \$ 5,364,293   |

**RECONCILIATION TO NET POSITION - GAAP BASIS**

|                                                        |             |
|--------------------------------------------------------|-------------|
| Adjustment for compensated absences accrual            | (73,728)    |
| Adjustment for capital assets, net of depreciation     | 35,174,897  |
| Adjustment for capital assets not depreciated          | 1,117,169   |
| Adjustment for interest in joint venture               | 10,687,428  |
| Adjustment for net pension liability                   | (1,513,584) |
| Adjustment for net OPEB liability/asset                | (536,484)   |
| Adjustment for deferred resources relating to pensions | 461,293     |
| Adjustment for deferred resources relating to OPEB     | (16,446)    |

**NET POSITION - GAAP BASIS**

\$ 50,664,838

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –**  
**BUDGET (NON-GAAP BASIS) AND ACTUAL – WASTEWATER FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                           | Budget Amounts |             | Actual        |         |             |               |
|-------------------------------------------|----------------|-------------|---------------|---------|-------------|---------------|
|                                           | Original       | Final       | FY 2020       | FY 2021 | Biennial    | Variance      |
| <b>REVENUES</b>                           |                |             |               |         |             |               |
| Franchise taxes                           | \$ 603,000     | \$ 603,000  | \$ 291,325    | \$ -    | \$ 291,325  | \$ (311,675)  |
| Charges for services                      | 22,283,143     | 22,283,143  | 11,094,148    | -       | 11,094,148  | (11,188,995)  |
| System development charges                | 900,000        | 900,000     | 588,020       | -       | 588,020     | (311,980)     |
| Intergovernmental                         | -              | -           | 7,218         | -       | 7,218       | 7,218         |
| Interest                                  | 235,000        | 235,000     | 150,653       | -       | 150,653     | (84,347)      |
| Miscellaneous                             | -              | -           | 34,531        | -       | 34,531      | 34,531        |
| Total Revenues                            | 24,021,143     | 24,021,143  | 12,165,895    | -       | 12,165,895  | (11,855,248)  |
| <b>EXPENDITURES</b>                       |                |             |               |         |             |               |
| Personnel services                        | 2,576,855      | 2,576,855   | 1,232,396     | -       | 1,232,396   | 1,344,459     |
| Materials and services                    | 14,446,940     | 14,446,940  | 7,101,434     | -       | 7,101,434   | 7,345,506     |
| Capital outlay                            | 5,745,000      | 5,745,000   | 305,521       | -       | 305,521     | 5,439,479     |
| Contingency                               | 8,375,236      | 8,375,236   | -             | -       | -           | 8,375,236     |
| Total Expenditures                        | 31,144,031     | 31,144,031  | 8,639,351     | -       | 8,639,351   | 22,504,680    |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | (7,122,888)    | (7,122,888) | 3,526,544     | -       | 3,526,544   | 10,649,432    |
| <b>OTHER FINANCING SOURCES (USES)</b>     |                |             |               |         |             |               |
| Transfers in                              | 400,000        | 400,000     | -             | -       | -           | (400,000)     |
| Transfers out                             | (2,930,000)    | (2,930,000) | (1,140,000)   | -       | (1,140,000) | 1,790,000     |
| Total Other Financing Sources and Uses    | (2,530,000)    | (2,530,000) | (1,140,000)   | -       | (1,140,000) | 1,390,000     |
| <b>NET CHANGE IN FUND BALANCE</b>         | (9,652,888)    | (9,652,888) | 2,386,544     | -       | 2,386,544   | 12,039,432    |
| <b>FUND BALANCE, beginning of year</b>    | 9,652,888      | 9,652,888   | 9,889,155     | -       | 9,889,155   | 236,267       |
| <b>FUND BALANCE, end of year</b>          | \$ -           | \$ -        | \$ 12,275,699 | \$ -    | 12,275,699  | \$ 12,275,699 |

**RECONCILIATION TO NET POSITION - GAAP BASIS**

|                                                        |             |
|--------------------------------------------------------|-------------|
| Adjustment for compensated absences accrual            | (45,547)    |
| Adjustment for capital assets, net of depreciation     | 18,548,933  |
| Adjustment for capital assets not depreciated          | 2,887,227   |
| Adjustment for receivables deferred                    | 72,215      |
| Adjustment for net pension liability                   | (1,127,673) |
| Adjustment for net OPEB liability/asset                | (535,108)   |
| Adjustment for deferred resources relating to pensions | 343,679     |
| Adjustment for deferred resources relating to OPEB     | (16,404)    |

**NET POSITION - GAAP BASIS**

\$ 32,403,021

**CITY OF OREGON CITY, OREGON****SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE –  
BUDGET (NON-GAAP BASIS) AND ACTUAL – STORMWATER FUND  
YEAR ENDED JUNE 30, 2020**

|                                        | Biennial Budget |              | Actual       |         |              |                |
|----------------------------------------|-----------------|--------------|--------------|---------|--------------|----------------|
|                                        | Original        | Final        | FY 2020      | FY 2021 | Biennial     | Variance       |
| REVENUES                               |                 |              |              |         |              |                |
| Charges for services                   | \$ 6,103,363    | \$ 6,103,363 | \$ 3,133,103 | \$ -    | \$ 3,133,103 | \$ (2,970,260) |
| Intergovernmental                      | -               | -            | 46,105       | -       | 46,105       | 46,105         |
| Interest                               | 50,000          | 50,000       | 26,225       | -       | 26,225       | (23,775)       |
| Miscellaneous                          | -               | -            | 14,069       | -       | 14,069       | 14,069         |
| Total Revenues                         | 6,153,363       | 6,153,363    | 3,219,502    | -       | 3,219,502    | (2,933,861)    |
| EXPENDITURES                           |                 |              |              |         |              |                |
| Personnel services                     | 2,479,663       | 2,479,663    | 1,156,162    | -       | 1,156,162    | 1,323,501      |
| Materials and services                 | 1,833,319       | 1,833,319    | 917,962      | -       | 917,962      | 915,357        |
| Capital outlay                         | 1,180,000       | 1,180,000    | 82,307       | -       | 82,307       | 1,097,693      |
| Contingency                            | 1,392,930       | 1,392,930    | -            | -       | -            | 1,392,930      |
| Total Expenditures                     | 6,885,912       | 6,885,912    | 2,156,431    | -       | 2,156,431    | 4,729,481      |
| REVENUES OVER (UNDER) EXPENDITURES     | (732,549)       | (732,549)    | 1,063,071    | -       | 1,063,071    | 1,795,620      |
| OTHER FINANCING SOURCES (USES)         |                 |              |              |         |              |                |
| Transfers out                          | (910,000)       | (910,000)    | (705,000)    | -       | (705,000)    | 205,000        |
| Total Other Financing Sources and Uses | (910,000)       | (910,000)    | (705,000)    | -       | (705,000)    | 205,000        |
| NET CHANGE IN FUND BALANCE             | (1,642,549)     | (1,642,549)  | 358,071      | -       | 358,071      | 2,000,620      |
| FUND BALANCE, beginning of year        | 1,642,549       | 1,642,549    | 1,625,466    | -       | 1,625,466    | (17,083)       |
| FUND BALANCE, end of year              | \$ -            | \$ -         | \$ 1,983,537 | \$ -    | 1,983,537    | \$ 1,983,537   |

**RECONCILIATION TO NET POSITION - GAAP BASIS**

|                                                        |             |
|--------------------------------------------------------|-------------|
| Adjustment for compensated absences accrual            | (47,494)    |
| Adjustment for capital assets, net of depreciation     | 16,630,527  |
| Adjustment for capital assets not depreciated          | 1,198,371   |
| Adjustment for net pension liability                   | (1,130,574) |
| Adjustment for net OPEB liability/asset                | (718,232)   |
| Adjustment for deferred resources relating to pensions | 344,564     |
| Adjustment for deferred resources relating to OPEB     | (22,017)    |

**NET POSITION - GAAP BASIS**

|               |
|---------------|
| \$ 18,238,682 |
|---------------|

*Combining and Individual Fund Financial  
Statements – Nonmajor Proprietary Funds –  
Internal Service Funds*

**CITY OF OREGON CITY, OREGON**COMBINING STATEMENT OF NET POSITION – NONMAJOR PROPRIETARY FUNDS –  
INTERNAL SERVICE FUNDS  
JUNE 30, 2020

|                                           | <u>Fleet Service</u> | <u>Customer Service</u> | <u>Equipment Replacement</u> | <u>Total</u> |
|-------------------------------------------|----------------------|-------------------------|------------------------------|--------------|
| <b>ASSETS</b>                             |                      |                         |                              |              |
| <b>Current Assets</b>                     |                      |                         |                              |              |
| Cash and investments                      | \$ 8,272             | \$ 202,217              | \$ 6,263,656                 | \$ 6,474,145 |
| Accounts receivable                       | 171                  | 5,749                   | -                            | 5,920        |
| Interest receivable                       | -                    | 62                      | 4,151                        | 4,213        |
| Total Current Assets                      | 8,443                | 208,028                 | 6,267,807                    | 6,484,278    |
| <b>Noncurrent Assets</b>                  |                      |                         |                              |              |
| Capital assets, net of depreciation       | 7,890                | -                       | 555,997                      | 563,887      |
| OPEB asset                                | -                    | 6,654                   | -                            | 6,654        |
| Total Noncurrent Assets                   | 7,890                | 6,654                   | 555,997                      | 570,541      |
| Total Assets                              | 16,333               | 214,682                 | 6,823,804                    | 7,054,819    |
| <b>Deferred Outflows of Resources</b>     |                      |                         |                              |              |
| Deferred resources related to pensions    | -                    | 241,269                 | -                            | 241,269      |
| Deferred resources related to OPEB        | -                    | 23,677                  | -                            | 23,677       |
| Total Deferred Inflows of Resources       | -                    | 264,946                 | -                            | 264,946      |
| <b>LIABILITIES</b>                        |                      |                         |                              |              |
| <b>Current Liabilities</b>                |                      |                         |                              |              |
| Accounts payable                          | 6,272                | -                       | 130,335                      | 136,607      |
| Accrued payroll liabilities               | -                    | 20,638                  | -                            | 20,638       |
| Current portion of long-term liabilities: |                      |                         |                              |              |
| Accrued compensated absences              | -                    | 5,635                   | -                            | 5,635        |
| Total Current Liabilities                 | 6,272                | 26,273                  | 130,335                      | 162,880      |
| <b>Noncurrent Liabilities</b>             |                      |                         |                              |              |
| Accrued compensated absences              | -                    | 22,542                  | -                            | 22,542       |
| Net pension liability                     | -                    | 676,086                 | -                            | 676,086      |
| OPEB liability                            | -                    | 327,474                 | -                            | 327,474      |
| Total Noncurrent Liabilities              | -                    | 1,026,102               | -                            | 1,026,102    |
| Total Liabilities                         | 6,272                | 1,052,375               | 130,335                      | 1,188,982    |
| <b>Deferred Inflows of Resources</b>      |                      |                         |                              |              |
| Deferred resources related to pensions    | -                    | 35,219                  | -                            | 35,219       |
| Deferred resources related to OPEB        | -                    | 33,512                  | -                            | 33,512       |
| Total Deferred Inflows of Resources       | -                    | 68,731                  | -                            | 68,731       |
| <b>NET POSITION:</b>                      |                      |                         |                              |              |
| Net investment in capital assets          | 7,890                | -                       | 555,997                      | 563,887      |
| Restricted for:                           |                      |                         |                              |              |
| OPEB benefits                             | -                    | 6,654                   | -                            | 6,654        |
| Unrestricted                              | 2,171                | (648,132)               | 6,137,472                    | 5,491,511    |
| Total Net Position                        | \$ 10,061            | \$ (641,478)            | \$ 6,693,469                 | \$ 6,062,052 |

**CITY OF OREGON CITY, OREGON**  
**COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION –**  
**NONMAJOR PROPRIETARY FUNDS – INTERNAL SERVICE FUNDS**  
**YEAR ENDED JUNE 30, 2020**

|                                                      | <u>Fleet Service</u> | <u>Customer Service</u> | <u>Equipment Replacement</u> | <u>Total</u>        |
|------------------------------------------------------|----------------------|-------------------------|------------------------------|---------------------|
| <b>OPERATING REVENUES</b>                            |                      |                         |                              |                     |
| Charges for services                                 | \$ 229,911           | \$ 1,241,800            | \$ -                         | \$ 1,471,711        |
| Intergovernmental                                    | -                    | 5,162                   | -                            | 5,162               |
| Miscellaneous                                        | 207                  | 804                     | 29,334                       | 30,345              |
|                                                      |                      |                         |                              |                     |
| Total Operating Revenues                             | 230,118              | 1,247,766               | 29,334                       | 1,507,218           |
|                                                      |                      |                         |                              |                     |
| <b>OPERATING EXPENSES</b>                            |                      |                         |                              |                     |
| Personnel services                                   | -                    | 846,316                 | -                            | 846,316             |
| Materials and services                               | 232,639              | 441,495                 | 21,000                       | 695,134             |
| Depreciation                                         | 986                  | -                       | 301,902                      | 302,888             |
|                                                      |                      |                         |                              |                     |
| Total Operating Expenses                             | 233,625              | 1,287,811               | 322,902                      | 1,844,338           |
|                                                      |                      |                         |                              |                     |
| <b>OPERATING INCOME (LOSS)</b>                       | (3,507)              | (40,045)                | (293,568)                    | (337,120)           |
|                                                      |                      |                         |                              |                     |
| <b>NONOPERATING REVENUES (EXPENSES)</b>              |                      |                         |                              |                     |
| Investment revenue                                   | 176                  | 2,385                   | 95,472                       | 98,033              |
|                                                      |                      |                         |                              |                     |
| <b>NET INCOME BEFORE CONTRIBUTIONS AND TRANSFERS</b> | (3,331)              | (37,660)                | (198,096)                    | (239,087)           |
|                                                      |                      |                         |                              |                     |
| Capital Contributions                                | -                    | -                       | 171,167                      | 171,167             |
| Transfers in                                         | -                    | -                       | 768,481                      | 768,481             |
| Transfers out                                        | -                    | (211,493)               | -                            | (211,493)           |
|                                                      |                      |                         |                              |                     |
| <b>CHANGE IN NET POSITION</b>                        | (3,331)              | (249,153)               | 741,552                      | 489,068             |
|                                                      |                      |                         |                              |                     |
| Beginning net position                               | 13,392               | (392,325)               | 5,951,917                    | 5,572,984           |
|                                                      |                      |                         |                              |                     |
| <b>Ending net position</b>                           | <u>\$ 10,061</u>     | <u>\$ (641,478)</u>     | <u>\$ 6,693,469</u>          | <u>\$ 6,062,052</u> |

