



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, March 15, 2023 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- *Attend in person, location listed above*
- *Register to provide electronic testimony (email recorderteam@orccity.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- *Email recorderteam@orccity.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

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

[3a.](#) Women's History Month Proclamation

- 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.](#) Oath of Office for Oregon City Police Officers:

Captain David Edwins

Sergeant Jared Turpin

Officer Grace Presser

5b. Tumwata Vacant Lot Presentations on the Rossman Landfill

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.](#) OLCC Liquor License Application – Limited On-Premises, Big Chill, LLC, 875 Molalla Ave., Oregon City

[7b.](#) Resolution No. 23-05, Establishing New Solid Waste Programming Recycle+ and Proposed Opt-in Rates

[7c.](#) Grant Agreement with the Oregon Department of Transportation for the Holcomb Boulevard Safe Routes to School Project

[7d.](#) Approving an Intergovernmental Agreement with Clackamas County for the Right-of-Way of Caufield Road

[7e.](#) Minutes of the February 7, 2023 City Commission Work Session

8. PUBLIC HEARINGS

[8a.](#) Second Reading of Ordinance No. 23-1001, Code Amendments to Previously Adopted Middle Housing Code, Package #2 (GLUA 22-0002/LEG-22-0001 - HB 2001 Housing Choice Code Update - Technical Revisions)

9. GENERAL BUSINESS

[9a.](#) License Agreement Between the City of Oregon City and Sportcraft Landing, Inc.

[9b.](#) I-205 Toll Project Environmental Assessment Comment Period Extension Request

[9c.](#) First Reading of Ordinance No. 23-1003, Revising the City Code to Allow Additional Members to be Appointed to the Youth Advisory Committee (YAC)

[9d.](#) Oregon City Arts Commission Grant Program

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

[a.](#) Mayoral Appointments to the Youth Advisory Committee (YAC)

11. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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

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

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

ADA NOTICE

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

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

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

PROCLAMATION

WOMEN'S HISTORY MONTH 2023

- Whereas,** women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and
- Whereas,** women have played and continue to play critical economic, cultural, and social roles in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside the home; and
- Whereas,** women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and
- Whereas,** women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and
- Whereas,** women of every race, class, and ethnic background served as early leaders in the forefront to every major progressive social change movement; and
- Whereas,** women have served our country courageously in the military; and
- Whereas,** women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and especially the peace movement, which creates a more fair and just society for all; and
- Whereas,** despite these contributions, the role of women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history,

NOW, THEREFORE, BE IT RESOLVED that the City Commission of Oregon City does hereby proclaim:

March 2023

as

Women's History Month

And, as part of the observance encourage all persons in Oregon City to join in celebrating the important contributions women have made in Oregon City, Clackamas County, Oregon, and across America.

In Witness Whereof, I have hereunto set my hand this 15th day of March, 2023.

OATH OF OFFICE

Sworn Police Officer
Oregon City Police Department

*I, **Jared Turpin**, do solemnly swear that I will uphold the law, and support the Constitution of the United States and the State of Oregon. I will abide by the Law Enforcement Code of Ethics, and the department's rules and regulations, while faithfully performing my duties as Police Sergeant for Oregon City, Oregon.*

GIVEN THIS 15TH DAY OF MARCH 2023

Denyse C. McGriff, Mayor

SUBSCRIBED AND SWORN to before me this 15th day of March 2023.

Notary Public
State of Oregon
My commission expires: _____

OATH OF OFFICE

Sworn Police Officer
Oregon City Police Department

*I, **Grace Presser**, do solemnly swear that I will uphold the law, and support the Constitution of the United States and the State of Oregon. I will abide by the Law Enforcement Code of Ethics, and the department's rules and regulations, while faithfully performing my duties as Police Officer for Oregon City, Oregon.*

GIVEN THIS 15TH DAY OF MARCH 2023

Denyse C. McGriff, Mayor

SUBSCRIBED AND SWORN to before me this 15th day of March 2023.

Notary Public
State of Oregon
My commission expires: _____

OATH OF OFFICE

Sworn Police Officer
Oregon City Police Department

*I, **David Edwins**, do solemnly swear that I will uphold the law, and support the Constitution of the United States and the State of Oregon. I will abide by the Law Enforcement Code of Ethics, and the department's rules and regulations, while faithfully performing my duties as Police Captain for Oregon City, Oregon.*

GIVEN THIS 15TH DAY OF MARCH 2023

Denyse C. McGriff, Mayor

SUBSCRIBED AND SWORN to before me this 15th day of March 2023.

Notary Public
State of Oregon
My commission expires: _____



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Chief of Police Jim Band

Agenda Date: 3/15/23

SUBJECT:

OLCC Liquor License Application – Limited On-Premises, Big Chill, LLC, 875 Molalla Ave., Oregon City

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the OLCC Application for Big Chill, LLC, 875 Molalla Ave., Oregon City

EXECUTIVE SUMMARY:

The attached application is for an OLCC Limited On-Premises license for Big Chill, LLC.

BACKGROUND:

The Oregon City Police Department ran a background check on Hardeep singh Dhouchak and he is eligible to hold a liquor license. All applicants must obtain an Oregon City business license before submitting their application for an OLCC liquor license. The Oregon City business license application process includes routing of the application for review through various City departments.

OPTIONS:

1. Approve the OLCC Application for Big Chill, LLC – Oregon City
2. Deny the OLCC Application for Big Chill, LLC – Oregon City

LIQUOR LICENSE APPLICATION

Item 7a.

Page 1 of 3

Check the appropriate license request option:

☒ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☐ Lesser Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☒ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th ☐ 6th

☒ Limited On-Premises

- ☐ Off Premises
- ☐ Warehouse
- ☐ Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

Application received:

10/13/22

Minimum documents acquired:

10/13/22

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied

Printed Name

Date

Return this form to:

Investigator name:

Patty Rhodes

Email:

Patty.Rhodes@Oregon.gov

Big Chill

LIQUOR LICENSE APPLICATION

Item 7a.

Page 2 of 3

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Hardeep singh Dhouchak

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Big chill

Business phone number:
5033853362

Business email:
Bigchillllc@gmail.com

Premises street address (The physical location of the business and where the liquor license will be posted):

875 molalla ave

City:

Oregon city

Zip Code:

97045

County:

Clackamas

Business mailing address (where we will send any items by mail as described in [OAR 845-004-0065\[1\]](#)):

875 molalla ave

City:

Oregon city

State:

OR

Zip Code:

97045

Does the business address currently have an OLCC liquor license? ☐ Yes ☒ No

Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

APPLICATION CONTACT INFORMATION

Contact Name:

Hardeep singh Dhouchak

Phone number:

5033853362

Email:

Bigchillllc@gmail.com

Mailing address:

29825 sw rose ln #51

City:

Wilsonville

Zip Code:

97070

County:

Clackamas

Please note: liquor license applications are public records.

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LIQUOR LICENSE APPLICATION

Page 3 of 3

ATTESTATIONS

By signing this form, you attest that each of the following statements are true. I understand the Commission may require a licensee to provide proof of any of the below or below referenced documents at any time.