**CITY OF OREGON CITY, OREGON****COMBINING STATEMENT OF CASH FLOWS – NONMAJOR PROPRIETARY FUNDS – INTERNAL SERVICE FUNDS****YEAR ENDED JUNE 30, 2020**

|                                                                                   | <b>Fleet Service</b> | <b>Customer Service</b> | <b>Equipment Replacement</b> | <b>Totals</b> |
|-----------------------------------------------------------------------------------|----------------------|-------------------------|------------------------------|---------------|
| <b>CASH FLOWS FROM OPERATING ACTIVITIES</b>                                       |                      |                         |                              |               |
| Collected from customers                                                          | \$ 229,740           | \$ 1,238,426            | \$ -                         | \$ 1,468,166  |
| Other receipts                                                                    | 207                  | 5,966                   | 29,334                       | 35,507        |
| Paid to suppliers                                                                 | (255,017)            | (450,747)               | (237,382)                    | (943,146)     |
| Paid to employees                                                                 | -                    | (712,894)               | -                            | (712,894)     |
| Net Cash Provided by (Used in) Operating Activities                               | (25,070)             | 80,751                  | (208,048)                    | (152,367)     |
| <b>CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES</b>                           |                      |                         |                              |               |
| Transfers in                                                                      | -                    | -                       | 768,481                      | 768,481       |
| Transfers out                                                                     | -                    | (2,000)                 | -                            | (2,000)       |
| Net Cash Provided by (Used in) Non-Capital Financing Activities                   | -                    | (2,000)                 | 768,481                      | 766,481       |
| <b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>                   |                      |                         |                              |               |
| Acquisition of capital assets                                                     | -                    | -                       | (446,608)                    | (446,608)     |
| Net Cash Used in Capital and Related Financing Activities                         | -                    | -                       | (446,608)                    | (446,608)     |
| <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>                                       |                      |                         |                              |               |
| Interest on investments                                                           | 177                  | 2,359                   | 95,507                       | 98,043        |
| Increase in Cash and Investments                                                  | (24,893)             | 81,110                  | 209,332                      | 265,549       |
| <b>CASH AND INVESTMENTS, Beginning of year</b>                                    | 33,165               | 121,107                 | 6,054,324                    | 6,208,596     |
| <b>CASH AND INVESTMENTS, End of year</b>                                          | \$ 8,272             | \$ 202,217              | \$ 6,263,656                 | \$ 6,474,145  |
| <b>RECONCILIATION OF OPERATING INCOME TO CASH FLOWS FROM OPERATING ACTIVITIES</b> |                      |                         |                              |               |
| Operating income (loss)                                                           | \$ (3,507)           | \$ (40,045)             | \$ (293,568)                 | \$ (337,120)  |
| Depreciation                                                                      | 986                  | -                       | 301,902                      | 302,888       |
| Change in assets and liabilities                                                  |                      |                         |                              |               |
| Accounts receivable                                                               | (171)                | (3,374)                 | -                            | (3,545)       |
| Accounts payable and accrued liabilities                                          | (22,378)             | (2,155)                 | (216,382)                    | (240,915)     |
| Net pension liability                                                             | -                    | 202,273                 | -                            | 202,273       |
| Net OPEB liability                                                                | -                    | 21,435                  | -                            | 21,435        |
| Deferred outflows                                                                 | -                    | (86,784)                | -                            | (86,784)      |
| Deferred inflows                                                                  | -                    | (10,599)                | -                            | (10,599)      |
| Net Cash Provided by (Used in) Operating Activities                               | \$ (25,070)          | \$ 80,751               | \$ (208,048)                 | \$ (152,367)  |
| <b>NONCASH INVESTING, CAPITAL AND RELATED FINANCING ACTIVITIES</b>                |                      |                         |                              |               |
| Capital Contributions                                                             | \$ -                 | \$ -                    | \$ 171,167                   | \$ 171,167    |
|                                                                                   | \$ -                 | \$ -                    | \$ 171,167                   | \$ 171,167    |



*Schedules of Revenues, Expenditures and Changes in Fund  
Balance – Budget (Non-GAAP Basis) and Actual –  
Proprietary Funds – Internal Service Funds*

**CITY OF OREGON CITY, OREGON****SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE – BUDGET (NON-GAAP BASIS)  
AND ACTUAL – FLEET SERVICE FUND  
YEAR ENDED JUNE 30, 2020**

|                                                    | <b>Biennial Budget</b> |                | <b>Actual</b>   |                | <b>Biennial</b>  | <b>Variance</b> |
|----------------------------------------------------|------------------------|----------------|-----------------|----------------|------------------|-----------------|
|                                                    | <b>Original</b>        | <b>Final</b>   | <b>FY 2020</b>  | <b>FY 2021</b> |                  |                 |
| <b>REVENUES</b>                                    |                        |                |                 |                |                  |                 |
| Charges for services                               | \$ 458,180             | \$ 458,180     | \$ 229,911      | \$ -           | \$ 229,911       | \$ (228,269)    |
| Interest                                           | -                      | -              | 176             | -              | 176              | 176             |
| Miscellaneous                                      | -                      | -              | 207             | -              | 207              | 207             |
| Total Revenues                                     | 458,180                | 458,180        | 230,294         | -              | 230,294          | (227,886)       |
| <b>EXPENDITURES</b>                                |                        |                |                 |                |                  |                 |
| Materials and services                             | 446,400                | 446,400        | 232,639         | -              | 232,639          | 213,761         |
| Contingency                                        | 15,628                 | 15,628         | -               | -              | -                | 15,628          |
| Total Expenditures                                 | 462,028                | 462,028        | 232,639         | -              | 232,639          | 229,389         |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b>          | <b>(3,848)</b>         | <b>(3,848)</b> | <b>(2,345)</b>  | <b>-</b>       | <b>(2,345)</b>   | <b>1,503</b>    |
| <b>NET CHANGE IN FUND BALANCE</b>                  | <b>(3,848)</b>         | <b>(3,848)</b> | <b>(2,345)</b>  | <b>-</b>       | <b>(2,345)</b>   | <b>1,503</b>    |
| <b>FUND BALANCE, beginning of year</b>             | <b>3,848</b>           | <b>3,848</b>   | <b>4,516</b>    | <b>-</b>       | <b>4,516</b>     | <b>668</b>      |
| <b>FUND BALANCE, end of year</b>                   | <b>\$ -</b>            | <b>\$ -</b>    | <b>\$ 2,171</b> | <b>\$ -</b>    | <b>2,171</b>     | <b>\$ 2,171</b> |
| <b>RECONCILIATION TO NET POSITION - GAAP BASIS</b> |                        |                |                 |                |                  |                 |
| Adjustment for capital assets, net of depreciation |                        |                |                 |                | 7,890            |                 |
| <b>NET POSITION - GAAP BASIS</b>                   |                        |                |                 |                | <b>\$ 10,061</b> |                 |

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE – BUDGET (NON-GAAP BASIS)**  
**AND ACTUAL – CUSTOMER SERVICE FUND**  
**YEAR ENDED JUNE 30, 2020**

|                                           | <b>Biennial Budget</b> |                  | <b>Actual</b>     |                | <b>Biennial</b>  | <b>Variance</b>    |
|-------------------------------------------|------------------------|------------------|-------------------|----------------|------------------|--------------------|
|                                           | <b>Original</b>        | <b>Final</b>     | <b>FY 2020</b>    | <b>FY 2021</b> |                  |                    |
| <b>REVENUES</b>                           |                        |                  |                   |                |                  |                    |
| Charges for services                      | \$ 2,508,300           | \$ 2,508,300     | \$ 1,241,800      | \$ -           | \$ 1,241,800     | (1,266,500)        |
| Intergovernmental                         | -                      | -                | 5,162             | -              | 5,162            | 5,162              |
| Interest                                  | -                      | -                | 2,385             | -              | 2,385            | 2,385              |
| Miscellaneous                             | -                      | -                | 804               | -              | 804              | 804                |
| <b>Total Revenues</b>                     | <b>2,508,300</b>       | <b>2,508,300</b> | <b>1,250,151</b>  | <b>-</b>       | <b>1,250,151</b> | <b>(1,258,149)</b> |
| <b>EXPENDITURES</b>                       |                        |                  |                   |                |                  |                    |
| Personnel services                        | 1,538,279              | 1,538,279        | 709,060           | -              | 709,060          | 829,219            |
| Materials and services                    | 923,900                | 923,900          | 441,495           | -              | 441,495          | 482,405            |
| Contingency                               | 44,486                 | 44,486           | -                 | -              | -                | 44,486             |
| <b>Total Expenditures</b>                 | <b>2,506,665</b>       | <b>2,506,665</b> | <b>1,150,555</b>  | <b>-</b>       | <b>1,150,555</b> | <b>1,356,110</b>   |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b> | <b>1,635</b>           | <b>1,635</b>     | <b>99,596</b>     | <b>-</b>       | <b>99,596</b>    | <b>97,961</b>      |
| <b>OTHER FINANCING SOURCES (USES)</b>     |                        |                  |                   |                |                  |                    |
| Transfers out                             | (4,000)                | (4,000)          | (2,000)           | -              | (2,000)          | 2,000              |
| <b>NET CHANGE IN FUND BALANCE</b>         | <b>(2,365)</b>         | <b>(2,365)</b>   | <b>97,596</b>     | <b>-</b>       | <b>97,596</b>    | <b>99,961</b>      |
| <b>FUND BALANCE, beginning of year</b>    | <b>2,365</b>           | <b>2,365</b>     | <b>89,794</b>     | <b>-</b>       | <b>89,794</b>    | <b>87,429</b>      |
| <b>FUND BALANCE, end of year</b>          | <b>\$ -</b>            | <b>\$ -</b>      | <b>\$ 187,390</b> | <b>\$ -</b>    | <b>187,390</b>   | <b>\$ 187,390</b>  |

**RECONCILIATION TO NET POSITION - GAAP BASIS**

|                                                        |           |
|--------------------------------------------------------|-----------|
| Adjustment for compensated absences accrual            | (28,177)  |
| Adjustment for net pension liability                   | (676,086) |
| Adjustment for net OPEB liability/asset                | (320,820) |
| Adjustment for deferred resources relating to pensions | 206,050   |
| Adjustment for deferred resources relating to OPEB     | (9,835)   |

**NET POSITION - GAAP BASIS** **\$ (641,478)**

**CITY OF OREGON CITY, OREGON****SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE – BUDGET (NON-GAAP BASIS)  
AND ACTUAL – EQUIPMENT REPLACEMENT FUND  
YEAR ENDED JUNE 30, 2020**

|                                                    | <b>Budget Amounts</b> |              | <b>Actual</b>  |                |                     | <b>Variance</b> |
|----------------------------------------------------|-----------------------|--------------|----------------|----------------|---------------------|-----------------|
|                                                    | <b>Original</b>       | <b>Final</b> | <b>FY 2020</b> | <b>FY 2021</b> | <b>Biennial</b>     |                 |
| <b>REVENUES</b>                                    |                       |              |                |                |                     |                 |
| Interest                                           | \$ 180,000            | \$ 180,000   | \$ 94,550      | \$ -           | \$ 94,550           | \$ (85,450)     |
| Miscellaneous                                      | 40,000                | 40,000       | 29,334         | -              | 29,334              | (10,666)        |
| Total Revenues                                     | 220,000               | 220,000      | 123,884        | -              | 123,884             | (96,116)        |
| <b>EXPENDITURES</b>                                |                       |              |                |                |                     |                 |
| Materials and services                             | 43,100                | 43,100       | 21,000         | -              | 21,000              | 22,100          |
| Capital outlay                                     | 1,280,000             | 1,375,000    | 446,608        | -              | 446,608             | 928,392         |
| Contingency                                        | 506,975               | 506,975      | -              | -              | -                   | 506,975         |
| Total Expenditures                                 | 1,830,075             | 1,925,075    | 467,608        | -              | 467,608             | 1,457,467       |
| <b>REVENUES OVER (UNDER) EXPENDITURES</b>          | (1,610,075)           | (1,705,075)  | (343,724)      | -              | (343,724)           | 1,361,351       |
| <b>OTHER FINANCING SOURCES (USES)</b>              |                       |              |                |                |                     |                 |
| Transfers in                                       | 1,639,826             | 1,639,826    | 768,481        | -              | 768,481             | (871,345)       |
| Transfers out                                      | (1,000,000)           | (1,000,000)  | -              | -              | -                   | 1,000,000       |
| <b>TOTAL OTHER FINANCING SOURCES (USES)</b>        | 639,826               | 639,826      | 768,481        | -              | 768,481             | 128,655         |
| <b>NET CHANGE IN FUND BALANCE</b>                  | (970,249)             | (1,065,249)  | 424,757        | -              | 424,757             | 1,490,006       |
| <b>FUND BALANCE, beginning of year</b>             | 6,056,045             | 6,056,045    | 5,709,373      | -              | 5,709,373           | (346,672)       |
| <b>FUND BALANCE, end of year</b>                   | \$ 5,085,796          | \$ 4,990,796 | \$ 6,134,130   | \$ -           | 6,134,130           | \$ 1,143,334    |
| <b>RECONCILIATION TO NET POSITION - GAAP BASIS</b> |                       |              |                |                |                     |                 |
| Adjustment for capital assets, net of depreciation |                       |              |                |                | 555,997             |                 |
| Adjustment for receivables deferred                |                       |              |                |                | 3,342               |                 |
| <b>NET POSITION - GAAP BASIS</b>                   |                       |              |                |                | <u>\$ 6,693,469</u> |                 |

*Other Financial Schedules*

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF FUTURE DEBT SERVICE REQUIREMENTS**  
**YEAR ENDED JUNE 30, 2020**

| <i>Fiscal Year</i> | <i>2015 Library General Obligation Bonds</i> |                     |                     | <i>2018 Full Faith and Credit Bonds CSAF</i> |                     |                      | <i>2005 PERS UAL Bond</i> |                     |                      |
|--------------------|----------------------------------------------|---------------------|---------------------|----------------------------------------------|---------------------|----------------------|---------------------------|---------------------|----------------------|
| <i>Ending</i>      | <i>Principal</i>                             | <i>Interest</i>     | <i>Total</i>        | <i>Principal</i>                             | <i>Interest</i>     | <i>Total</i>         | <i>Principal</i>          | <i>Interest</i>     | <i>Total</i>         |
| <i>June 30,</i>    |                                              |                     |                     |                                              |                     |                      |                           |                     |                      |
| 2021               | \$ 271,640                                   | \$ 143,730          | \$ 415,370          | \$ 520,000                                   | \$ 584,300          | \$ 1,104,300         | \$ 1,030,000              | \$ 544,685          | \$ 1,574,685         |
| 2022               | 280,007                                      | 135,364             | 415,371             | 540,000                                      | 563,500             | 1,103,500            | 1,145,000                 | 493,144             | 1,638,144            |
| 2023               | 288,631                                      | 126,740             | 415,371             | 560,000                                      | 541,900             | 1,101,900            | 1,265,000                 | 435,848             | 1,700,848            |
| 2024               | 297,521                                      | 117,850             | 415,371             | 585,000                                      | 519,500             | 1,104,500            | 1,395,000                 | 372,548             | 1,767,548            |
| 2025               | 306,685                                      | 108,686             | 415,371             | 610,000                                      | 496,100             | 1,106,100            | 1,535,000                 | 302,742             | 1,837,742            |
| 2026               | 316,130                                      | 99,240              | 415,370             | 630,000                                      | 471,700             | 1,101,700            | 1,690,000                 | 225,931             | 1,915,931            |
| 2027               | 325,867                                      | 89,504              | 415,371             | 655,000                                      | 446,500             | 1,101,500            | 1,850,000                 | 141,363             | 1,991,363            |
| 2028               | 335,904                                      | 79,467              | 415,371             | 685,000                                      | 420,300             | 1,105,300            | 975,000                   | 48,789              | 1,023,789            |
| 2029               | 346,250                                      | 69,121              | 415,371             | 710,000                                      | 392,900             | 1,102,900            | -                         | -                   | -                    |
| 2030               | 356,914                                      | 58,457              | 415,371             | 745,000                                      | 357,400             | 1,102,400            | -                         | -                   | -                    |
| 2031               | 367,907                                      | 47,464              | 415,371             | 785,000                                      | 320,150             | 1,105,150            | -                         | -                   | -                    |
| 2032               | 379,239                                      | 36,132              | 415,371             | 825,000                                      | 280,900             | 1,105,900            | -                         | -                   | -                    |
| 2033               | 390,919                                      | 24,451              | 415,370             | 865,000                                      | 239,650             | 1,104,650            | -                         | -                   | -                    |
| 2034               | 402,960                                      | 12,411              | 415,371             | 905,000                                      | 196,400             | 1,101,400            | -                         | -                   | -                    |
| 2035               | -                                            | -                   | -                   | 945,000                                      | 160,200             | 1,105,200            | -                         | -                   | -                    |
| 2036               | -                                            | -                   | -                   | 980,000                                      | 122,400             | 1,102,400            | -                         | -                   | -                    |
| 2037               | -                                            | -                   | -                   | 1,020,000                                    | 83,200              | 1,103,200            | -                         | -                   | -                    |
| 2038               | -                                            | -                   | -                   | 1,060,000                                    | 42,400              | 1,102,400            | -                         | -                   | -                    |
|                    | <u>\$ 4,666,574</u>                          | <u>\$ 1,148,617</u> | <u>\$ 5,815,191</u> | <u>\$ 13,625,000</u>                         | <u>\$ 6,239,400</u> | <u>\$ 19,864,400</u> | <u>\$ 10,885,000</u>      | <u>\$ 2,565,050</u> | <u>\$ 13,450,050</u> |

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF FUTURE DEBT SERVICE REQUIREMENTS (Continued)**  
**YEAR ENDED JUNE 30, 2020**

| <i>Fiscal Year</i> | <i>2008 Urban Renewal Revenue Bonds</i> |                   |                     | <i>2013 Urban Renewal Tax Exempt Bonds</i> |                  |                   | <i>2013 Urban Renewal Taxable Bonds</i> |                  |                   |
|--------------------|-----------------------------------------|-------------------|---------------------|--------------------------------------------|------------------|-------------------|-----------------------------------------|------------------|-------------------|
| <i>Ending</i>      | <i>Principal</i>                        | <i>Interest</i>   | <i>Total</i>        | <i>Principal</i>                           | <i>Interest</i>  | <i>Total</i>      | <i>Principal</i>                        | <i>Interest</i>  | <i>Total</i>      |
| <i>June 30,</i>    |                                         |                   |                     |                                            |                  |                   |                                         |                  |                   |
| 2021               | \$ 540,000                              | \$ 254,430        | \$ 794,430          | \$ 123,197                                 | \$ 11,273        | \$ 134,470        | \$ 221,443                              | \$ 30,227        | \$ 251,670        |
| 2022               | 565,000                                 | 227,700           | 792,700             | 123,197                                    | 7,515            | 130,712           | 221,443                                 | 20,151           | 241,594           |
| 2023               | 4,035,000                               | 199,733           | 4,234,733           | 123,198                                    | 3,758            | 126,956           | 221,442                                 | 10,076           | 231,518           |
| 2024               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2025               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2026               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2027               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2028               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2029               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2030               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2031               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2032               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2033               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2034               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2035               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2036               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2037               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
| 2038               | -                                       | -                 | -                   | -                                          | -                | -                 | -                                       | -                | -                 |
|                    | <u>\$ 5,140,000</u>                     | <u>\$ 681,863</u> | <u>\$ 5,821,863</u> | <u>\$ 369,592</u>                          | <u>\$ 22,546</u> | <u>\$ 392,138</u> | <u>\$ 664,328</u>                       | <u>\$ 60,454</u> | <u>\$ 724,782</u> |



**CITY OF OREGON CITY, OREGON****SCHEDULE OF PROPERTY TAX TRANSACTIONS AND OUTSTANDING BALANCES  
YEAR ENDED JUNE 30, 2020****City of Oregon City**

| <b>Tax Year</b>   | <b>Uncollected<br/>Balances<br/>July 1, 2019</b> | <b>2019-2020<br/>Levy</b> | <b>Interest,<br/>Discounts &amp;<br/>Adjustments</b> | <b>Turnovers</b>       | <b>Uncollected<br/>Balances<br/>June 30, 2020</b> |
|-------------------|--------------------------------------------------|---------------------------|------------------------------------------------------|------------------------|---------------------------------------------------|
| 2019-20           | \$ -                                             | \$ 14,155,665             | \$ (398,809)                                         | \$ (13,530,487)        | \$ 226,369                                        |
| 2018-19           | 196,458                                          | -                         | (4,051)                                              | (110,621)              | 81,786                                            |
| 2017-18           | 81,396                                           | -                         | 136                                                  | (35,899)               | 45,633                                            |
| 2016-17           | 45,346                                           | -                         | 5,151                                                | (32,246)               | 18,251                                            |
| 2015-16           | 19,848                                           | -                         | 2,971                                                | (17,511)               | 5,308                                             |
| 2014-15 and prior | 30,908                                           | -                         | (1,966)                                              | (9,206)                | 19,736                                            |
| <b>Total</b>      | <b>\$ 373,956</b>                                | <b>\$ 14,155,665</b>      | <b>\$ (396,568)</b>                                  | <b>\$ (13,735,970)</b> | <b>\$ 397,083</b>                                 |

**Oregon City Urban Renewal Agency**

| <b>Tax Year</b>   | <b>Uncollected<br/>Balances<br/>July 1, 2019</b> | <b>2019-2020<br/>Levy</b> | <b>Interest,<br/>Discounts &amp;<br/>Adjustments</b> | <b>Turnovers</b>      | <b>Uncollected<br/>Balances<br/>June 30, 2020</b> |
|-------------------|--------------------------------------------------|---------------------------|------------------------------------------------------|-----------------------|---------------------------------------------------|
| 2019-20           | \$ -                                             | \$ 3,266,050              | \$ (92,015)                                          | \$ (3,121,807)        | \$ 52,228                                         |
| 2018-19           | 41,422                                           | -                         | (854)                                                | (23,324)              | 17,244                                            |
| 2017-18           | 16,732                                           | -                         | 28                                                   | (7,379)               | 9,381                                             |
| 2016-17           | 8,866                                            | -                         | 1,007                                                | (6,304)               | 3,569                                             |
| 2015-16           | 3,701                                            | -                         | 556                                                  | (3,267)               | 990                                               |
| 2014-15 and prior | 6,078                                            | -                         | (422)                                                | (1,807)               | 3,849                                             |
| <b>Total</b>      | <b>\$ 76,799</b>                                 | <b>\$ 3,266,050</b>       | <b>\$ (91,700)</b>                                   | <b>\$ (3,163,888)</b> | <b>\$ 87,261</b>                                  |

# STATISTICAL SECTION



## STATISTICAL SECTION

This part of the financial report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health.

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| <b>Financial Trends</b><br>These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.                                                                    | 118                |
| <b>Revenue Capacity</b><br>These schedules contain information to help the reader assess the City's most significant local revenue source, the property tax.                                                                                      | 128                |
| <b>Debt Capacity</b><br>These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.                           | 132                |
| <b>Demographic and Economic Information</b><br>These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place.                                   | 136                |
| <b>Operating Information</b><br>These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the service the City provides and the activities it performs. | 138                |

**Sources:** Unless otherwise noted, the information in these schedules is derived from the comprehensive annual financial reports for the relevant year(s).

**CITY OF OREGON CITY, OREGON**  
**NET POSITION BY COMPONENT**  
**LAST TEN FISCAL YEARS – UNAUDITED**  
 (Accrual basis of accounting)

|                                             | <b>2020</b>           | <b>2019</b>           | <b>2018</b>           | <b>2017</b>           |
|---------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Governmental activities                     |                       |                       |                       |                       |
| Net investment in capital assets            | \$123,436,477         | \$112,838,180         | \$107,219,008         | \$ 98,512,736         |
| Restricted for special purposes             | 32,090,793            | 21,511,494            | 22,910,088            | 20,405,260            |
| Unrestricted                                | <u>4,466,022</u>      | <u>6,854,069</u>      | <u>(905,713)</u>      | <u>5,185,965</u>      |
| Total governmental activities net position  | <u>159,993,292</u>    | <u>141,203,743</u>    | <u>129,223,383</u>    | <u>124,103,961</u>    |
| Business-type activities                    |                       |                       |                       |                       |
| Net investment in capital assets            | 76,121,011            | 73,993,057            | 69,904,459            | 66,828,362            |
| Restricted for special purposes             | 43,775                | 26,004                | -                     | -                     |
| Unrestricted                                | <u>31,203,807</u>     | <u>27,383,090</u>     | <u>23,901,172</u>     | <u>25,143,381</u>     |
| Total business-type activities net position | <u>107,368,593</u>    | <u>101,402,151</u>    | <u>93,805,631</u>     | <u>91,971,743</u>     |
| Total government                            |                       |                       |                       |                       |
| Net investment in capital assets            | 199,557,488           | 186,831,237           | 177,123,467           | 165,341,098           |
| Restricted for special purposes             | 32,134,568            | 21,537,498            | 22,910,088            | 20,405,260            |
| Unrestricted                                | <u>35,669,829</u>     | <u>34,237,159</u>     | <u>22,995,459</u>     | <u>30,329,346</u>     |
| Total government net position               | <u>\$ 267,361,885</u> | <u>\$ 242,605,894</u> | <u>\$ 223,029,014</u> | <u>\$ 216,075,704</u> |

| <b>2016</b>           | <b>2015</b>           | <b>2014</b>           | <b>2013</b>           | <b>2012</b>           | <b>2011</b>           |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| \$ 91,671,741         | \$ 82,947,522         | \$ 83,949,562         | \$ 83,629,065         | \$ 77,536,631         | \$ 64,002,186         |
| 20,684,505            | 22,714,219            | 12,212,699            | 10,729,636            | 8,022,074             | 8,690,098             |
| 1,150,993             | 4,215,385             | 17,410,231            | 14,069,942            | 11,924,988            | 9,001,652             |
| <u>113,507,239</u>    | <u>109,877,126</u>    | <u>113,572,492</u>    | <u>108,428,643</u>    | <u>97,483,693</u>     | <u>81,693,936</u>     |
| 62,178,638            | 59,613,791            | 58,464,942            | 59,233,749            | 59,094,066            | 59,521,630            |
| -                     | -                     | 6,656,608             | 6,158,956             | 2,831,608             | 3,656,190             |
| <u>22,862,191</u>     | <u>21,559,003</u>     | <u>19,332,055</u>     | <u>17,230,779</u>     | <u>17,236,052</u>     | <u>14,732,506</u>     |
| 85,040,829            | 81,172,794            | 84,453,605            | 82,623,484            | 79,161,726            | 77,910,326            |
| 153,850,379           | 127,971,313           | 142,414,504           | 142,862,814           | 136,630,697           | 123,523,816           |
| 20,684,505            | 37,304,219            | 18,869,307            | 16,888,592            | 10,853,682            | 12,346,288            |
| <u>24,013,184</u>     | <u>25,774,388</u>     | <u>36,742,286</u>     | <u>31,300,721</u>     | <u>29,161,040</u>     | <u>23,734,158</u>     |
| <u>\$ 198,548,068</u> | <u>\$ 191,049,920</u> | <u>\$ 198,026,097</u> | <u>\$ 191,052,127</u> | <u>\$ 176,645,419</u> | <u>\$ 159,604,262</u> |

**CITY OF OREGON CITY, OREGON**  
**CHANGES IN NET POSITION**  
**LAST TEN FISCAL YEARS – UNAUDITED (Continued)**  
**(Accrual basis of accounting)**