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

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

Hardeep Phounchab		10/13/22	
Print name	Signature	Date	Atty. Bar Info (if applicable)
_____	_____	_____	_____
Print name	Signature	Date	Atty. Bar Info (if applicable)
_____	_____	_____	_____
Print name	Signature	Date	Atty. Bar Info (if applicable)
_____	_____	_____	_____
Print name	Signature	Date	Atty. Bar Info (if applicable)

RECEIVED

OCT 13 2022

LICENSE SERVICES



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Item 7a.

Please Print or Type

Applicant Name: Hardeep Singh Dhouchala Phone: 503 385 3362

Trade Name (dba): Big Chill

Business Location Address: 875 Molalla Ave

City: Oregon city ZIP Code: 97045

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 9 AM to 10 PM
Monday 9 AM to 10 PM
Tuesday 9 AM to 10 PM
Wednesday 9 AM to 10 PM
Thursday 9 AM to 10 PM
Friday 9 AM to 10 PM
Saturday 9 AM to 10 PM

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

☐ Food service Hours: _____ to _____
☐ Alcohol service Hours: _____ to _____
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| ☐ Live Music | ☐ Karaoke |
| ☐ Recorded Music | ☐ Coin-operated Games |
| ☐ DJ Music | ☐ Video Lottery Machines |
| ☐ Dancing | ☐ Social Gaming |
| ☐ Nude Entertainers | ☐ Pool Tables |
| | ☐ Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

N/A

OLCC USE ONLY

Investigator Verified Seating: _____ (Y) _____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Hardeep Singh Date: 9/22/22

1-800-452-OLCC (6522)

www.oregon.gov/olcc

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(rev. 12/07)



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: 03/15/2023

SUBJECT:

Resolution No. 23-05, Establishing New Solid Waste Programming Recycle+ and Proposed Opt-in Rates

STAFF RECOMMENDATION:

Approve Resolution No. 23-05 authorizing establishment of new Solid Waste Program Recycle+ and associated opt-in rate structure which aligns the City with the 2030 Regional Plan and State ORS 459A.

EXECUTIVE SUMMARY:

Oregon City and the franchise hauler, Oregon City Garbage Company (dba B&B Leasing), is proposing a new recycling program. The Recycle+ Program will align the City with the Clackamas County Solid Waste Commission's approval to expand franchise hauler programs in 2023 and ensure that the community will be offered services that are being offered throughout the Metro area. New services will include allowing items such as textiles to be repurposed and the recycling of clear plastic clamshell containers and batteries.

BACKGROUND:

Oregon City Municipal Code (OCMC) 8.20 Solid Waste Collection and Disposal outlines the parameters Oregon City uses in granting a solid waste collection and disposal company franchise per Oregon Revised Statutes 459 Solid Waste Management. OCMC 8.20 declares the public policy of the City to regulate solid waste management as:

- A. Protect the public health, safety, and welfare.
- B. Provide comprehensive solid waste services with rates that are reasonable, but adequate to provide necessary public service, and to prohibit rate preferences and other discriminatory practices.
- C. Provide for resource recovery through the franchisee, and permit the franchisee to cooperate in a county-wide program or any other area-wide program with others franchised by the County, other cities in the county, or by

other governmental entities in the Portland metropolitan area to provide solid waste service.

The Oregon City community has a long-standing relationship with Oregon City Garbage as its solid waste franchise hauler. Recycle+ items do not fall under the exemptions of Solid Waste definition as outlined in OCMC 8.20. The new programming aligns with established policy and ensures the City complies with ORS 459 and ORS 459A.

In 2023, Clackamas County Solid Waste Commission approved Recycle+ as a new recycling program to be implemented by established solid waste franchise haulers within Clackamas County. The action is in alignment with the County requirements to abide with the 2030 Metro Regional Waste Plan and Oregon Revised Statute 459A for Portland metro area counties. The implementation allows for solid waste haulers to provide service for items that could have extra recyclable cycles. Oregon City Garbage operates in the unincorporated areas abutting Oregon City and will be required to provide the service. The new program would allow the franchise hauler to cooperate in county-wide programs within Oregon City.

Oregon City and the franchise hauler, Oregon City Garbage Company (dba B&B Leasing), are proposing a new recycling program. The Recycle+ program will align the City with the Clackamas County Solid Waste Commission's approval to expand franchise hauler programs in 2023 and ensure that the community will be offered services that are being offered throughout the Metro area. New services will include allowing items such as textiles to be repurposed, clear plastic clamshell containers, and the recycling of batteries. A welcome letter will be mailed to all residents who opt in as an information/reference (Attachment 1). Below is a proposal of the new program, with Recycle+ and Battery Pickup starting April 1, 2023.

Recycle+ would:

- Be an optional program available to residential customers living in the urban fee zone, offered by the franchised collector currently serving the customer.
- Provide optional collection every other week, on an on-call basis, for plastic film and bags, clear clamshell take-out containers, compact fluorescent bulbs, and textiles suitable for rags.
- Provide intermittent collection of additional items for reuse or recycling (such as holiday string lights).
- Use Far West Recycling, an independently operated material recovery facility, to receive the materials and transfer them to recycling processors.

Proposed Fees:

The proposed fees for opt-in subscribers are a monthly fee of \$2.50 to cover the cost of their new 20-gallon bin and other administrative costs, and a per-collection fee of \$9.25. The table below provides an overview of these costs.

Proposed Recycle+ New Recycling Collection Service <i>Available as an Opt-in option to customers in Oregon City.</i>	
Service	Fee
Opt-in base charge (billed monthly) (\$30/year)	\$2.50
Curbside collection (each pick up event)	\$9.25
Non-curbside collection 5-150 feet (each)	\$11.70
Non-curbside collection over 150 feet (each)	\$13.00

Franchise requirements and Recycle+ parameters are outlined below:

1. The franchisee will provide new Recycling+ Collection Service to Oregon City customers, upon customer request, effective April 1, 2023.
2. The point of collection will be curbside/roadside. Non-curbside collection, if requested, will be provided as set forth on the City fee schedule.
3. The opportunity for collection will be provided twice a month.
4. This service will be considered an on-call collection service. The customer must request the service at least two (2) business days before the next designated collection day.
5. The franchisee will provide one (1) 15 to 25-gallon receptacle with a lid. The City will approve the receptacle, including its color. (Attachment 1).
6. The franchisee will provide clear, plastic collection bags for materials placed inside the receptacle, unless otherwise noted. These bags must contain at least thirty (30) percent recycled content, if available.
7. The franchisee will collect the following materials placed inside collection bags. All collection bags must fit inside the receptacle allowing the lid to close for collection. All materials must be prepared following City guidelines and educational materials:
 - a. Compact fluorescent lightbulbs collected in one (1) gallon customer provided bag(s).
 - b. Plastic film, #2 HDPE and #4 LDPE only, collected in franchisee provided bag(s).
 - c. Textiles collected in franchisee provided bag(s).
 - d. Number #1 PET/PETE clear plastic, hinged, clamshells collected in franchisee-provided bag(s).
 - e. Other materials, as determined by the City.
8. The City may adjust the materials collected in the new Recycling Collection Service program in response to changes in recycling processing capacity or availability of recycling markets.
9. The franchisee shall participate in special collection drives, as part of this service, up to four (4) times per year, as approved by the City. The franchisees, as a group, may choose to participate in more than four (4) collection drives. Materials collected for reuse will be determined in collaboration with local reuse organizations, the City, and the franchisees.