|                                                 | <b>2020</b>       | <b>2019</b>       | <b>2018</b>       | <b>2017</b>       |
|-------------------------------------------------|-------------------|-------------------|-------------------|-------------------|
| <b>Expenses:</b>                                |                   |                   |                   |                   |
| Governmental activities:                        |                   |                   |                   |                   |
| General government                              | \$ 9,373,368      | \$ 8,577,496      | \$ 7,448,383      | \$ 7,947,344      |
| Public safety                                   | 11,793,974        | 10,883,771        | 11,595,492        | 10,842,456        |
| Public works                                    | 7,738,706         | 6,978,502         | 6,867,970         | 6,876,632         |
| Culture and recreation                          | 7,405,747         | 6,245,678         | 6,375,010         | 5,835,146         |
| Planning and building                           | 3,470,850         | 2,906,968         | 2,891,302         | 2,907,659         |
| Interest on long-term debt                      | 1,589,947         | 1,732,088         | 1,407,996         | 1,339,404         |
| Total governmental activities expenses          | <u>41,372,592</u> | <u>37,324,503</u> | <u>36,586,153</u> | <u>35,748,641</u> |
| Business-type activities:                       |                   |                   |                   |                   |
| Water                                           | 6,252,361         | 6,462,476         | 6,431,175         | 5,453,642         |
| Wastewater                                      | 10,514,584        | 9,898,303         | 9,792,585         | 8,561,317         |
| Stormwater                                      | 2,922,440         | 2,548,229         | 2,474,327         | 2,204,164         |
| Fleet                                           | 556,526           | 1,252,333         | 1,012,240         | 965,043           |
| Total business-type activities expenses         | <u>20,245,911</u> | <u>20,161,341</u> | <u>19,710,327</u> | <u>17,184,166</u> |
| Total City expenses                             | 61,618,503        | 57,485,844        | 56,296,480        | 52,932,807        |
| <b>Program Revenues:</b>                        |                   |                   |                   |                   |
| Governmental activities:                        |                   |                   |                   |                   |
| Fees, fines, and charges for services:          |                   |                   |                   |                   |
| General government                              | 2,664,024         | 2,885,237         | 2,932,559         | 1,808,279         |
| Public safety                                   | 1,864,235         | 2,076,802         | 2,192,706         | 2,272,781         |
| Public works                                    | 3,704,502         | 3,520,298         | 3,438,000         | 2,956,226         |
| Culture and recreation                          | 708,777           | 977,308           | 990,222           | 884,343           |
| Planning and building                           | 4,810,896         | 3,360,863         | 2,989,087         | 3,765,135         |
| Operating grants and contributions              | 6,567,385         | 6,103,603         | 5,474,992         | 5,095,057         |
| Capital grants and contributions                | 12,115,164        | 5,564,471         | 3,062,693         | 7,907,564         |
| Total governmental activities program revenues  | <u>32,434,983</u> | <u>24,488,582</u> | <u>21,080,259</u> | <u>24,689,385</u> |
| Business-type activities:                       |                   |                   |                   |                   |
| Fees, fines, and charges for services:          |                   |                   |                   |                   |
| Water                                           | 8,598,561         | 8,833,873         | 8,169,832         | 7,206,477         |
| Wastewater                                      | 11,094,148        | 10,893,729        | 10,181,048        | 10,476,356        |
| Stormwater                                      | 3,133,103         | 3,000,968         | 2,836,265         | 2,713,307         |
| Fleet*                                          | 229,911           | 277,811           | 197,002           | 233,146           |
| Operating grants and contributions              | 322,487           | 776,722           | 479,274           | 353,942           |
| Capital grants and contributions                | 3,308,978         | 3,422,338         | 930,731           | 3,149,009         |
| Total business-type activities program revenues | <u>26,687,188</u> | <u>27,205,441</u> | <u>22,794,152</u> | <u>24,132,237</u> |
| Total City program revenues                     | 59,122,171        | 51,694,023        | 43,874,411        | 48,821,622        |
| <b>Net (Expense)/Revenue</b>                    |                   |                   |                   |                   |
| Governmental activities                         | (8,937,609)       | (12,835,921)      | (15,505,894)      | (11,059,256)      |
| Business-type activities                        | <u>6,441,277</u>  | <u>7,044,100</u>  | <u>3,083,825</u>  | <u>6,948,071</u>  |
| Total Net (Expense) Revenue                     | (2,496,332)       | (5,791,821)       | (12,422,069)      | (4,111,185)       |



| 2016              | 2015              | 2014              | 2013              | 2012              | 2011              |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| \$ 7,547,409      | \$ 3,528,340      | \$ 6,615,088      | \$ 6,098,539      | \$ 4,954,893      | \$ 6,602,308      |
| 11,383,715        | 8,309,944         | 8,018,198         | 7,586,591         | 6,950,927         | 6,636,771         |
| 6,685,545         | 5,319,822         | 4,983,309         | 4,974,819         | 4,581,017         | 4,190,116         |
| 5,524,614         | 5,072,036         | 4,900,341         | 4,415,999         | 4,094,079         | 3,918,282         |
| 3,174,168         | 3,382,547         | 3,309,773         | 3,539,149         | 2,900,939         | 2,571,176         |
| 1,430,985         | 1,417,462         | 1,395,499         | 1,427,119         | 1,471,875         | 1,507,431         |
| <u>35,746,436</u> | <u>27,030,151</u> | <u>29,222,208</u> | <u>28,042,216</u> | <u>24,953,730</u> | <u>25,426,084</u> |
| 5,640,772         | 4,518,351         | 4,768,673         | 5,548,165         | 3,701,322         | 3,463,879         |
| 8,212,827         | 6,791,908         | 6,481,198         | 6,619,727         | 6,276,339         | 5,649,086         |
| 2,386,425         | 1,771,529         | 1,908,836         | 1,816,052         | 1,465,359         | 1,350,912         |
| 875,496           | 805,419           | 805,630           | 764,440           | 772,422           | 586,190           |
| <u>17,115,520</u> | <u>13,887,207</u> | <u>13,964,337</u> | <u>14,748,384</u> | <u>12,215,442</u> | <u>11,050,067</u> |
| 52,861,956        | 40,917,358        | 43,186,545        | 42,790,600        | 37,169,172        | 36,476,151        |
| 1,216,065         | 1,380,937         | 1,206,165         | 1,376,136         | 688,396           | 501,355           |
| 1,602,172         | 925,225           | 791,005           | 851,775           | 1,173,466         | 831,180           |
| 4,954,538         | 3,363,184         | 3,081,373         | 2,344,068         | 2,178,369         | 1,767,956         |
| 1,503,604         | 917,908           | 881,299           | 879,090           | 703,773           | 761,933           |
| 2,931,522         | 2,306,216         | 1,600,704         | 2,698,387         | 2,280,275         | 1,689,885         |
| 5,006,825         | 4,570,141         | 4,987,749         | 4,335,678         | 4,962,382         | 6,838,159         |
| 877,610           | 1,192,708         | 2,064,858         | 9,014,649         | 12,407,691        | 1,401,260         |
| <u>18,092,336</u> | <u>14,656,319</u> | <u>14,613,153</u> | <u>21,499,783</u> | <u>24,394,352</u> | <u>13,791,728</u> |
| 6,833,922         | 6,021,672         | 5,766,017         | 5,910,739         | 5,047,447         | 5,155,794         |
| 9,618,375         | 7,961,224         | 6,730,168         | 7,058,967         | 5,656,922         | 4,987,032         |
| 2,625,274         | 2,495,762         | 2,397,498         | 2,296,072         | 2,126,720         | 1,837,472         |
| 201,492           | 201,316           | 221,352           | 192,845           | 249,464           | 328,759           |
| 172,917           | 278,178           | 277,591           | 433,121           | 285,370           | 74,505            |
| 1,171,711         | 2,430,291         | 1,504,337         | 3,159,982         | 1,981,702         | 1,533,679         |
| <u>20,623,691</u> | <u>19,388,443</u> | <u>16,896,963</u> | <u>19,051,725</u> | <u>15,347,625</u> | <u>13,917,240</u> |
| 38,716,027        | 34,044,762        | 31,510,116        | 40,551,508        | 39,741,977        | 27,708,968        |
| (17,654,100)      | (12,373,832)      | (14,609,055)      | (6,542,433)       | (559,378)         | (11,634,356)      |
| <u>3,508,171</u>  | <u>5,501,236</u>  | <u>2,932,626</u>  | <u>4,303,341</u>  | <u>3,132,183</u>  | <u>2,867,173</u>  |
| (14,145,929)      | (6,872,596)       | (11,676,429)      | (2,239,092)       | 2,572,805         | (8,767,183)       |

**CITY OF OREGON CITY, OREGON**  
**CHANGES IN NET POSITION**  
**LAST TEN FISCAL YEARS – UNAUDITED (Continued)**  
**(Accrual basis of accounting)**

|                                                           | <b>2020</b>           | <b>2019</b>           | <b>2018</b>           | <b>2017</b>           |
|-----------------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <b>General revenues and other changes in net position</b> |                       |                       |                       |                       |
| Governmental activities                                   |                       |                       |                       |                       |
| Property taxes                                            | \$ 16,907,896         | \$ 15,734,726         | \$ 15,145,511         | \$ 14,636,241         |
| Franchise taxes                                           | 3,913,647             | 3,810,988             | 3,780,955             | 3,634,332             |
| Intergovernmental                                         | 1,227,741             | 1,122,464             | 961,015               | 919,857               |
| Miscellaneous                                             | 3,212,807             | 2,157,187             | 1,938,632             | 1,487,831             |
| Unrestricted investment earnings                          | 1,266,427             | 1,778,747             | 858,521               | 503,858               |
| Gain (loss) on disposition of assets                      | -                     | -                     | -                     | -                     |
| Transfers                                                 | 1,198,640             | 212,169               | (403,508)             | 473,859               |
| Total governmental activities                             | <u>27,727,158</u>     | <u>24,816,281</u>     | <u>22,281,126</u>     | <u>21,655,978</u>     |
| Business-type activities                                  |                       |                       |                       |                       |
| Franchise taxes                                           | 291,325               | 281,811               | 268,785               | 258,220               |
| Miscellaneous                                             | 90,922                | 35,394                | 41,622                | 74,071                |
| Unrestricted investment earnings                          | 341,558               | 447,384               | 173,245               | 124,411               |
| Loss on sale of capital assets                            | -                     | -                     | (5,000)               | -                     |
| Transfers                                                 | (1,198,640)           | (212,169)             | 403,508               | (473,859)             |
| Total business-type activities                            | <u>(474,835)</u>      | <u>552,420</u>        | <u>882,160</u>        | <u>(17,157)</u>       |
| Total City General Revenues and Other Changes             | <u>27,252,323</u>     | <u>25,368,701</u>     | <u>23,163,286</u>     | <u>21,638,821</u>     |
| <b>Changes in net position</b>                            |                       |                       |                       |                       |
| Governmental activities                                   | 18,789,549            | 11,980,360            | 6,775,232             | 10,596,722            |
| Business-type activities                                  | <u>5,966,442</u>      | <u>7,596,520</u>      | <u>3,965,985</u>      | <u>6,930,914</u>      |
| Total changes in net position                             | <u>24,755,991</u>     | <u>19,576,880</u>     | <u>10,741,217</u>     | <u>17,527,636</u>     |
| Net position, July 1*                                     |                       |                       |                       |                       |
| Governmental activities                                   | 141,203,743           | 129,223,383           | 122,448,151           | 113,507,239           |
| Business-type activities                                  | <u>101,402,151</u>    | <u>93,805,631</u>     | <u>89,839,646</u>     | <u>85,040,829</u>     |
| Total Government                                          | <u>242,605,894</u>    | <u>223,029,014</u>    | <u>212,287,797</u>    | <u>198,548,068</u>    |
| Net position, June 30                                     |                       |                       |                       |                       |
| Governmental activities                                   | 159,993,292           | 141,203,743           | 129,223,383           | 124,103,961           |
| Business-type activities                                  | <u>107,368,593</u>    | <u>101,402,151</u>    | <u>93,805,631</u>     | <u>91,971,743</u>     |
| Total Government                                          | <u>\$ 267,361,885</u> | <u>\$ 242,605,894</u> | <u>\$ 223,029,014</u> | <u>\$ 216,075,704</u> |

\* Beginning net position as restated

| 2016           | 2015           | 2014           | 2013           | 2012           | 2011           |
|----------------|----------------|----------------|----------------|----------------|----------------|
| \$ 13,987,720  | \$ 13,490,590  | \$ 12,859,315  | \$ 11,667,767  | \$ 11,229,599  | \$ 12,116,512  |
| 3,541,761      | 3,199,473      | 2,759,690      | 2,455,771      | 1,885,683      | 1,582,759      |
| 920,764        | 911,419        | 871,419        | 834,538        | 769,855        | 856,084        |
| 1,782,997      | 1,709,104      | 1,802,430      | 1,255,497      | 122,903        | 977,000        |
| 364,128        | 228,512        | 262,767        | 323,109        | 223,083        | 205,329        |
| -              | 302,450        | -              | -              | 161,363        | -              |
| 523,873        | 7,884,435      | 1,197,283      | 950,701        | 1,956,649      | 2,554,768      |
| 21,121,243     | 27,725,983     | 19,752,904     | 17,487,383     | 16,349,135     | 18,292,452     |
| 237,075        | -              | -              | -              | -              | -              |
| -              | 132            | -              | 20,090         | 335            | 15,820         |
| 91,944         | 99,191         | 94,778         | 89,028         | 75,531         | 75,475         |
| -              | -              | -              | -              | -              | -              |
| (523,873)      | (7,884,435)    | (1,197,283)    | (950,701)      | (1,956,649)    | (2,554,768)    |
| (194,854)      | (7,785,112)    | (1,102,505)    | (841,583)      | (1,880,783)    | (2,463,473)    |
| 20,926,389     | 19,940,871     | 18,650,399     | 16,645,800     | 14,468,352     | 15,828,979     |
| 3,467,143      | 15,352,151     | 5,143,849      | 10,944,950     | 15,789,757     | 6,658,096      |
| 3,313,317      | (2,283,876)    | 1,830,121      | 3,461,758      | 1,251,400      | 403,700        |
| 6,780,460      | 13,068,275     | 6,973,970      | 14,406,708     | 17,041,157     | 7,061,796      |
| 110,040,096    | 94,524,975     | 108,428,643    | 97,483,693     | 81,693,936     | 75,035,840     |
| 81,727,512     | 83,456,670     | 82,623,484     | 79,161,726     | 77,910,326     | 77,506,626     |
| 191,767,608    | 177,981,645    | 191,052,127    | 176,645,419    | 159,604,262    | 152,542,466    |
| 113,507,239    | 109,877,126    | 113,572,492    | 108,428,643    | 97,483,693     | 81,693,936     |
| 85,040,829     | 81,172,794     | 84,453,605     | 82,623,484     | 79,161,726     | 77,910,326     |
| \$ 198,548,068 | \$ 191,049,920 | \$ 198,026,097 | \$ 191,052,127 | \$ 176,645,419 | \$ 159,604,262 |

**CITY OF OREGON CITY, OREGON**  
**FUND BALANCES – GOVERNMENTAL FUNDS**  
**LAST TEN FISCAL YEARS – UNAUDITED**  
 (Modified accrual basis of accounting)

|                                    | <b>2020</b>          | <b>2019</b>          | <b>2018</b>          | <b>2017</b>          |
|------------------------------------|----------------------|----------------------|----------------------|----------------------|
| General fund                       |                      |                      |                      |                      |
| Nonspendable                       | \$ 47,055            | \$ 73,356            | \$ 60,555            | \$ 116,000           |
| Committed                          | -                    | -                    | -                    | -                    |
| Unassigned                         | 11,471,979           | 9,743,445            | 8,504,753            | 7,154,174            |
| Total General fund                 | <u>11,519,034</u>    | <u>9,816,801</u>     | <u>8,565,308</u>     | <u>7,270,174</u>     |
| All other governmental funds       |                      |                      |                      |                      |
| Nonspendable                       | 68,806               | -                    | -                    | -                    |
| Restricted                         | 33,455,087           | 30,101,001           | 28,507,504           | 27,474,611           |
| Committed                          | 23,082,261           | 34,862,477           | 31,836,218           | 18,462,121           |
| Total all other governmental funds | <u>56,606,154</u>    | <u>64,963,478</u>    | <u>60,343,722</u>    | <u>45,936,732</u>    |
| Total Fund Balances                | <u>\$ 68,125,188</u> | <u>\$ 74,780,279</u> | <u>\$ 68,909,030</u> | <u>\$ 53,206,906</u> |

Note: GASB No. 54 was adopted in fiscal year 2011

| <b>2016</b>          | <b>2015</b>          | <b>2014</b>          | <b>2013</b>          | <b>2012</b>          | <b>2011</b>          |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| \$ 59,641            | \$ 58,978            | \$ 45,131            | \$ -                 | \$ -                 | \$ -                 |
| 908,882              | -                    | -                    | -                    | -                    | -                    |
| 6,470,357            | 6,130,187            | 4,150,829            | 3,734,942            | 3,628,399            | 2,827,901            |
| <u>7,438,880</u>     | <u>6,189,165</u>     | <u>4,195,960</u>     | <u>3,734,942</u>     | <u>3,628,399</u>     | <u>2,827,901</u>     |
| -                    | -                    | -                    | -                    | 22,997               | 22,997               |
| 21,343,249           | 36,527,532           | 11,346,021           | 10,503,824           | 6,869,809            | 6,837,700            |
| 18,177,135           | 3,771,034            | 16,105,822           | 10,972,631           | 8,570,907            | 5,866,920            |
| <u>39,520,384</u>    | <u>40,298,566</u>    | <u>27,451,843</u>    | <u>21,476,455</u>    | <u>15,463,713</u>    | <u>12,727,617</u>    |
| <u>\$ 46,959,264</u> | <u>\$ 46,487,731</u> | <u>\$ 31,647,803</u> | <u>\$ 25,211,397</u> | <u>\$ 19,092,112</u> | <u>\$ 15,555,518</u> |

**CITY OF OREGON CITY, OREGON**  
**CHANGES IN FUND BALANCES – GOVERNMENTAL FUNDS**  
**LAST TEN FISCAL YEARS – UNAUDITED**  
 (Modified accrual basis of accounting)

|                                                                | <b>2020</b>          | <b>2019</b>          | <b>2018</b>          | <b>2017</b>          |
|----------------------------------------------------------------|----------------------|----------------------|----------------------|----------------------|
| <b>Revenues</b>                                                |                      |                      |                      |                      |
| Taxes and assessments                                          | \$ 21,359,427        | \$ 20,492,362        | \$ 19,379,452        | \$ 18,542,705        |
| Licenses and permits                                           | 3,124,882            | 2,375,163            | 1,990,219            | 2,833,057            |
| Charges for services                                           | 12,383,762           | 11,487,131           | 11,828,492           | 12,498,856           |
| Intergovernmental                                              | 11,815,929           | 7,768,005            | 6,517,167            | 6,444,900            |
| Fines and forfeitures                                          | 1,196,988            | 1,687,984            | 1,710,193            | 1,147,459            |
| Other income                                                   | 4,359,714            | 3,947,242            | 2,731,589            | 2,355,231            |
| Total revenues                                                 | 54,240,702           | 47,757,887           | 44,157,112           | 43,822,208           |
| <b>Expenditures</b>                                            |                      |                      |                      |                      |
| Current operating:                                             |                      |                      |                      |                      |
| General government                                             | 8,328,582            | 7,075,536            | 6,921,135            | 6,508,052            |
| Public safety                                                  | 10,926,748           | 10,518,832           | 10,550,480           | 9,650,718            |
| Public works                                                   | 4,228,792            | 3,951,711            | 3,920,948            | 4,049,196            |
| Culture and recreation                                         | 5,765,222            | 5,434,738            | 5,388,647            | 4,909,619            |
| Planning and building                                          | 3,113,420            | 2,714,752            | 2,729,888            | 2,849,608            |
| Capital outlay                                                 | 26,782,351           | 8,885,377            | 13,002,142           | 7,354,648            |
| Debt service                                                   |                      |                      |                      |                      |
| Principal                                                      | 2,548,164            | 2,405,290            | 1,792,649            | 2,065,241            |
| Interest                                                       | 1,681,033            | 1,821,630            | 1,368,281            | 1,351,616            |
| Total expenditures                                             | 63,374,312           | 42,807,866           | 45,674,170           | 38,738,698           |
| <b>Revenues Over (under)</b>                                   |                      |                      |                      |                      |
| <b>Expenditures</b>                                            | (9,133,610)          | 4,950,021            | (1,517,058)          | 5,083,510            |
| <b>Other financing sources (uses)</b>                          |                      |                      |                      |                      |
| Bond proceeds / loan payments                                  | -                    | -                    | 16,157,183           | -                    |
| Proceeds from sale of assets                                   | -                    | -                    | -                    | -                    |
| Transfers in                                                   | 6,283,870            | 4,403,677            | 2,406,016            | 3,718,183            |
| Transfers out                                                  | (3,805,351)          | (3,482,450)          | (1,344,016)          | (2,554,051)          |
| Loan to South Fork Water Board                                 | -                    | -                    | -                    | -                    |
| Total other financing sources (uses)                           | 2,478,519            | 921,227              | 17,219,183           | 1,164,132            |
| <b>Net change in fund balances</b>                             | (6,655,091)          | 5,871,248            | 15,702,125           | 6,247,642            |
| <b>Fund balances, beginning of year *</b>                      | 74,780,279           | 68,909,031           | 53,206,906           | 46,959,264           |
| <b>Fund balances, end of year</b>                              | <u>\$ 68,125,188</u> | <u>\$ 74,780,279</u> | <u>\$ 68,909,031</u> | <u>\$ 53,206,906</u> |
| <b>Debt service as a percentage of noncapital expenditures</b> | <u>11.56%</u>        | <u>12.46%</u>        | <u>9.67%</u>         | <u>10.89%</u>        |

\* Beginning Fund balance as restated

| <b>2016</b>   | <b>2015</b>   | <b>2014</b>   | <b>2013</b>   | <b>2012</b>   | <b>2011</b>   |
|---------------|---------------|---------------|---------------|---------------|---------------|
| \$ 17,755,055 | \$ 16,687,226 | \$ 13,012,611 | \$ 11,782,226 | \$ 11,331,002 | \$ 11,048,520 |
| 2,459,320     | 1,896,408     | 4,038,101     | 5,181,290     | 5,292,561     | 3,424,730     |
| 9,120,163     | 6,418,879     | 5,847,797     | 7,371,586     | 3,751,847     | 3,290,259     |
| 5,896,615     | 5,699,850     | 7,169,225     | 10,129,747    | 16,774,041    | 7,645,873     |
| 818,239       | 1,072,132     | 976,494       | 900,060       | 995,794       | 804,468       |
| 2,408,042     | 2,441,958     | 2,557,671     | 2,371,762     | 2,393,615     | 957,683       |
| 38,457,434    | 34,216,453    | 33,601,899    | 37,736,671    | 40,538,860    | 27,171,533    |
| 5,813,700     | 5,005,356     | 4,865,177     | 4,944,688     | 4,114,633     | 3,976,099     |
| 8,834,120     | 8,086,250     | 7,789,311     | 7,266,917     | 7,279,360     | 6,523,749     |
| 6,398,448     | 2,927,280     | 2,645,973     | 2,449,685     | 2,190,136     | 2,301,304     |
| 4,614,517     | 4,677,846     | 4,488,941     | 4,148,528     | 4,607,790     | 3,771,346     |
| 2,676,958     | 3,362,390     | 3,323,862     | 3,515,914     | 2,997,807     | 2,555,315     |
| 7,314,482     | 6,242,932     | 2,359,201     | 7,783,356     | 14,820,397    | 6,850,666     |
| 2,124,053     | 1,681,868     | 1,484,640     | 4,501,400     | 955,000       | 870,000       |
| 1,442,688     | 1,412,972     | 1,405,671     | 1,403,999     | 1,480,593     | 1,515,455     |
| 39,218,966    | 33,396,894    | 28,362,776    | 36,014,487    | 38,445,716    | 28,363,934    |
| (761,532)     | 819,559       | 5,239,123     | 1,722,184     | 2,093,144     | (1,192,401)   |
| -             | 6,000,000     | -             | 3,446,400     | 229,950       | 300,000       |
| -             | 302,500       | -             | -             | -             | -             |
| 3,517,364     | 75,663,161    | 3,889,955     | 3,831,659     | 3,869,123     | 5,882,415     |
| (2,341,599)   | (67,945,292)  | (2,692,672)   | (2,880,958)   | (2,655,623)   | (3,327,647)   |
| -             | -             | -             | -             | -             | (2,282,874)   |
| 1,175,765     | 14,020,369    | 1,197,283     | 4,397,101     | 1,443,450     | 571,894       |
| 414,233       | 14,839,928    | 6,436,406     | 6,119,285     | 3,536,594     | (620,507)     |
| 46,545,031    | 31,647,803    | 25,211,397    | 19,092,112    | 15,555,518    | 16,176,025    |
| \$ 46,959,264 | \$ 46,487,731 | \$ 31,647,803 | \$ 25,211,397 | \$ 19,092,112 | \$ 15,555,518 |
| 11.18%        | 11.40%        | 11.11%        | 21.08%        | 10.31%        | 11.09%        |



**CITY OF OREGON CITY, OREGON****ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY  
LAST TEN FISCAL YEARS**

| Fiscal Year<br>Ended<br>June 30 | Real Property <sup>(2)</sup>       |                                          | Personal Property                  |                                          | Total TAV        | Total<br>Estimated<br>Actual Value <sup>(1)</sup> | Ratio of TAV<br>to Estimated<br>Actual Value | Direct<br>Tax rate |
|---------------------------------|------------------------------------|------------------------------------------|------------------------------------|------------------------------------------|------------------|---------------------------------------------------|----------------------------------------------|--------------------|
|                                 | Taxable<br>Assessed<br>Value (TAV) | Estimated<br>Actual Value <sup>(1)</sup> | Taxable<br>Assessed<br>Value (TAV) | Estimated<br>Actual Value <sup>(1)</sup> |                  |                                                   |                                              |                    |
| 2020                            | \$ 3,219,622,683                   | \$ 5,468,065,833                         | \$ 175,933,009                     | \$ 180,339,835                           | \$ 3,395,555,692 | \$ 5,648,405,668                                  | 60.1%                                        | \$5.1231           |
| 2019                            | 3,064,848,212                      | 5,098,679,755                            | 172,780,575                        | 176,287,179                              | 3,237,628,787    | 5,274,966,934                                     | 61.4%                                        | 5.0613             |
| 2018                            | 2,926,103,506                      | 4,605,880,344                            | 163,399,115                        | 168,516,154                              | 3,089,502,621    | 4,774,396,498                                     | 64.7%                                        | 5.0479             |
| 2017                            | 2,883,655,457                      | 4,178,977,212                            | 54,773,309                         | 54,773,309                               | 2,938,428,766    | 4,233,750,521                                     | 69.4%                                        | 5.1248             |
| 2016                            | 2,749,493,939                      | 3,698,124,952                            | 52,451,145                         | 52,451,145                               | 2,801,945,084    | 3,750,576,097                                     | 74.7%                                        | 5.1222             |
| 2015                            | 2,641,700,255                      | 3,279,405,424                            | 48,468,773                         | 48,468,773                               | 2,690,169,028    | 3,327,874,197                                     | 80.8%                                        | 5.1446             |
| 2014                            | 2,512,945,173                      | 2,917,509,392                            | 50,536,919                         | 50,536,919                               | 2,563,482,092    | 2,968,046,311                                     | 86.4%                                        | 5.1492             |
| 2013                            | 2,390,482,064                      | 2,662,745,466                            | 51,649,072                         | 51,649,072                               | 2,442,131,136    | 2,714,394,538                                     | 90.0%                                        | 4.9225             |
| 2012                            | 2,314,042,412                      | 2,764,046,403                            | 54,423,529                         | 54,423,529                               | 2,368,465,941    | 2,818,469,932                                     | 84.0%                                        | 4.8773             |
| 2011                            | 2,233,071,337                      | 3,034,506,498                            | 58,218,237                         | 58,218,237                               | 2,291,289,574    | 3,092,724,735                                     | 74.1%                                        | 4.9124             |

<sup>(1)</sup> The State of Oregon calls Actual Value "Real Market Value"

<sup>(2)</sup> Includes Real Property, Manufactured Structures and Public Utility properties

Source: Clackamas County Tax Assessor

**CITY OF OREGON CITY, OREGON**  
**PROPERTY TAX RATES – DIRECT AND OVERLAPPING GOVERNMENTS**  
**LAST TEN FISCAL YEARS**

| Fiscal Year<br>Ended<br>June 30, | City Direct Rates    |                |                            |                 | Overlapping Rates                 |                                   |                                  |                                    |                                   |                      | Total Direct<br>and<br>Overlapping |
|----------------------------------|----------------------|----------------|----------------------------|-----------------|-----------------------------------|-----------------------------------|----------------------------------|------------------------------------|-----------------------------------|----------------------|------------------------------------|
|                                  | General<br>Operating | Bonded<br>Debt | Urban<br>Renewal<br>Agency | Total<br>Direct | Oregon City<br>School<br>District | Clackamas<br>Community<br>College | Education<br>Service<br>District | Clackamas<br>County <sup>(1)</sup> | Other<br>Districts <sup>(2)</sup> | Total<br>Overlapping |                                    |
| 2020                             | 4.1595               | -              | 0.9636                     | 5.1231          | 5.8495                            | 0.6899                            | 0.3484                           | 3.1155                             | 3.0941                            | 13.0974              | 18.2205                            |
| 2019                             | 4.1795               | -              | 0.8818                     | 5.0613          | 5.6854                            | 0.7034                            | 0.3484                           | 3.1307                             | 2.9049                            | 12.7728              | 17.8341                            |
| 2018                             | 4.1861               | -              | 0.8618                     | 5.0479          | 5.7947                            | 0.7060                            | 0.3484                           | 3.1346                             | 2.8623                            | 12.8460              | 17.8939                            |
| 2017                             | 4.1963               | 0.0894         | 0.8391                     | 5.1248          | 6.0329                            | 0.7057                            | 0.3494                           | 3.0414                             | 2.8417                            | 12.9711              | 18.0959                            |
| 2016                             | 4.2054               | 0.1100         | 0.8068                     | 5.1222          | 6.0983                            | 0.7102                            | 0.3503                           | 3.0437                             | 2.8426                            | 13.0451              | 18.1673                            |
| 2015                             | 4.1990               | 0.1065         | 0.8391                     | 5.1446          | 6.1101                            | 0.6712                            | 0.3500                           | 3.0369                             | 2.8672                            | 13.0354              | 18.1800                            |
| 2014                             | 4.1982               | 0.1088         | 0.8422                     | 5.1492          | 6.0942                            | 0.6717                            | 0.3500                           | 3.0326                             | 2.8801                            | 13.0286              | 18.1778                            |
| 2013                             | 3.9558               | 0.1129         | 0.8538                     | 4.9225          | 6.1042                            | 0.6657                            | 0.3443                           | 3.2472                             | 2.7260                            | 13.0874              | 18.0099                            |
| 2012                             | 3.9695               | 0.1135         | 0.7943                     | 4.8773          | 6.0882                            | 0.6503                            | 0.3456                           | 3.2434                             | 2.7035                            | 13.0310              | 17.9083                            |
| 2011                             | 3.9607               | 0.1169         | 0.8348                     | 4.9124          | 6.0726                            | 0.6667                            | 0.3444                           | 3.2603                             | 2.8127                            | 13.1567              | 18.0691                            |