OPTIONS:

1. Approve Resolution No. 23-05 as presented.
2. Approve Resolution No. 23-05 with specific modifications.
3. Deny Resolution No. 23-05 If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: ROW Franchise Revenue

FY(s):

Funding Source(s):

RESOLUTION NO. 23-05

A RESOLUTION ESTABLISHING NEW SOLID WASTE PROGRAM RECYCLE+ AND PROPOSED OPT-IN RATES

WHEREAS, Ordinance No. 06-1001 was adopted February 1, 2006, and under said Ordinance, an agreement was entered into between the City of Oregon City and Oregon City Garbage Company, Inc. (dba B&B Leasing) for a Solid Waste Collection and Disposal Franchise; and

WHEREAS, Chapter 8.20.130 of the Oregon City Municipal Code, provides that rates shall be approved by the City Commission and established by resolution; and

WHEREAS, Clackamas County Solid Waste Commission has approved Recycle+ and Chapter 8.20.010 of the Oregon City Municipal Code outlines solid waste collection and disposal to permit the franchisee to cooperate in county-wide programs to ensure service within Oregon City; and

WHEREAS, Oregon City Garbage and Oregon City have reviewed the Recycle+ Program and rate structure and find it to be in alignment with Oregon Revised Statutes 459 Solid Waste Management and Metro 2030 Solid Waste Regional Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1: The rate for the new solid waste service Recycle+ provided by the Oregon City Garbage Company, Inc. (dba B&B Leasing), an Oregon Corporation, shall be set forth as follows:

Proposed Recycle+ New Recycling Collection Service <i>Available as an Opt-in option to customers in Oregon City.</i>	
Service	Fee
Opt-in base charge (billed monthly) (\$30/year)	\$2.50
Curbside collection (each pick-up event)	\$9.25
Non-curbside collection 5-150 feet (each)	\$11.70
Non-curbside collection over 150 feet (each)	\$13.00

Section 2: The new solid waste program Recycle+ shall be effective April 1, 2023.

Approved and adopted at a regular meeting of the City Commission held this 15th day of March, 2023.

Denyse C. McGriff, Mayor

Attested to this 15th day of March, 2023

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney



Oregon City Garbage Company
P. O. Box 1840
Oregon City, OR 97045
503.656.8403
fax: 503.656.0320
www.oregoncitygarbageco.com

March 7, 2023

NAME

ADDRESS

OREGON CITY, OR 97045

Account Number: **custid**

Welcome to Recycle+ Collection Service – a new optional service! You can now recycle even more by opting into this new program to reduce waste beyond what is possible through our weekly recycling collections.

Collection day: Recycle+ collection days are on the 1st and 3rd Wednesday of each month.

Schedule a pickup: To schedule a pickup you must contact us at least **two business days** before each collection day by calling 503.656.8403 or email us from our website, www.oregoncitygarbageco.com. After scheduling your pickup, please have the purple bin (with lid secured) out by **6 a.m.** on your collection day.

Material preparation: You will receive a purple bin (with lid) and plastic bags for Recycle+ materials. Sort all materials by type:

Plastic film / plastic bags

Clear plastic #1 clamshell containers

Textiles

Compact fluorescent light bulbs (customer provided bag)

Place materials in the **plastic bags provided** and then place the bags in the purple bin. All bagged materials must fit in the container and the lid must close completely to keep materials dry. **No extra bags** outside of the bin will be accepted on collection days. Additional material can be included in your next scheduled pickup. For additional tips, check the Recycle+ guide in this mailing.

Bin placement: Place the bin near the road so that it doesn't block sidewalks, driveways, public streets, or other rights of way. If you signed up for doorstep collection (an additional \$2.45 per pickup), place your bin visibly near your doorstep or porch.

Need help with any questions about your collection service, schedules, missed collections and billing? Just call the Oregon City Garbage Company @ 503.656.8403, or send us an email via our website, www.oregoncitygarbageco.com.

Recycle+ feedback: Contact Clackamas County at 503-557-6363 or wasteinfo@clackamas.us to share your feedback about this new collection service. Visit this [website](#) for more recycling information.

The following items belong
in your purple bin:
*Ponga las siguientes cosas
en su contenedor morado*

PLASTIC FILMS/BAGS

Bolsas de plástico/ material plástico



PLASTIC #1 CLAMSHELL CONTAINERS

Plástico tipo #1 concha de mar



TEXTILES

Textiles



COMPACT FLUORESCENT LIGHT BULBS

Bombillas/ focos fluorescentes compactos



Recycle⁺ Guide

Plastic Film/Bags

Yes: Soft, flexible polyethylene (PE) packaging free of food residue.

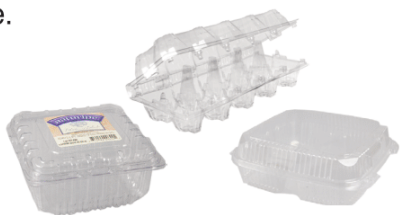


Dry cleaning bags
Padded envelopes
Produce bags
Plastic overwrap for paper towels,
Paper plates, napkins, etc.
Plastic bags.

✗ No: Paper-padded envelopes, freezer bags, non-stretchy film or bags

Plastic #1 Clamshell Containers

Yes: One-piece containers hinged on one side and stamped with #1PET or PETE free of food residue.



Fruit containers
Egg cartons
Bakery containers
Take-out containers

✗ No: Opaque plastic containers, trays, cups, bottles, non-hinged containers

Textiles



Clothing
Bed/pillow linens
Towels/rags

Tip: If your textiles are still in usable condition, consider donating to reuse organizations.

✗ No: Shoes, pillows and cushions

Compact Fluorescent Light Bulbs

Yes: Fluorescent bulbs that are curved or folded to fit the space of a regular household lamp.



Bulbs must be contained in a zip-sealed bag. This protects workers from mercury exposure should bulbs get broken during handling.

✗ No: Incandescent bulbs, halogen, LED bulbs, fluorescent tubes

Make sure all items are clean, sorted and bagged. Wet materials cannot be recycled.



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: 03/15/2023

SUBJECT:

Grant Agreement with the Oregon Department of Transportation for the Holcomb Boulevard Safe Routes to School Project

STAFF RECOMMENDATION:

Authorize approval of the Grant Agreement with the Oregon Department of Transportation (ODOT) for the Holcomb Boulevard Safe Routes to School Project (CI 22-011).

EXECUTIVE SUMMARY:

Oregon City was awarded an ODOT Safe Routes to School Competitive Construction Grant to provide safe pedestrian and bicycle access for students at Holcomb Elementary. The project will construct sidewalks, bicycle lanes, and street lighting from Winston Drive to Holcomb School Road, a protected pedestrian crossing on Holcomb with a rectangular rapid flashing beacon (RRFB) at Winston Drive, and provide school zone signage.

BACKGROUND:

The Safe Routes to School Competitive Construction Grant Program is a State funded program managed by ODOT. The program provides communities funding for pedestrian and bicycle safety projects in the immediate vicinity of a K-8 school. The goals of this program are to create a stronger sense of community, create safer streets, improve accessibility, promote healthier families, and to lessen traffic congestion. The program provides up to 80% funding for a project with a 20% match from the community.

In July 2022, staff submitted a 2022 Safe Routes to School (SRTS) Competitive Construction Grant Application to the Oregon Department of Transportation for the Holcomb Boulevard Sidewalk and Protected Crossings Project. The project is located on Holcomb Boulevard, east of the access to Holcomb Elementary.

The public improvements are generally located between Holcomb School Road and Winston Drive, as shown on the attached Project Map, and include:

- 7-foot Concrete Sidewalks and 6-foot Bike Lanes
- Street Lighting
- Rectangular Rapid Flashing Beacon (RRFB) & Marked Crosswalk at Winston Drive
- Piping of Existing Storm Drainage Ditch
- Flashing School Zone Signage

The total project costs, grant funding, and City match are as follows:

SRTS Grant Funding:	\$1,642,782.40
City Match (Transportation SDC):.....	\$410,695.60
Total Project Cost:	\$2,053,478.00

In November 2022, the Safe Routes to School Advisory Committee reviewed the grant applications, scoring, and available funding. They were charged with making a recommendation to the Oregon Transportation Commission of projects to be funded through the grant program. Their recommendation included fully funding a total of 26 projects out of the 56 complete applications received. On January 12, 2023, the Oregon Transportation Commission approved the Advisory Committee's project list for funding.

With the understanding that this project is important to the City Commission, the Park Place Neighborhood Association, and the community, staff have put together an aggressive delivery schedule and hope to get the project completed in time for the Fall 2024 start of school.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$1,642,782.40 Revenue

FY(s): FY 2023-25

Funding Source(s): Transportation SDC

GRANT AGREEMENT
OREGON DEPARTMENT OF TRANSPORTATION
SAFE ROUTES TO SCHOOL PROGRAM (SRTS)
Project Name: Holcomb Boulevard Sidewalk & Protected Crossings

This Grant Agreement (“Agreement”) is made and entered into by and between the **State of Oregon**, acting by and through its Department of Transportation (“ODOT”), and the **City of Oregon City**, acting by and through its Governing Body, (“Recipient”), both referred to individually or collectively as “Party” or “Parties.”

- 1. Effective Date.** This Agreement shall become effective on the date this Agreement is fully executed and approved as required by applicable law (the “Effective Date”). The availability of Grant Funds (as defined in Section 3) shall end five (5) years after the Effective Date (the “Availability Termination Date”).
- 2. Agreement Documents.** This Agreement consists of this document and the following documents, which are attached hereto and incorporated by reference:
 - a. Exhibit A: **Project Description, Key Milestones, Schedule and Budget**
 - b. Exhibit B: **Recipient Requirements**
 - c. Exhibit C: **Subagreement Insurance Requirements**

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents comprising this Agreement is as follows, listed from highest precedence to lowest precedence: this Agreement without Exhibits; Exhibit A; Exhibit B; Exhibit C.

- 3. Project Cost; Grant Funds.** The total estimated Project cost is \$2,053,478.00. In accordance with the terms and conditions of this Agreement, ODOT shall provide Recipient grant funds in a total amount not to exceed \$1,642,782.40 (the “Grant Funds”). Recipient will be responsible for all Project costs not covered by the Grant Funds.
- 4. Project.**
 - a. Use of Grant Funds.** The Grant Funds shall be used solely for the Project described in Exhibit A (the “Project”) and shall not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless ODOT approves such changes by amendment pursuant to Section 4.c.
 - b. Eligible Costs.** Recipient may seek reimbursement for its actual costs to develop the Project, consistent with the terms of this Agreement (“Eligible Costs”).
 - i.** Eligible Costs are actual costs of Recipient to the extent those costs are:
 - A.** reasonable, necessary and directly used for the Project;

- ii. Eligible Costs do NOT include:**

- A.** operating and working capital or operating expenditures charged to the Project by Recipient;
- B.** loans or grants to be made to third parties;
- C.** any expenditures incurred before the Effective Date or after the Availability Termination Date; or
- D.** costs associated with the Project that substantially deviate from Exhibit A, Project Description, unless such changes are approved by ODOT by amendment of this Agreement;

- i. If Recipient anticipates a change in scope, Key Milestone Dates, or Availability Termination Date, Recipient shall submit a written request to SRTSProgramMailbox@odot.oregon.gov. The request for change must be submitted before the change occurs.
- ii. Recipient shall not proceed with any changes to scope, Key Milestone Dates, or Availability Termination Date before the execution of an amendment to this Agreement executed in response to ODOT's approval of a Recipient's request for change. A request for change may be rejected at the sole discretion of ODOT.

- a. ODOT shall reimburse Recipient for 80% of Eligible Costs up to the Grant Fund amount provided in **Section 3**. ODOT shall reimburse Eligible Costs within forty-five (45) days of ODOT's receipt and approval of a request for reimbursement from Recipient. Recipient must pay its contractors, consultants and vendors before submitting a request for reimbursement to ODOT for reimbursement. ODOT will not reimburse more than one request for reimbursement per month.
- b. Recipient must submit to ODOT its first reimbursement request within two (2) years of the Effective Date.
- c. Each reimbursement request shall be submitted on ODOT's Reimbursement request form [SRTS Reimbursement Request](#) to the SRTSPProgramMailbox@odot.oregon.gov and include the Agreement number, the start and end date of the billing period, and itemize all expenses for which reimbursement is claimed. Upon ODOT's request, Recipient shall provide to ODOT evidence of payment to contractors. Recipient shall also include with each reimbursement

request a summary describing the work performed for the period seeking reimbursement and work expected for the next period, if any.

d. RESERVED

- e.** Recipient shall, no later than ninety (90) days after the completion of the Project or Availability Termination Date, whichever occurs earlier, submit a final reimbursement request. Failure to submit the final request for reimbursement within ninety (90) days after could result in non-payment.
- f.** Upon ODOT's receipt of the final reimbursement request, ODOT will conduct a final on-site review of the Project. ODOT will withhold payment of the final reimbursement request until both (i) its SRTS Program Manager, or designee, has completed the final review and accepted the Project as complete and (ii) Recipient and ODOT staff have signed the Recommendation of Acceptance Form (ODOT Form No. 737-3560).
- g.** ODOT's obligation to disburse Grant Funds to Recipient is subject to the satisfaction, with respect to each disbursement, of each of the following conditions precedent:
 - i.** ODOT has received funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to make the disbursement.
 - ii.** Recipient is in compliance with the terms of this Agreement.
 - iii.** Recipient's representations and warranties set forth in Section 6 are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.
- h.** Recovery of Grant Funds.
 - i.** Recovery of Misexpended Funds or Nonexpended Funds. Any Grant Funds disbursed to Recipient under this Agreement that are either (i) disbursed but unexpended at the end of the Availability Termination Date ("Unexpended Funds") or (ii) expended in violation of one or more of the provisions of this Agreement ("Misexpended Funds") must be returned to ODOT. Recipient shall return all Unexpended Funds to ODOT no later than fifteen (15) days after the Availability Termination Date. Recipient shall return all Misexpended Funds to ODOT promptly after ODOT's written demand and no later than fifteen (15) days after ODOT's written demand.
 - ii.** Recovery of Grant Funds upon Termination. If this Agreement is terminated under any of Sections 9.b.i, 9.b.ii, 9.b.iii or 9.b.vi, Recipient shall return to ODOT all Grant Funds disbursed to Recipient within 15 days after ODOT's written demand for the same.
- i.** Reporting
 - i.** Quarterly Reports. Recipient shall submit quarterly progress reports to ODOT using a format that ODOT provides. Recipient must submit the reports to

SRTSPProgramMailbox@odot.oregon.gov by the first Wednesday of March, June, September, and December.