<sup>(1)</sup> County includes County Library and 4-H County Extension

<sup>(2)</sup> Other includes Fire District, Port of Portland, Vector Control, Metro

Source: Clackamas County Assessor and Tax Collector

**CITY OF OREGON CITY, OREGON**  
**PRINCIPAL PROPERTY TAXPAYERS**  
**CURRENT YEAR AND NINE YEARS AGO**

| Taxpayer                                       | Type of Business   | 2020                    |      |                           | 2011                    |      |                           |
|------------------------------------------------|--------------------|-------------------------|------|---------------------------|-------------------------|------|---------------------------|
|                                                |                    | Assessed Value          | Rank | Percentage of Total Value | Assessed Value          | Rank | Percentage of Total Value |
| The Landing - 302 LLC                          | Real Estate        | \$ 51,418,543           | 1    | 1.51%                     |                         |      |                           |
| Portland General Electric Company              | Utility            | 45,369,083              | 2    | 1.34%                     | \$ 21,904,000           | 1    | 0.96%                     |
| Quantum Management                             | Apartments         | 24,780,707              | 3    | 0.73%                     | 19,003,754              | 3    | 0.83%                     |
| Metropolitan Life Insurance Company            | Retail             | 23,353,403              | 4    | 0.69%                     | 17,784,964              | 4    | 0.78%                     |
| Loja Trails End LLC                            | Real Estate        | 21,739,066              | 5    | 0.64%                     |                         |      |                           |
| Craig T Danielson                              | Real Estate        | 21,598,579              | 6    | 0.64%                     |                         |      |                           |
| Providence Health                              | Health Services    | 20,712,046              | 7    | 0.61%                     |                         |      |                           |
| Northwest Natural Gas Co.                      | Utility            | 18,759,000              | 8    | 0.55%                     | 16,396,500              | 6    | 0.72%                     |
| Oregon Center LLC                              | Health Services    | 17,046,354              | 9    | 0.50%                     |                         |      |                           |
| Edgewater at the Cove                          | Real Estate        | 16,408,246              | 10   | 0.48%                     |                         |      |                           |
| Comcast Corporation                            | Utility            |                         |      |                           | 14,217,400              | 8    | 0.62%                     |
| Blue Heron Paper Company*                      | Paper Manufacturer |                         |      |                           | 20,419,600              | 2    | 0.89%                     |
| Trails End Oregon Investors LLC**              | Real Estate        |                         |      |                           | 16,744,772              | 5    | 0.73%                     |
| Willamette Falls Hospital                      | Health Services    |                         |      |                           | 14,379,096              | 7    | 0.63%                     |
| Berry Heights Ltd Partnership                  | Real Estate        |                         |      |                           | 11,825,816              | 10   | 0.52%                     |
| 3D Investments LLC                             | Real Estate        |                         |      |                           | 12,116,474              | 9    | 0.53%                     |
| Subtotal - ten of the City's largest taxpayers |                    | 261,185,027             |      | 7.69%                     | 164,792,376             |      | 7.21%                     |
| All other City taxpayers in Clackamas County   |                    | 3,134,370,665           |      | 92.31%                    | 2,126,497,198           |      | 92.79%                    |
| <i>Total City taxpayers</i>                    |                    | <u>\$ 3,395,555,692</u> |      | <u>100.00%</u>            | <u>\$ 2,291,289,574</u> |      | <u>100.00%</u>            |

Source: Clackamas County Tax Assessor

\* During FY 2012, Blue Heron closed its doors and liquidated its property.

\*\* During FY 2015, Trails End Oregon Investors LLC sold its property to Loja Trails End LLC.

**CITY OF OREGON CITY, OREGON**  
**PROPERTY TAX LEVIES AND COLLECTIONS**  
**LAST TEN FISCAL YEARS**

| <b>Fiscal Year<br/>Ended<br/>June 30</b> | <b>Total<br/>Extended<br/>Tax Levy</b> | <b>Current Tax<br/>Collections<br/>(Within<br/>Year)</b> | <b>Percent of<br/>Current<br/>Taxes<br/>Collected</b> | <b>Subsequent<br/>Years<br/>Collections</b> | <b>Total Tax<br/>Collections</b> | <b>Ratio of<br/>Total Tax<br/>Collections<br/>to Total<br/>Tax Levy</b> | <b>Outstanding<br/>Delinquent<br/>Taxes</b> | <b>Ratio of<br/>Delinquent<br/>Taxes to<br/>Total<br/>Tax Levy</b> |
|------------------------------------------|----------------------------------------|----------------------------------------------------------|-------------------------------------------------------|---------------------------------------------|----------------------------------|-------------------------------------------------------------------------|---------------------------------------------|--------------------------------------------------------------------|
| 2020                                     | \$ 14,155,665                          | \$ 13,527,462                                            | 95.56%                                                | \$ -                                        | \$ 13,527,462                    | 95.56%                                                                  | \$ 226,369                                  | 1.60%                                                              |
| 2019                                     | 13,518,480                             | 12,927,465                                               | 95.63%                                                | 104,886                                     | 13,032,351                       | 96.40%                                                                  | 81,786                                      | 0.60%                                                              |
| 2018                                     | 12,935,275                             | 12,316,356                                               | 95.22%                                                | 172,482                                     | 12,488,838                       | 96.55%                                                                  | 45,632                                      | 0.35%                                                              |
| 2017                                     | 12,596,284                             | 12,008,721                                               | 95.34%                                                | 180,907                                     | 12,189,628                       | 96.77%                                                                  | 18,251                                      | 0.14%                                                              |
| 2016                                     | 12,105,761                             | 11,512,412                                               | 95.10%                                                | 230,224                                     | 11,742,636                       | 97.00%                                                                  | 5,308                                       | 0.04%                                                              |
| 2015                                     | 11,576,491                             | 10,996,578                                               | 94.99%                                                | 261,147                                     | 11,257,725                       | 97.25%                                                                  | 3,856                                       | 0.03%                                                              |
| 2014                                     | 11,032,614                             | 10,458,857                                               | 94.80%                                                | 277,483                                     | 10,736,340                       | 97.31%                                                                  | 2,758                                       | 0.02%                                                              |
| 2013                                     | 9,919,281                              | 9,350,427                                                | 94.27%                                                | 293,752                                     | 9,644,179                        | 97.23%                                                                  | 2,545                                       | 0.03%                                                              |
| 2012                                     | 9,664,172                              | 9,081,404                                                | 93.97%                                                | 309,620                                     | 9,391,024                        | 97.17%                                                                  | 1,990                                       | 0.02%                                                              |
| 2011                                     | 9,345,775                              | 8,748,803                                                | 93.61%                                                | 294,930                                     | 9,043,733                        | 96.77%                                                                  | 1,441                                       | 0.02%                                                              |

Sources: Clackamas County Assessor and Tax Collector

**CITY OF OREGON CITY, OREGON**  
**LEGAL DEBT MARGIN INFORMATION**  
**LAST TEN FISCAL YEARS**

**Legal debt margin calculation for fiscal year ended June 30, 2020**

|                                                                    |                 |
|--------------------------------------------------------------------|-----------------|
| Total property real market value                                   | \$5,648,405,668 |
|                                                                    | 3%              |
| Debt limit (3% of total property real market value) <sup>(1)</sup> | 169,452,170     |
| Amount of debt applicable to debt limit:                           |                 |
| Total bonded debt                                                  | 35,350,494      |
| Less debt excluded from debt limit:                                |                 |
| Urban renewal bonds                                                | (6,173,920)     |
| Limited obligation bonds                                           | (24,510,000)    |
| Net amount of debt applicable to limit                             | 4,666,574       |
| Legal debt margin - amount available for future indebtedness       | \$ 164,785,596  |
| Percentage of City's indebtedness to total allowed                 | 2.75%           |

|                                  | 2020           | 2019           | 2018           | 2017           | 2016           |
|----------------------------------|----------------|----------------|----------------|----------------|----------------|
| Debt limit                       | \$ 169,452,170 | \$ 158,249,008 | \$ 143,231,895 | \$ 127,012,516 | \$ 112,517,283 |
| Debt applicable to maximum limit | 4,666,574      | 4,930,098      | 5,185,748      | 5,433,759      | 6,059,360      |
| Legal debt margin available      | \$ 164,785,596 | \$ 153,318,910 | \$ 138,046,147 | \$ 106,457,923 | \$ 93,178,454  |

|                                                                       |       |       |       |       |       |
|-----------------------------------------------------------------------|-------|-------|-------|-------|-------|
| Debt applicable to the maximum limit<br>as a percentage of debt limit | 2.75% | 3.12% | 3.62% | 4.28% | 5.39% |
|-----------------------------------------------------------------------|-------|-------|-------|-------|-------|

|                                  | 2015          | 2014          | 2013          | 2012          | 2011          |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|
| Debt limit                       | \$ 99,836,226 | \$ 89,041,389 | \$ 81,431,836 | \$ 84,554,098 | \$ 92,781,742 |
| Debt applicable to maximum limit | 6,657,772     | 1,095,000     | 1,425,000     | 1,750,000     | 2,050,000     |
| Legal debt margin available      | \$ 87,946,389 | \$ 87,946,389 | \$ 80,006,836 | \$ 82,804,098 | \$ 90,731,742 |

|                                                                       |       |       |       |       |       |
|-----------------------------------------------------------------------|-------|-------|-------|-------|-------|
| Debt applicable to the maximum limit<br>as a percentage of debt limit | 6.67% | 1.23% | 1.75% | 2.07% | 2.21% |
|-----------------------------------------------------------------------|-------|-------|-------|-------|-------|

<sup>(1)</sup> Pursuant to Oregon Revised Statutes 287A.050, outstanding general obligation debt is limited to three percent of real market value.

Sources: Annual financial statements and Clackamas County Assessor and Tax Collector

**CITY OF OREGON CITY, OREGON**  
**RATIO OF OUTSTANDING DEBT BY TYPE AND DEBT PER CAPITA**  
**LAST TEN FISCAL YEARS**

| Fiscal Year<br>Ended<br>June 30, | Governmental Activities        |                                |                           |                   | Business-type Activities  |                           |                                |                                                    |                              |
|----------------------------------|--------------------------------|--------------------------------|---------------------------|-------------------|---------------------------|---------------------------|--------------------------------|----------------------------------------------------|------------------------------|
|                                  | Oregon City                    |                                | Urban Renewal             |                   | Water<br>revenue<br>bonds | Sewer<br>revenue<br>bonds | Total<br>primary<br>government | Percentage<br>of personal<br>income <sup>(1)</sup> | Per<br>capita <sup>(1)</sup> |
|                                  | General<br>obligation<br>bonds | Limited<br>obligation<br>bonds | Tax<br>increment<br>bonds | Line of<br>credit |                           |                           |                                |                                                    |                              |
| 2020                             | \$4,666,574                    | \$25,897,965                   | \$ 6,173,920              | \$ -              | \$ -                      | \$ -                      | \$36,738,459                   | N/A                                                | \$ 1,024                     |
| 2019                             | 4,930,098                      | 27,400,074                     | 7,033,560                 | -                 | -                         | -                         | 39,363,732                     | 1.79%                                              | 1,107                        |
| 2018                             | 5,185,748                      | 27,250,000                     | 7,868,200                 | -                 | -                         | -                         | 40,303,948                     | 1.97%                                              | 1,156                        |
| 2017                             | 5,433,759                      | 13,370,000                     | 8,677,840                 | -                 | -                         | 1,475,000                 | 28,956,599                     | 1.51%                                              | 837                          |
| 2016                             | 6,059,360                      | 14,020,000                     | 9,467,480                 | -                 | -                         | 1,925,000                 | 31,471,840                     | 1.71%                                              | 919                          |
| 2015                             | 6,657,772                      | 14,590,000                     | 10,237,120                | -                 | -                         | 2,350,000                 | 33,834,892                     | 2.06%                                              | 997                          |
| 2014                             | 1,095,000                      | 15,085,000                     | 10,986,760                | -                 | 195,000                   | 2,755,000                 | 30,116,760                     | 1.95%                                              | 892                          |
| 2013                             | 1,425,000                      | 15,510,000                     | 11,716,400                | -                 | 380,000                   | 3,145,000                 | 32,176,400                     | 2.09%                                              | 964                          |
| 2012                             | 1,750,000                      | 15,875,000                     | 8,635,000                 | 3,446,400         | 560,000                   | 3,520,000                 | 33,786,400                     | 2.41%                                              | 1,040                        |
| 2011                             | 2,050,000                      | 16,180,000                     | 8,985,000                 | 3,446,400         | 730,000                   | 3,880,000                 | 35,271,400                     | 2.65%                                              | 1,095                        |

<sup>(1)</sup> Personal Income and population data can be found in the demographic statistics later in this section.