- ii. **Final Report.** Recipient shall submit a final written report (the “Final Report”) to SRTSPProgramMailbox@odot.oregon.gov that identifies how hazards have been reduced to children walking or bicycling to and from school as a direct result of this Project. Recipient must submit the Final Report within six (6) months after the Project Completion Date. Recipient’s obligation to provide the Final Report will survive Agreement expiration.

6. Representations and Warranties of Recipient. Recipient represents and warrants to ODOT as follows:

- a. **Organization and Authority.** Recipient is duly organized and validly existing under the laws of the State of Oregon and is eligible to receive the Grant Funds. Recipient has full power, authority and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Recipient of this Agreement (1) have been duly authorized by all necessary action of Recipient and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Recipient’s Articles of Incorporation or Bylaws, if applicable, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Recipient is a party or by which Recipient or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Recipient of this Agreement.
- b. **Binding Obligation.** This Agreement has been duly executed and delivered by Recipient and constitutes a legal, valid and binding obligation of Recipient, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors’ rights generally.
- c. **No Solicitation.** Recipient’s officers, employees, and agents shall neither solicit nor accept gratuities, favors, or any item of monetary value from contractors, potential contractors, or parties to subagreements. No member or delegate to the Congress of the United States or State of Oregon employee shall be admitted to any share or part of this Agreement or any benefit arising therefrom.
- d. **No Debarment.** Neither Recipient nor its principals is presently debarred, suspended, or voluntarily excluded from any federally-assisted transaction, or proposed for debarment, declared ineligible or voluntarily excluded from participating in this Agreement by any state or federal agency. Recipient agrees to notify ODOT immediately if it is debarred, suspended or otherwise excluded from any federally assisted transaction for any reason or if circumstances change that may affect this status, including without limitation upon any relevant indictments or convictions of crimes.
- e. **Compliance with Oregon Taxes, Fees and Assessments.** Recipient is, to the best of the undersigned(s) knowledge, and for the useful life of the Project will remain, current on all applicable state and local taxes, fees and assessments.

The warranties set forth in this Section 6 are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

7. Records Maintenance and Access; Audit.

- a. Records, Access to Records and Facilities.** Recipient shall make and retain proper and complete books of record and account and maintain all fiscal records related to this Agreement and the Project in accordance with all applicable generally accepted accounting principles, as well as generally accepted governmental auditing standards and state minimum standards for audits of municipal corporations, if applicable. Recipient shall ensure that each of its subrecipients and subcontractors complies with these requirements. ODOT, the Secretary of State of the State of Oregon (the “Secretary”) and their duly authorized representatives shall have access to the books, documents, papers and records of Recipient that are directly related to this Agreement, the Grant Funds, or the Project for the purpose of making audits and examinations. In addition, ODOT, the Secretary and their duly authorized representatives may make and retain excerpts, copies, and transcriptions of the foregoing books, documents, papers, and records. Recipient shall permit authorized representatives of ODOT and the Secretary to perform site reviews of the Project, and to inspect all vehicles, real property, facilities and equipment purchased by Recipient as part of the Project, and any transportation services rendered by Recipient.
- b. Retention of Records.** Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the Grant Funds or the Project for a period of six (6) years after final payment. If there are unresolved audit questions at the end of the period described in this section, Recipient shall retain the records until the questions are resolved.
- c. Expenditure Records.** Recipient shall document the expenditure of all Grant Funds disbursed by ODOT under this Agreement. Recipient shall create and maintain all expenditure records in accordance with generally accepted accounting principles and in sufficient detail to permit ODOT to verify how the Grant Funds were expended.

This Section 7 shall survive any expiration or termination of this Agreement.

8. Recipient Subagreements and Procurements

Recipient may enter into agreements with subrecipients, contractors or subcontractors (collectively, “subagreements”) for performance of the Project. If Recipient enters into a subagreement, Recipient agrees to comply with the following:

a. Subagreements.

- i.** All subagreements must be in writing, executed by Recipient and must incorporate and pass through all of the applicable requirements of this Agreement to the other party or parties to the subagreement(s). Use of a subagreement does not relieve Recipient of its responsibilities under this Agreement.

- ii. Recipient shall provide ODOT with a copy of any signed subagreement, as well as any other purchasing or contracting documentation, upon ODOT's request at any time. This paragraph shall survive expiration or termination of this Agreement.
- iii. Recipient must report to ODOT any material breach of a term or condition of a subagreement within ten (10) days of Recipient discovering the breach.

b. Subagreement Indemnity.

- i. *Recipient's subagreement(s) shall require the other party to such subagreements(s) that is not a unit of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless State of Oregon, the Oregon Transportation Commission and its members, the Department of Transportation, their officers, agents and employees from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the other party to Recipient's subagreement or any of such party's officers, agents, employees or subcontractors ("Claims"). It is the specific intention of the Parties that ODOT shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of ODOT, be indemnified by the other party to Recipient's subagreement(s) from and against any and all Claims.*
- ii. Any such indemnification shall also provide that neither Recipient's subrecipient(s), contractor(s) nor subcontractor(s), nor any attorney engaged by Recipient's subrecipient(s), contractor(s) nor subcontractor(s) shall defend any claim in the name of ODOT or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State may, at any time at its election, assume its own defense and settlement in the event that it determines that Recipient's subrecipient is prohibited from defending the State, or that Recipient's subrecipient is not adequately defending the State's interests, or that an important governmental principle is at issue or that it is in the best interests of the State to do so. The State reserves all rights to pursue claims it may have against Recipient's subrecipient if the State of Oregon elects to assume its own defense.

c. Subagreement Insurance.

- i. If the Project or Project work is on or along a state highway, Recipient shall require its contractor(s) to meet the minimum insurance requirements provided in Exhibit C. Recipient may specify insurance requirements of its contractor(s) above the minimum insurance requirements specified in Exhibit C. Recipient shall verify its contractor(s) meet the insurance requirements in Exhibit C.
- ii. For all Project work that is not on or along a state highway, Recipient shall determine insurance requirements, insurance types and amounts, as deemed appropriate based on the risk of the work outlined within the subagreement. Recipient shall specify insurance requirements and require its contractor(s) to meet the insurance requirements. Recipient shall obtain proof of the required insurance coverages, as applicable, from any contractor providing services related to the subagreement.