Source: Annual Financial Reports

# CITY OF OREGON CITY, OREGON

## RATIO OF NET GENERAL BONDED DEBT TO ACTUAL VALUE AND ASSESSED VALUE AND NET BONDED DEBT PER CAPITA LAST TEN FISCAL YEARS

| Fiscal Year<br>Ended<br>June 30, | Population <sup>(1)</sup> | Estimated<br>Actual Value <sup>(2)</sup> | Total<br>Assessed<br>Value <sup>(3)</sup> | Gross<br>Bonded<br>Debt <sup>(4)</sup> | Less<br>Debt<br>Service<br>Fund | Net<br>Bonded<br>Debt | Ratio of Net<br>Bonded Debt<br>to Actual<br>Value | Ratio of Net<br>Bonded Debt<br>to Assessed<br>Value | Net Bonded<br>Debt per<br>Capita |
|----------------------------------|---------------------------|------------------------------------------|-------------------------------------------|----------------------------------------|---------------------------------|-----------------------|---------------------------------------------------|-----------------------------------------------------|----------------------------------|
| 2020                             | 37,339                    | \$ 5,468,065,833                         | \$ 3,395,555,692                          | \$ 30,564,539                          | \$ -                            | \$ 30,564,539         | 0.56%                                             | 0.90%                                               | \$ 819                           |
| 2019                             | 35,570                    | 5,098,679,755                            | 3,237,628,787                             | 32,330,172                             | -                               | 32,330,172            | 0.63%                                             | 1.00%                                               | 909                              |
| 2018                             | 34,860                    | 4,605,880,344                            | 3,089,502,621                             | 32,435,748                             | -                               | 32,435,748            | 0.70%                                             | 1.05%                                               | 930                              |
| 2017                             | 34,610                    | 4,178,977,212                            | 2,938,428,766                             | 18,803,759                             | 96,672                          | 18,707,087            | 0.45%                                             | 0.64%                                               | 541                              |
| 2016                             | 34,240                    | 3,698,124,952                            | 2,801,945,084                             | 20,079,360                             | 69,805                          | 20,009,555            | 0.54%                                             | 0.71%                                               | 584                              |
| 2015                             | 34,594                    | 3,279,405,424                            | 2,690,169,028                             | 21,247,772                             | 48,780                          | 21,198,992            | 0.65%                                             | 0.79%                                               | 613                              |
| 2014                             | 34,622                    | 2,917,509,392                            | 2,563,482,092                             | 16,180,000                             | 26,598                          | 16,153,402            | 0.55%                                             | 0.63%                                               | 467                              |
| 2013                             | 32,782                    | 2,662,745,466                            | 2,442,131,136                             | 16,935,000                             | 37,517                          | 16,897,483            | 0.63%                                             | 0.69%                                               | 515                              |
| 2012                             | 32,500                    | 2,764,046,403                            | 2,368,465,941                             | 17,625,000                             | 39,201                          | 17,585,799            | 0.64%                                             | 0.74%                                               | 541                              |
| 2011                             | 32,220                    | 3,034,506,498                            | 2,291,289,574                             | 18,230,000                             | 35,249                          | 18,194,751            | 0.60%                                             | 0.79%                                               | 565                              |

<sup>(1)</sup> Portland State University, Annual Population Statistics

<sup>(2)</sup> The State of Oregon calls Actual Value "Real Market Value"

<sup>(3)</sup> Clackamas County Tax Assessor

<sup>(4)</sup> June 30 principal balance, annual financial statements - City only



**CITY OF OREGON CITY, OREGON**  
**DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT**  
**AS OF JUNE 30, 2020**

| <b>Jurisdiction</b>                         | <b>Estimated<br/>Actual Value<br/>Overlapping<br/>Districts</b> | <b>Debt<br/>Outstanding<br/>Governmental<br/>Activities</b> | <b>Percentage<br/>Applicable<br/>to City <sup>(1)</sup></b> | <b>Amount<br/>Applicable<br/>to Governmental<br/>Activities</b> |
|---------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------|
| Direct:                                     |                                                                 |                                                             |                                                             |                                                                 |
| City of Oregon City                         | \$ 5,648,405,668                                                | \$ 36,738,459                                               | 100.00%                                                     | \$ 36,738,459                                                   |
| Overlapping:                                |                                                                 |                                                             |                                                             |                                                                 |
| Clackamas Community College                 | 61,900,863,812                                                  | 88,668,913                                                  | 9.13%                                                       | 8,093,078                                                       |
| Clackamas County                            | 84,100,937,879                                                  | 121,210,000                                                 | 6.72%                                                       | 8,142,888                                                       |
| Clackamas County Education Service District | 80,185,336,270                                                  | 20,636,690                                                  | 7.05%                                                       | 1,454,061                                                       |
| Clackamas County Fire District #1           | 38,434,396,536                                                  | 28,155,960                                                  | 14.70%                                                      | 4,138,954                                                       |
| Oregon City School District No. 62          | 9,773,730,774                                                   | 204,496,497                                                 | 57.81%                                                      | 118,213,086                                                     |
| Clackamas Soil & Water Conservation         | 84,100,953,949                                                  | 6,494,000                                                   | 6.72%                                                       | 436,267                                                         |
| Metro                                       | 343,477,186,246                                                 | 964,085,000                                                 | 1.64%                                                       | 15,842,809                                                      |
| Total Overlapping:                          | <u>701,973,405,466</u>                                          | <u>1,433,747,060</u>                                        |                                                             | <u>156,321,143</u>                                              |
| <i>Total Bonded Debt</i>                    | <u>\$ 707,621,811,134</u>                                       | <u>\$ 1,470,485,519</u>                                     |                                                             | <u>\$ 193,059,602</u>                                           |

Overlapping governments are those that overlap the geographic boundaries of the City. This schedule calculates the portion of the outstanding debt of those overlapping governments that is taxed to the residents and businesses of the City.

<sup>(1)</sup> The percentage applicable to government is determined on the assessed value of the overlapping districts. The numerator is the City's assessed value and the denominator is the assessed value of the overlapping district.

<sup>(2)</sup> Net Direct Debt includes all City tax-supported debt. Urban Renewal Tax Increment Bonds are excluded from direct debt.

Source: Oregon State Treasury (including percentage applicable to the City)

**CITY OF OREGON CITY, OREGON**  
**POPULATION STATISTICS**  
**LAST TEN FISCAL YEARS**

---

| <b>Fiscal Year<br/>Ended<br/>June 30,</b> | <b>Population <sup>(1)</sup></b> | <b>Personal<br/>income <sup>(2)</sup><br/>(in thousands)</b> | <b>Per capita<br/>personal<br/>income <sup>(2)</sup></b> | <b>School<br/>enrollment <sup>(3)</sup></b> | <b>County<br/>unemployment<br/>rate <sup>(4)</sup></b> |
|-------------------------------------------|----------------------------------|--------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------|--------------------------------------------------------|
| 2020                                      | 35,885                           | N/A                                                          | N/A                                                      | 8,018                                       | 11.0%                                                  |
| 2019                                      | 35,570                           | 2,195,594                                                    | 61,726                                                   | 7,835                                       | 3.6%                                                   |
| 2018                                      | 34,860                           | 2,043,075                                                    | 58,608                                                   | 7,874                                       | 3.5%                                                   |
| 2017                                      | 34,610                           | 1,920,094                                                    | 55,478                                                   | 7,425                                       | 3.8%                                                   |
| 2016                                      | 34,240                           | 1,841,324                                                    | 53,777                                                   | 8,029                                       | 4.3%                                                   |
| 2015                                      | 33,940                           | 1,643,443                                                    | 48,422                                                   | 7,994                                       | 5.0%                                                   |
| 2014                                      | 33,760                           | 1,546,005                                                    | 45,794                                                   | 8,013                                       | 5.7%                                                   |
| 2013                                      | 33,390                           | 1,538,945                                                    | 46,090                                                   | 8,000                                       | 7.9%                                                   |
| 2012                                      | 32,500                           | 1,400,848                                                    | 43,103                                                   | 8,071                                       | 8.3%                                                   |
| 2011                                      | 32,220                           | 1,331,105                                                    | 41,313                                                   | 8,167                                       | 10.5%                                                  |

<sup>(1)</sup> Center for Population Research and Census, School of Urban and Public Affairs,  
Portland State University

<sup>(2)</sup> Bureau of Economic Analysis  
Clackamas County (Years 2017-2020)  
Metropolitan Statistical Area to Portland-Vancouver-Hillsboro, OR-WA (Years 2011-2016)

<sup>(3)</sup> Oregon Department of Education

<sup>(4)</sup> Oregon Employment Department for Clackamas County. City-level data not available

**CITY OF OREGON CITY, OREGON**  
**PRINCIPAL EMPLOYERS**  
**THIS YEAR AND NINE YEARS AGO**

| <u>Employer</u>                         | <u>Type of Business</u> | <u>2020</u>      |             |                                                |
|-----------------------------------------|-------------------------|------------------|-------------|------------------------------------------------|
|                                         |                         | <u>Employees</u> | <u>Rank</u> | <u>Percentage of total<br/>City employment</u> |
| Clackamas County                        | Government              | 2,450            | 1           | 17.08%                                         |
| Oregon City School District             | Education               | 933              | 2           | 6.50%                                          |
| Providence Health                       | Health Services         | 670              | 3           | 4.67%                                          |
| Clackamas Community College             | Education               | 548              | 4           | 3.82%                                          |
| Benchmade Knife Co., Inc                | Manufacturing           | 393              | 5           | 2.74%                                          |
| Fred Meyer                              | Retail                  | 377              | 6           | 2.63%                                          |
| Home Depot                              | Retail                  | 297              | 7           | 2.07%                                          |
| Orchid Orthopedic Solutions Oregon, Inc | Health Services         | 280              | 8           | 1.95%                                          |
| City of Oregon City                     | Government              | 250              | 9           | 1.74%                                          |
| Safeway                                 | Retail                  | 156              | 10          | 1.09%                                          |
| Total                                   |                         | <u>6,354</u>     |             | <u>44.29%</u>                                  |

Historical number of employees data from 2011 is not available.

Source: City of Oregon City - Business Licenses

**CITY OF OREGON CITY, OREGON**  
**OPERATING INDICATORS BY FUNCTION**  
**LAST TEN FISCAL YEARS**

| <i><b>Function</b></i>                         | <b>Fiscal Year</b> |         |         |         |         |         |         |         |         |         |
|------------------------------------------------|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
|                                                | 2020               | 2019    | 2018    | 2017    | 2016    | 2015    | 2014    | 2013    | 2012    | 2011    |
| General government                             |                    |         |         |         |         |         |         |         |         |         |
| Number of job applications processed           | 1,250              | 1,700   | 1,585   | 1,654   | 1,175   | 1,472   | 1,001   | 1,162   | 1,016   | 1,275   |
| Number of positions filled                     | 60                 | 76      | 87      | 96      | 79      | 80      | 57      | 78      | 47      | 17      |
| Public Safety *                                |                    |         |         |         |         |         |         |         |         |         |
| Calls for service                              | 29,559             | 36,079  | 24,200  | 24,000  | 23,600  | 23,465  | 26,970  | 26,441  | 27,144  | 26,612  |
| Number of arrests                              | 1,395              | 1,549   | 1,520   | 1,500   | 1,437   | 1,682   | 1,517   | 1,614   | 1,515   | 1,371   |
| Municipal court cases processed                | 6,195              | 10,060  | 7,800   | 6,900   | 7,769   | 6,024   | 6,268   | 5,977   | 5,737   | 5,202   |
| Public Works                                   |                    |         |         |         |         |         |         |         |         |         |
| Hundred cubic feet of water consumed (Million) | 1.8                | 2.0     | 1.5     | 1.5     | 1.5     | 1.4     | 1.5     | 1.5     | 1.5     | 1.4     |
| Number of water customers (Average)            | 11,440             | 11,609  | 11,285  | 10,700  | 10,614  | 10,445  | 10,248  | 10,262  | 9,913   | 9,873   |
| Culture and recreation                         |                    |         |         |         |         |         |         |         |         |         |
| Pioneer Community Center (Senior Center)       |                    |         |         |         |         |         |         |         |         |         |
| People transportation provided for             | 5,951              | 7,863   | 7,961   | 8,150   | 8,146   | 7,811   | 7,810   | 8,940   | 10,537  | 10,774  |
| Meals on Wheels delivered                      | 30,844             | 32,195  | 32,092  | 30,147  | 30,800  | 29,716  | 27,173  | 29,588  | 30,057  | 30,158  |
| Congregate meals served at Center              | 7,168              | 8,189   | 8,119   | 7,518   | 7,701   | 7,973   | 8,731   | 10,716  | 11,252  | 10,381  |
| Swimming Pool                                  |                    |         |         |         |         |         |         |         |         |         |
| Number of visits per year                      | 148,305            | 117,640 | 138,665 | 138,807 | 141,520 | 141,715 | 141,295 | 121,600 | 120,434 | 125,043 |

Source: City of Oregon City Finance Department

\* Numbers are estimated for 2017, 2018

**CITY OF OREGON CITY, OREGON**  
**CAPITAL ASSETS BY FUNCTION**  
**LAST TEN FISCAL YEARS**

| Function/Program               | Fiscal Year |       |       |       |       |       |       |       |       |       |
|--------------------------------|-------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|                                | 2020        | 2019  | 2018  | 2017  | 2016  | 2015  | 2014  | 2013  | 2012  | 2011  |
| Governmental activities:       |             |       |       |       |       |       |       |       |       |       |
| General government             |             |       |       |       |       |       |       |       |       |       |
| City-owned building facilities | 1           | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| Public Safety                  |             |       |       |       |       |       |       |       |       |       |
| Police stations                | 1           | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| Police vehicles                | 46          | 44    | 40    | 38    | 37    | 34    | 34    | 34    | N/A   | N/A   |
| Public Works                   |             |       |       |       |       |       |       |       |       |       |
| Buildings and facilities       | 2           | 2     | 2     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| Miles of streets               | 144         | 142   | 139   | 136   | 136   | 136   | 136   | 136   | 136   | N/A   |
| Miles of sidewalks             | 158         | 157   | 147   | 145   | 141   | 135   | 135   | 135   | 135   | N/A   |
| Acres of right-of-ways         | 1,183       | 1,179 | 1,125 | 1,125 | 1,125 | 1,125 | 1,125 | 1,125 | 1,125 | N/A   |
| Signalized intersections       | 49          | 49    | 52    | 50    | 50    | 49    | 49    | 47    | N/A   | N/A   |
| Culture and recreation         |             |       |       |       |       |       |       |       |       |       |
| Buildings and facilities       | 7           | 7     | 7     | 6     | 6     | 6     | 6     | 6     | 6     | 6     |
| Library building               | 1           | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| Swimming pool                  | 1           | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| Parks                          | 25          | 25    | 25    | 25    | 25    | 25    | 25    | 25    | 25    | 25    |
| Community development          |             |       |       |       |       |       |       |       |       |       |
| Buildings and facilities       | 1           | 1     | 1     | -     | -     | -     | -     | -     | -     | -     |
| Business-type activities:      |             |       |       |       |       |       |       |       |       |       |
| Water                          |             |       |       |       |       |       |       |       |       |       |
| Miles of water mains           | 173         | 170   | 169   | 169   | 167   | 163   | 163   | 162   | 162   | 154   |
| Reservoirs                     | 5           | 5     | 5     | 5     | 5     | 5     | 5     | 5     | 5     | 5     |
| Fire hydrants                  | 1,508       | 1,494 | 1,478 | 1,478 | 1,464 | 1,458 | 1,430 | 1,430 | 1,430 | 1,430 |
| Sewer                          |             |       |       |       |       |       |       |       |       |       |
| Miles of sewer lines           | 137         | 136   | 133   | 133   | 133   | 132   | 132   | 132   | 132   | N/A   |
| Pump stations                  | 14          | 14    | 14    | 14    | 14    | 12    | 12    | 12    | 12    | 13    |
| Stormwater                     |             |       |       |       |       |       |       |       |       |       |
| Drainage basins                | 22          | 23    | 23    | 23    | 23    | 23    | 22    | 22    | 22    | 22    |
| Detention ponds                | 85          | 86    | 83    | 83    | 83    | 79    | 53    | 53    | 53    | 53    |
| Catch basins (approximately)   | 4,479       | 4,242 | 4,235 | 4,235 | 4,235 | 4,202 | 4,400 | 4,400 | 4,400 | 4,400 |
| Miles of streams               | 33          | 33    | 31    | 31    | 31    | 31    | 30    | 30    | 30    | 30    |

## Notes:

Public Works and Community Services purchased facilities in 2018 for future development.

Community Development relocated to its own facility in 2018.

Some historical data for the fiscal years 2011 - 2012 is not available.