- iii. Recipient shall require its contractor(s) to require and verify that all subcontractors carry insurance coverage that the contractor(s) deems appropriate based on the risks of the subcontracted work.
- iv. Recipient shall include provisions in each of its subagreements requiring its contractor(s) to comply with the indemnification and insurance requirements in Paragraphs 8.b and 8.c.
- d. **Procurements.** Recipient shall make purchases of any equipment, materials, or services for the Project under procedures that comply with Oregon law, including all applicable provisions of the Oregon Public Contracting Code, Oregon Revised Statute (ORS) 279 A, B, and C, and rules, ensuring that:
 - i. All applicable clauses required by federal statute, executive orders and their implementing regulations are included in each competitive procurement; and
 - i. All procurement transactions are conducted in a manner providing full and open competition.
- e. **Self-Performing Work.** Recipient must receive prior approval from SRTS Program Manager for any self-performing work.
- f. **Conflicts of Interest.**
 - i. Recipient's public officials shall comply with Oregon's government ethics laws, ORS 244.010 *et seq.*, as those laws may be subsequently amended.

9. Termination

- a. **Mutual Termination.** This Agreement may be terminated by mutual written consent of the Parties.
- b. **Termination by ODOT.** ODOT may terminate this Agreement effective upon delivery of written notice of termination to Recipient, or at such later date as may be established by ODOT in such written notice, under any of the following circumstances:
 - i. If Recipient fails to perform the Project within the time specified in this Agreement, or any extension of such performance period;
 - ii. If Recipient takes any action pertaining to this Agreement without the approval of ODOT and which under the provisions of this Agreement would have required ODOT's approval;
 - iii. If Recipient fails to perform any of its other obligations under this Agreement, and that failure continues for a period of 10 calendar days after the date ODOT delivers Recipient written notice specifying such failure. ODOT may agree in writing to an extension of time if it determines Recipient instituted and has diligently pursued corrective action;
 - iv. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement;

- v. If Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement; or
- vi. If the Project would not produce results commensurate with the further expenditure of funds.
- c. **Termination by Either Party.** Either Party may terminate this Grant Agreement upon at least ten (10) days' notice to the other Party and failure of the other Party to cure within the period provided in the notice, if the other Party fails to comply with any of the terms of this Grant Agreement.
- d. **Rights upon Termination; Remedies.** Any termination of this Grant Agreement shall not prejudice any rights or obligations accrued before termination. The remedies set forth in this Grant Agreement are cumulative and are in addition to any other rights or remedies available at law or in equity.

10. GENERAL PROVISIONS

a. Contribution.

- i. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against ODOT or Recipient with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
- ii. Except as otherwise provided in Paragraph 10.b. below, with respect to a Third Party Claim for which ODOT is jointly liable with Recipient (or would be if joined in the Third Party Claim), ODOT shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Recipient in such proportion as is appropriate to reflect the relative fault of ODOT on the one hand and of the Recipient on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of ODOT on the one hand and of Recipient on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. ODOT's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if ODOT had sole liability in the proceeding.

- iii. Except as otherwise provided in Paragraph 10.b. below, with respect to a Third Party Claim for which Recipient is jointly liable with ODOT (or would be if joined in the Third Party Claim), Recipient shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by ODOT in such proportion as is appropriate to reflect the relative fault of Recipient on the one hand and of ODOT on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Recipient on the one hand and of ODOT on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Recipient's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

This Section 10.a shall survive any expiration or termination of this Agreement.

- b. **Contract-related Indemnification.** Subject to any limitations imposed by State law and the Oregon Constitution, Recipient agrees to the following contract-related indemnification for all projects authorized under this Agreement: Where Recipient contracts for services or performs project management for a project, Recipient shall accept all responsibility, defend lawsuits, indemnify, and hold State harmless, for all contract-related claims and suits. This includes but is not limited to all contract claims or suits brought by any contractor, whether arising out of the contractor's work, Recipient's supervision of any individual project or contract, or Recipient's failure to comply with the terms of this Agreement. This Section 10.b. shall survive any expiration or termination of this Agreement.
- c. **Dispute Resolution.** The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
- d. **Amendments.** This Agreement may be amended or extended only by a written instrument signed by both Parties and approved as required by applicable law.
- e. **Duplicate Payment.** Recipient is not entitled to compensation or any other form of duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party, organization or individual.
- f. **No Third-Party Beneficiaries.** ODOT and Recipient 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, to a third person unless such a third person is individually identified by name herein and expressly described as an intended beneficiary of the terms of this Agreement.
- g. **Notices.** Except as otherwise expressly provided in this Agreement, any communications between the Parties hereto or notices to be given hereunder shall be given in writing by personal delivery, email or mailing the same, postage prepaid, to Recipient Contact or SRTS Program

Manager at the address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either Party may hereafter indicate pursuant to this Section 10.g. Any communication or notice personally delivered shall be deemed to be given when actually delivered. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine, and to be effective against ODOT, such facsimile transmission must be confirmed by telephone notice to SRTS Program Manager. Any communication by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. Any communication or notice mailed shall be deemed to be given when received.

- h. Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, “Claim”) between ODOT (or any other agency or department of the State of Oregon) and Recipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.
- i. Compliance with Law.** Recipient shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the implementation of the Project, including without limitation as described in Exhibit B. Without limiting the generality of the foregoing, Recipient expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Recipient agrees to comply with the requirements of ORS 366.514, Use of Highway Fund for footpaths and bicycle trails.
- j. Insurance; Workers’ Compensation.** All employers, including Recipient, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers’ Compensation coverage, unless such employers are exempt under ORS 656.126. Employer’s liability insurance with coverage limits of not less than \$500,000 must be included. Recipient shall ensure that each of its subrecipient(s), contractor(s), and subcontractor(s) complies with these requirements.
- k. Independent Contractor.** Recipient shall perform the Project as an independent contractor and not as an agent or employee of ODOT. Recipient has no right or authority to incur or create any obligation for or legally bind ODOT in any way. ODOT cannot and will not control the means or manner by which Recipient performs the Project, except as specifically set forth in this Agreement. Recipient is responsible for determining the appropriate means and manner of performing the Project. Recipient acknowledges and agrees that Recipient is not an “officer”, “employee”, or “agent” of ODOT, as those terms are used in ORS 30.265, and shall not make representations to third parties to the contrary.

- l. Severability.** If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.
- m. Counterparts.** This Agreement may be executed in two or more counterparts, each of which is an original and all of which together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
- n. Integration and Waiver.** This Agreement, including all Exhibits, constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. The delay or failure of either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision. Recipient, by the signature below of its authorized representative, acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.
- o. Electronic Signatures.** Signatures showing on PDF documents, including but not limited to PDF copies of the Agreement, Work Orders, and amendments, submitted or exchanged via email are “Electronic Signatures” under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. State reserves the right at any time to require the submission of the hard copy originals of any documents.

THE PARTIES, by execution of this Agreement, acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The Project was approved on January 12, 2023 by the Strategic Investment Manager.

Signature Page to Follow

CITY OF OREGON CITY, by and through its
elected officials

By _____
(Legally designated representative)

Name _____
(printed)

Date _____

By _____

Name _____
(printed)

Date _____

LEGAL REVIEW APPROVAL
(If required in Recipient's process)

By _____
Recipient's Legal Counsel

Date _____

Recipient Contact:

Dayna Webb
City Engineer
PO Box 3040
Oregon City, Oregon 97045
(971) 204-4633
dwebb@orc.org

STATE OF OREGON, by and through its
Department of Transportation

By _____
Public Transportation Division Administrator

Name _____
(printed)

Date _____

APPROVAL RECOMMENDED

By _____
SRTS Program Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By Sam Zeigler via email
Assistant Attorney General

Date 2/8/2023

SRTS Program Manager:

Xao Posadas
555 13th Street NE
Salem, Oregon 97301
971-718-6170
Xao.Posadas@odot.oregon.gov

EXHIBIT A

Project Description, Key Milestones, Schedule and Budget

Agreement No. SRTS23-13

Project Name: Holcomb Boulevard Sidewalk & Protected Crossings

A. PROJECT DESCRIPTION

The Project will construct bike lanes, sidewalks, marked and signed crossings, illumination, and two rectangular rapid flashing beacon warning crossings along Holcomb Boulevard between Front Street and Winston Drive.

Recipient acknowledges that such Project improvements funded under this Agreement may trigger other Recipient responsibilities under the Americans with Disabilities Act. Recipient agrees that it is solely responsible for ensuring Americans with Disabilities Act compliance pursuant to Exhibit B, Recipient Requirements, Section 5.

B. PROJECT KEY MILESTONES AND SCHEDULE

The Project has two (2) Key Milestone(s). Key Milestones are used for evaluating performance on the Project as described in the Agreement. Neither Key Milestone 1, Planning, design, permitting and land acquisition, nor Key Milestone 2, Project completion, can be changed without an amendment to the Agreement.

If Recipient anticipates either that Key Milestone 1 will require material changes or that Key Milestone 2 will be delayed by more than ninety (90) days, Recipient shall submit a Request for Change Order, as described in Section 4.c of the Agreement, to SRTSPProgramMailbox@odot.oregon.gov as soon as Recipient becomes aware of any possible change or delay. Recipient must submit the Request for Change Order before materially changing the project scope (Key Milestone 1) or delaying the Project completion (Key Milestone 2).

Table 1: Key Milestones

Key Milestone	Description	Estimated Due Date
1	Planning, design, permitting and land acquisition.	7/1/2024
2	Project completion (Project must be completed within 5 years of agreement execution.)	8/30/2024

EXHIBIT B

Recipient Requirements

1. Recipient shall comply with all applicable provisions of ORS 279C.800 to 279C.870 pertaining to prevailing wage rates and including, without limitation, that workers on the Project shall be paid not less than rates in accordance with ORS 279C.838 and 279C.840 pertaining to wage rates and ORS 279C.836 pertaining to having a public works bond filed with the Construction Contractors' Board.
2. Recipient shall notify SRTS Program Manager in writing when any contact information changes during the Agreement.
3. Recipient shall, at its own expense, maintain and operate the Project upon completion and throughout the useful life of the Project at a minimum level that is consistent with normal depreciation or service demand or both. The Parties agree that the useful life of the Project is defined as seven (7) years from its completion date (the "Project Useful Life"). After the Project Useful Life, maintenance of the Project shall conform to any maintenance agreement in place between the Parties. If no maintenance agreement exists, ODOT will maintain that portion of the Project that is within its jurisdiction unless otherwise provided in Exhibit A to this Agreement.
4. Recipient shall maintain insurance policies with responsible insurers or self-insurance programs, insuring against liability and risk of direct physical loss, damage or destruction of the Project, at least to the extent that similar insurance is customarily carried by governmental units constructing, operating and maintaining similar facilities. If the Project or any portion is destroyed, insurance proceeds will be paid to ODOT, unless Recipient has informed ODOT in writing that the insurance proceeds will be used to rebuild the Project.

5. Americans with Disabilities Act Compliance

- a. **State Highway:** For portions of the Project located on or along the State Highway System or a State-owned facility ("state highway"):
 - i. Recipient shall utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA"), including ensuring that all sidewalks, curb ramps, pedestrian-activated signals meet current ODOT Highway Design Manual standards;
 - ii. Recipient shall follow ODOT's processes for design, construction, or alteration of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form;
 - iii. During Project Construction, Recipient must have a contractor with an active ODOT ADA Contractor Certification directly supervise any construction or alteration of curb ramps. At Project completion, Recipient shall send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form for each curb ramp constructed or altered as part of the Project. The completed form is the documentation required to show that each curb ramp

meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:

<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

- iv. Recipient shall promptly notify ODOT of Project completion and allow ODOT to inspect Project sidewalks, curb ramps, and pedestrian-activated signals located on or along a state highway prior to acceptance of Project by Recipient and prior to release of any Recipient contractor.
 - v. Recipient shall ensure that temporary pedestrian routes are provided through or around any Project work zone. Any such temporary pedestrian route shall include directional and informational signs, comply with ODOT standards, and include accessibility features equal to or better than the features present in the existing pedestrian facility. Recipient shall also ensure that advance notice of any temporary pedestrian route is provided in accessible format to the public, people with disabilities, disability organizations, and ODOT at least 10 days prior to the start of construction.
- b. Local Roads:** For portions of the Project located on Recipient roads or facilities that are not on or along a state highway:
- i. Recipient shall ensure that the Project, including all sidewalks, curb ramps, and pedestrian-activated signals, is designed, constructed and maintained in compliance with the ADA.
 - ii. Recipient may follow its own processes or may use ODOT's processes for design, construction, or alteration of Project sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current Curb Ramp Inspection form, available at:

<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>;

Additional ODOT resources are available at the above-identified link. ODOT has made its forms, processes, and resources available for Recipient's use and convenience.
 - iii. Recipient assumes sole responsibility for ensuring that the Project complies with the ADA, including when Recipient uses ODOT forms and processes. Recipient acknowledges and agrees that ODOT is under no obligation to review or approve Project plans or inspect the completed Project to confirm ADA compliance.
 - iv. Recipient shall ensure that temporary pedestrian routes are provided through or around any Project work zone. Any such temporary pedestrian route shall include directional and informational signs and include accessibility features equal to or better than the features present in the existing pedestrian route. Recipient shall also ensure that advance notice of any temporary pedestrian route is provided in accessible format to the public, people with disabilities, and disability organizations prior to the start of construction.

- c. Recipient shall ensure that any portions of the Project under Recipient's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Recipient ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Recipient identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Recipient, or abutting property owner, pursuant to local code provisions, performs any repair or removal of obstructions needed to maintain the Project in compliance with the ADA requirements that were in effect at the time the Project was constructed or altered,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
 - v. Applicable permitting and regulatory actions are consistent with ADA requirements.
- d. Maintenance obligations in this Section 5 shall survive termination of this Agreement.