Source: City of Oregon City Finance department

**CITY OF OREGON CITY, OREGON**  
**CITY GOVERNMENT EMPLOYEES BY FUNCTION**  
**LAST TEN FISCAL YEARS**

| <b>Fiscal Year</b><br><b>Ended</b><br><b>June 30,</b> | <b>Function / Program</b>           |                                |                               |                                         |                                        |              |                    |              |              |
|-------------------------------------------------------|-------------------------------------|--------------------------------|-------------------------------|-----------------------------------------|----------------------------------------|--------------|--------------------|--------------|--------------|
|                                                       | <b>General</b><br><b>Government</b> | <b>Public</b><br><b>Safety</b> | <b>Public</b><br><b>Works</b> | <b>Culture and</b><br><b>Recreation</b> | <b>Planning and</b><br><b>Building</b> | <b>Water</b> | <b>Storm Drain</b> | <b>Sewer</b> | <b>Total</b> |
| 2020                                                  | 25.62                               | 59.48                          | 19.12                         | 53.87                                   | 13.00                                  | 13.10        | 10.03              | 16.15        | 210.37       |
| 2019                                                  | 24.66                               | 58.48                          | 18.69                         | 53.12                                   | 14.00                                  | 12.96        | 10.16              | 16.55        | 208.62       |
| 2018                                                  | 24.66                               | 58.48                          | 18.69                         | 53.12                                   | 14.00                                  | 12.96        | 10.16              | 16.55        | 208.62       |
| 2017                                                  | 22.21                               | 56.48                          | 16.11                         | 49.88                                   | 14.53                                  | 13.27        | 10.37              | 16.56        | 196.30       |
| 2016                                                  | 22.21                               | 56.48                          | 16.11                         | 49.88                                   | 14.53                                  | 13.27        | 10.37              | 16.56        | 196.30       |
| 2015                                                  | 19.87                               | 56.50                          | 15.11                         | 43.77                                   | 11.54                                  | 13.27        | 10.37              | 14.75        | 185.18       |
| 2014                                                  | 18.87                               | 56.50                          | 15.22                         | 43.77                                   | 12.34                                  | 13.24        | 10.35              | 14.69        | 184.98       |
| 2013                                                  | 18.65                               | 53.63                          | 13.75                         | 43.33                                   | 11.26                                  | 13.50        | 10.23              | 15.20        | 179.55       |
| 2012                                                  | 18.15                               | 52.64                          | 13.05                         | 42.48                                   | 12.12                                  | 12.79        | 9.68               | 14.63        | 175.54       |
| 2011                                                  | 17.27                               | 52.90                          | 12.92                         | 42.47                                   | 11.44                                  | 12.63        | 9.85               | 13.45        | 172.93       |

In Fiscal Year 2020, the City added a Traffic Sergeant, a Parks Maintenance Specialist, and a Facilities Maintenance Specialist, while also eliminating a limited duration position.

In Fiscal Year 2018, the Police Department added a homeless liaison officer and two school resource officers.

In Fiscal Year 2016, the City brought the Information Technology contract in house and hired IT staff.

Source: City of Oregon City Finance Department

# REGULATORY SECTION





7624 SW Mohawk Street  
Tualatin, OR 97062  
www.merina.com  
503.723.0300

**MERINA+CO**

**INDEPENDENT AUDITOR'S REPORT  
ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN  
ACCORDANCE WITH OREGON STATE REGULATION**

Honorable Mayor and City Commissioners  
City of Oregon City, Oregon

We have audited the basic financial statements of City of Oregon City, Oregon, as of and for the year ended June 30, 2020 and have issued our report thereon dated March 26, 2021. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the provisions of the *Minimum Standards for Audits of Oregon Municipal Corporations*, prescribed by the Secretary of State and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

**Compliance**

As part of obtaining reasonable assurance about whether City of Oregon City, Oregon's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including the provisions of Oregon Revised Statutes as specified in the Oregon Administrative Rules 162-10-000 through 162-10-330 of the *Minimum Standards for Audits of Oregon Municipal Corporations*, as set forth below, noncompliance with which could have a direct and material effect on the financial statements:

- Deposits of public funds with financial institutions (ORS Chapter 295).
- Indebtedness limitations, restrictions, and repayments.
- Budgets legally required (ORS Chapter 294).
- Insurance and fidelity bonds in force or required by law.
- Programs funded from outside sources.
- Highway revenues used for public highways, roads, and streets.
- Authorized investment of surplus funds. (ORS Chapter 294).
- Public contracts and purchasing (ORS Chapters 279A, 279B, and 279C).
- Accountability for collecting or receiving money by elected officials. The City does not have any elected officials collecting or receiving money.

However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Minimum Standards for Audits of Oregon Municipal Corporations*.

**OAR 162-10-0230 Internal Control**

In planning and performing our audit of the financial statements, we considered City of Oregon City, Oregon's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of Oregon City, Oregon's internal control. Accordingly, we do not express an opinion on the effectiveness of City of Oregon City, Oregon's internal control.

**FIRM FOUNDATION**  
INDEPENDENTLY OWNED MEMBER

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

#### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Minimum Standards of Audits of Oregon Municipal Corporations*, prescribed by the Secretary of State, in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



For Merina+Co  
Tualatin, Oregon  
March 26, 2021

**CITY OF OREGON CITY, OREGON  
SINGLE AUDIT REPORT**

**FOR THE YEAR ENDED JUNE 30, 2020**



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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED  
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH GOVERNMENT AUDITING STANDARDS**

Honorable Mayor and Members of the City Commission  
City of Oregon City, Oregon

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Oregon City, Oregon as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise City of Oregon City, Oregon's basic financial statements, and have issued our report thereon dated March 26, 2021.

**Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered City of Oregon City, Oregon's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of Oregon City, Oregon's internal control. Accordingly, we do not express an opinion on the effectiveness of City of Oregon City, Oregon's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether City of Oregon City, Oregon's financial statements are free from material misstatement, we performed tests of its compliance with certain

provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



For Merina+Co  
Tualatin, Oregon  
March 26, 2021



**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR  
THE MAJOR PROGRAM, ON INTERNAL CONTROL OVER COMPLIANCE, AND  
ON THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS REQUIRED BY  
THE UNIFORM GUIDANCE**

Honorable Mayor and Members of the City Commission  
City of Oregon City, Oregon

**Report on Compliance for the Major Federal Program**

We have audited the City of Oregon City, Oregon's compliance with the types of compliance requirements described in the *Office of Management and Budget (OMB) Compliance Supplement* that could have a direct and material effect on the City of Oregon City, Oregon's major federal program for the year ended June 30, 2020. City of Oregon City, Oregon's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance of the City of Oregon City, Oregon's major federal program based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City of Oregon City, Oregon's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major federal program. However, our audit does not provide a legal determination of the City of Oregon City, Oregon's compliance.

### ***Opinion on the Major Federal Program***

In our opinion, the City of Oregon City, Oregon, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on the major federal program for the year ended June 30, 2020.

### **Report on Internal Control over Compliance**

Management of the City of Oregon City, Oregon, is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City of Oregon City, Oregon's internal control over compliance with the types of requirements that could have a direct and material effect on the major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for the major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of Oregon City, Oregon's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that a material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

### **Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance**

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Oregon City, Oregon, as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise the City of Oregon City, Oregon's basic financial statements. We issued our report thereon dated March 26, 2021, which contained unmodified opinions on those financial statements. Our audit was

conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.



For Merina+Co  
Tualatin, Oregon  
March 26, 2021

**CITY OF OREGON CITY**  
**Schedule of Expenditures of Federal Awards**  
For the fiscal year ended June 30, 2020

| <b>AGENCY / OFFICE / GRANT PROGRAM</b>                                    | <b>Federal<br/>CFDA#<br/>Number</b> | <b>Pass-through<br/>Entity's<br/>Identifying<br/>Number</b> | <b>Passed<br/>Through to<br/>Subrecipients</b> | <b>Total<br/>Expended</b> |
|---------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------|------------------------------------------------|---------------------------|
| <b>U.S. Department of Transportation</b>                                  |                                     |                                                             |                                                |                           |
| Passed through Oregon Department of Transportation                        |                                     |                                                             |                                                |                           |
| <i>Highway Planning and Construction Cluster</i>                          |                                     |                                                             |                                                |                           |
| Federal-Aid Highway Program                                               |                                     |                                                             |                                                |                           |
| ODOT Transportation Safety Division - Work Zone Program                   | 20.205                              | 00-246-1366                                                 |                                                | \$ 4,560                  |
| Total Highway Planning and Construction Cluster                           |                                     |                                                             |                                                | 4,560                     |
| <i>Federal Transit Cluster</i>                                            |                                     |                                                             |                                                |                           |
| Passed through Metro                                                      |                                     |                                                             |                                                |                           |
| Urbanized Area Formula Grant                                              |                                     |                                                             |                                                |                           |
| Oregon City Downtown TDM Implementation                                   | 20.507                              | 936405                                                      |                                                | 17,191                    |
| Total Federal Transit Cluster                                             |                                     |                                                             |                                                | 17,191                    |
| <i>Transit Services Programs Cluster</i>                                  |                                     |                                                             |                                                |                           |
| Passed through Clackamas County Social Services                           |                                     |                                                             |                                                |                           |
| Enhanced Mobility of Seniors and Individuals with Disabilities            | 20.513                              | 20-008                                                      |                                                | 2,994                     |
| Total Transit Services Programs Cluster                                   |                                     |                                                             |                                                | 2,994                     |
| <i>Highway Safety Cluster</i>                                             |                                     |                                                             |                                                |                           |
| Passed through Oregon Department of Transportation                        |                                     |                                                             |                                                |                           |
| State and Community Highway Safety                                        |                                     |                                                             |                                                |                           |
| ODOT Transportation Safety Division - Safety Belt Program                 | 20.600                              | OP-20-45-03                                                 |                                                | 1,114                     |
| ODOT Transportation Safety Division - Speed Enforcement Program           | 20.600                              | SE-20-35-05                                                 |                                                | 1,271                     |
| Oregon Impact Transportation Safety Division - Distracted Driving Program | 20.600                              | 69A375130000405eORC                                         |                                                | 918                       |
| Total Highway Safety Cluster                                              |                                     |                                                             |                                                | 3,303                     |
| <b>Total U.S. Department of Transportation</b>                            |                                     |                                                             |                                                | 28,048                    |
| <b>U.S. Department of Treasury</b>                                        |                                     |                                                             |                                                |                           |
| Passed through Department of Administrative Services                      |                                     |                                                             |                                                |                           |
| Coronavirus Relief Fund-CARES ACT                                         | 21.019                              | 1103                                                        |                                                | 616,911 *                 |
| <b>Total U.S. Department of Treasury</b>                                  |                                     |                                                             |                                                | 616,911                   |
| <b>U.S. Department of Health and Human Services</b>                       |                                     |                                                             |                                                |                           |
| Passed through Clackamas County Social Services                           |                                     |                                                             |                                                |                           |
| <i>Aging Cluster</i>                                                      |                                     |                                                             |                                                |                           |
| Special Programs for the Aging - Title III, Part B                        | 93.044                              | 20-008                                                      |                                                | 23,918                    |
| Special Programs for the Aging - Title III, Part B-CARES ACT              | 93.044                              | 20-008                                                      |                                                | 20,575                    |
| Special Programs for the Aging - Title III, Part C                        | 93.045                              | 20-008                                                      |                                                | 7,931                     |
| Special Programs for the Aging - Title III, Part C-CARES ACT              | 93.045                              | 20-008                                                      |                                                | 42,670                    |
| Total Aging Cluster                                                       |                                     |                                                             |                                                | 95,094                    |
| <b>Total U.S. Department of Health and Human Services</b>                 |                                     |                                                             |                                                | 95,094                    |
| <b>U.S. Department of Homeland Security</b>                               |                                     |                                                             |                                                |                           |
| Passed through Oregon Military Department                                 |                                     |                                                             |                                                |                           |
| Urban Area Security Initiative                                            | 97.067                              | 2461366                                                     |                                                | 171,167                   |
| <b>Total U.S. Department of Homeland Security</b>                         |                                     |                                                             |                                                | 171,167                   |
| <b>U.S. Department of Justice</b>                                         |                                     |                                                             |                                                |                           |
| Bulletproof Vest Partnership                                              | 16.607                              | Direct                                                      |                                                | 5,063                     |
| <b>Total U.S. Department of Justice</b>                                   |                                     |                                                             |                                                | 5,063                     |
| <b>TOTAL FEDERAL AWARDS</b>                                               |                                     |                                                             |                                                | \$ 916,283                |

\* Denotes major program

See Notes to Schedule of Expenditures of Federal Awards

**CITY OF OREGON CITY, OREGON**  
**NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
**June 30, 2020**

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Item 10a.

Note 1. General

The accompanying schedule of expenditures of federal awards (the Schedule) presents the activity of all federal financial assistance programs of the City of Oregon City, Oregon for the year ended June 30, 2020.

Note 2. Significant Accounting Policies

Reporting Entity: The reporting entity is fully described in Note 1 to the City's basic financial statements.

Basis of Presentation: The information in the Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

For new awards or modifications of existing awards after December 26, 2014, the expenditures reported in the Schedule follow the cost principles contained in the Uniform Guidance. For existing awards prior to December 26, 2014, the expenditures follow the cost principles contained in OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. The costs principles indicate that certain types of expenditures are not allowable or are limited as to reimbursement. Expenditures reported on the Schedule are reported on the modified accrual basis of accounting.

Note 3. Indirect Cost Rate

The City did not elect to use the 10% de minimus indirect cost rate as allowed under the Uniform Guidance.

Note 4. Subrecipients

There were no amounts paid to subrecipients by the City from federal funds for the year ended June 30, 2020.

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**June 30, 2020**

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Item 10a.

**Section I – Summary of Auditor’s Results**

**Financial Statements**

Type of auditor’s report issued Unmodified

Internal control over financial reporting:

Material weakness(es) identified? ☐ Yes ☒ No

Significant deficiency(s) identified that are not considered to be material weaknesses? ☐ Yes ☒ None reported

Noncompliance material to financial statements noted? ☐ Yes ☒ No

**Federal Awards**

Internal Control over major federal programs:

Material weakness(es) identified? ☐ Yes ☒ No

Significant deficiency (s) identified that are Not considered to be material weaknesses? ☐ Yes ☒ None reported

Type of auditor’s report issued on compliance for major federal programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR section 200.516(a)? ☐ Yes ☒ No

**Identification of Major Federal Programs:**

| <b><u>CFDA Number</u></b> | <b><u>Name of Federal Program or Cluster</u></b> |
|---------------------------|--------------------------------------------------|
| 21.019                    | Coronavirus Relief Fund                          |

Dollar threshold used to distinguish between Type A Type B programs: \$750,000

Auditee qualified as low-risk auditee? ☐ Yes ☒ No

**CITY OF OREGON CITY, OREGON**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**June 30, 2020**

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Item 10a.

**Section II – Financial Statement Findings**

None

**Section III – Federal Awards Findings and Questioned Costs**

None

**Section IV – Schedule of Prior Federal Award Findings and Questioned Costs for the Years Ended June 30, 2019**

None