6. Work Performed within ODOT's Right of Way

- a. Prior to the commencement of work, Recipient shall obtain, or require its contractor to obtain, permission from the appropriate ODOT District Office to work on or along the state highway. This Agreement does not provide permission to work on or along the state highway.
- b. ODOT may charge for review of work to be performed on or along the state highway. The estimated cost to Recipient will be determined by ODOT in advance and shall be subject to the approval of Recipient prior to the services being rendered.
- c. If the Project includes traffic control devices (see ODOT's Traffic Manual, Chapter 5, for a description of traffic control devices) on or along a state highway, Recipient shall, pursuant to Oregon Administrative Rule (OAR) 734-020-0430, obtain the approval of the State Traffic Engineer prior to design or construction of any traffic control device being installed.
- d. Recipient shall enter into a separate traffic signal agreement with ODOT to cover obligations for any traffic signal being installed on a state highway.
- e. Recipient shall ensure that its electrical inspectors possess a current State Certified Traffic Signal Inspector certificate before the inspectors inspect electrical installations on state highways. The ODOT's District Office shall verify compliance with this requirement before construction. The permit fee should also cover the State electrician's supplemental inspection.

7. General Standards

The Project shall be completed within industry standards and best practices to ensure that the functionality and serviceability of the Program's investment meets the intent of the application and the Program.

8. Land Use Decisions

- a. Recipient shall obtain all permits, "land use decisions" as that term is defined by ORS 197.015(1) (2020), and any other approvals necessary for Recipient to complete the Project by the Project completion deadline identified in Exhibit A (each a "Land Use Decision" and collectively, "Land Use Decisions").
- b. If at any time before the Availability Termination Date identified in Section 1 of this Agreement ODOT concludes, in its sole discretion, that Recipient is unlikely to obtain one or more Land Use Decisions before the Availability Termination Date, ODOT may (i) suspend the further disbursement of Grant Funds upon written notice to Recipient (a "Disbursement Suspension") and (ii) exercise any of its other rights and remedies under this Agreement, including, without limitation, terminating the Agreement and recovering all Grant Funds previously disbursed to Recipient.
- c. If after a Disbursement Suspension ODOT concludes, in its sole discretion and based upon additional information or events, that Recipient is likely to timely obtain the Land Use Decision or Decisions that triggered the Disbursement Suspension, ODOT will recommence disbursing Grant Funds as otherwise provided in this Agreement.
- d. This Section 8 is in addition to, and not in lieu of, ODOT's rights and remedies under Section 5.h ("Recovery of Grant Funds") of this Agreement.

9. Website

Recipient shall provide ODOT a link to any website created about the Project identified in Exhibit A before any costs being considered eligible for reimbursement. Recipient shall notify the SRTS Program Manager in writing when the link changes during the term of this Grant Agreement.

10. Photographs

Recipient shall provide pre-construction Project photographs within thirty (30) days of the execution of this Agreement. Recipient shall provide Project photographs thirty (30) days after Project is completed.

EXHIBIT C

Subagreement Insurance Requirements

1. GENERAL.

- a. If the Project is on or along a state highway, Recipient shall require in its first tier subagreements with entities that are not units of local government as defined in ORS 190.003 (if any) that its sub-recipients, contractors or subcontractors (“contractor”): i) obtain insurance specified in this Exhibit under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, “TAIL” COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before performance under the subagreement commences, and ii) maintain the insurance in full force throughout the duration of the subagreement. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to the Recipient. Recipient shall not authorize work to begin under subagreements until the insurance is in full force. Thereafter, Recipient shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. Recipient shall incorporate appropriate provisions in the subagreement permitting it to enforce compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. In no event shall Recipient permit work under a subagreement when Recipient is aware that the contractor is not in compliance with the insurance requirements. As used in this section, “first tier” means a subagreement in which the Recipient is a Party. All references to “contractor” in this Exhibit refer to Recipient’s contractor as identified in this Paragraph 1.a.
- b. The insurance specified below is a minimum requirement that the Recipient shall require each of its contractors to meet, and shall include such requirement in each of Recipient’s subagreements with its contractors. Recipient may determine insurance types and amounts in excess of the minimum requirement as deemed appropriate based on the risks of the work outlined within the subagreement.
- c. Recipient shall require each of its contractors to require that all of its subcontractors carry insurance coverage that the contractor deems appropriate based on the risks of the subcontracted work. Recipient’s contractors shall obtain proof of the required insurance coverages, as applicable, from any subcontractor providing Services related to the Contract.

2. TYPES AND AMOUNTS.

a. WORKERS COMPENSATION.

All employers, including Recipient’s contractors, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide **Workers' Compensation Insurance** coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). The coverage shall include Employer’s Liability Insurance with limits not less than \$500,000 each accident. **Recipient’s contractors shall require compliance with these requirements in each of their subcontractor contracts.**

b. COMMERCIAL GENERAL LIABILITY.

Commercial General Liability Insurance shall be issued on an occurrence basis covering bodily injury and property damage and shall include personal and advertising injury liability, products and completed operations, and contractual liability coverage. When work to be performed includes operations or activity within 50 feet of any railroad property, bridge, trestle, track, roadbed, tunnel, underpass or crossing, the Recipient's contractors shall provide the Contractual Liability – Railroads CG 24 17 endorsement, or equivalent, on the Commercial General Liability policy.

Amounts below are a minimum requirement as determined by ODOT:

Coverage shall be written on an occurrence basis in an amount of not less than \$1,000,000 per occurrence. Annual aggregate limit shall not be less than \$2,000,000.

c. AUTOMOBILE LIABILITY.

Automobile Liability Insurance covering Recipient's contractor's business-related automobile use covering all owned, non-owned, or hired vehicles for bodily injury and property. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and Automobile Liability). Amount below is a minimum requirement as determined by ODOT:

Coverage shall be written with a combined single limit of not less than \$1,000,000.

d. ADDITIONAL INSURED.

The Commercial General Liability Insurance and Automobile Liability Insurance must include the **"State of Oregon, the Oregon Transportation Commission and the Department of Transportation, and their respective officers, members, agents and employees"** as an **endorsed** Additional Insured but only with respect to the contractor's activities to be performed under the Subcontract. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

Additional Insured Endorsements on the Commercial General Liability shall be written on ISO Form CG 20 10 07 04, or equivalent, with respect to liability arising out of ongoing operations and ISO Form CG 20 37 07 04, or equivalent, with respect to liability arising out of completed operations. Additional Insured Endorsements shall be submitted with the Certificate(s) of Insurance and must be acceptable to the Recipient.

e. "TAIL" COVERAGE.

If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance or pollution liability insurance, the contractor shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of the Subcontract, for a minimum of twenty-four (24) months following the later of : (i) the contractor's completion and Recipient's acceptance of all Services required under the Subcontract or, (ii) the expiration of all warranty periods provided under the Subcontract. Notwithstanding the foregoing twenty-four (24) month requirement, if the contractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the twenty-four (24) month period described above, then the contractor may request and ODOT may grant approval of the

maximum “tail “ coverage period reasonably available in the marketplace. If ODOT approval is granted, the contractor shall maintain “tail” coverage for the maximum time period that “tail” coverage is reasonably available in the marketplace.

f. NOTICE OF CANCELLATION OR CHANGE.

The contractor or its insurer must provide thirty (30) days’ written notice to Recipient before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

g. CERTIFICATE(S) OF INSURANCE.

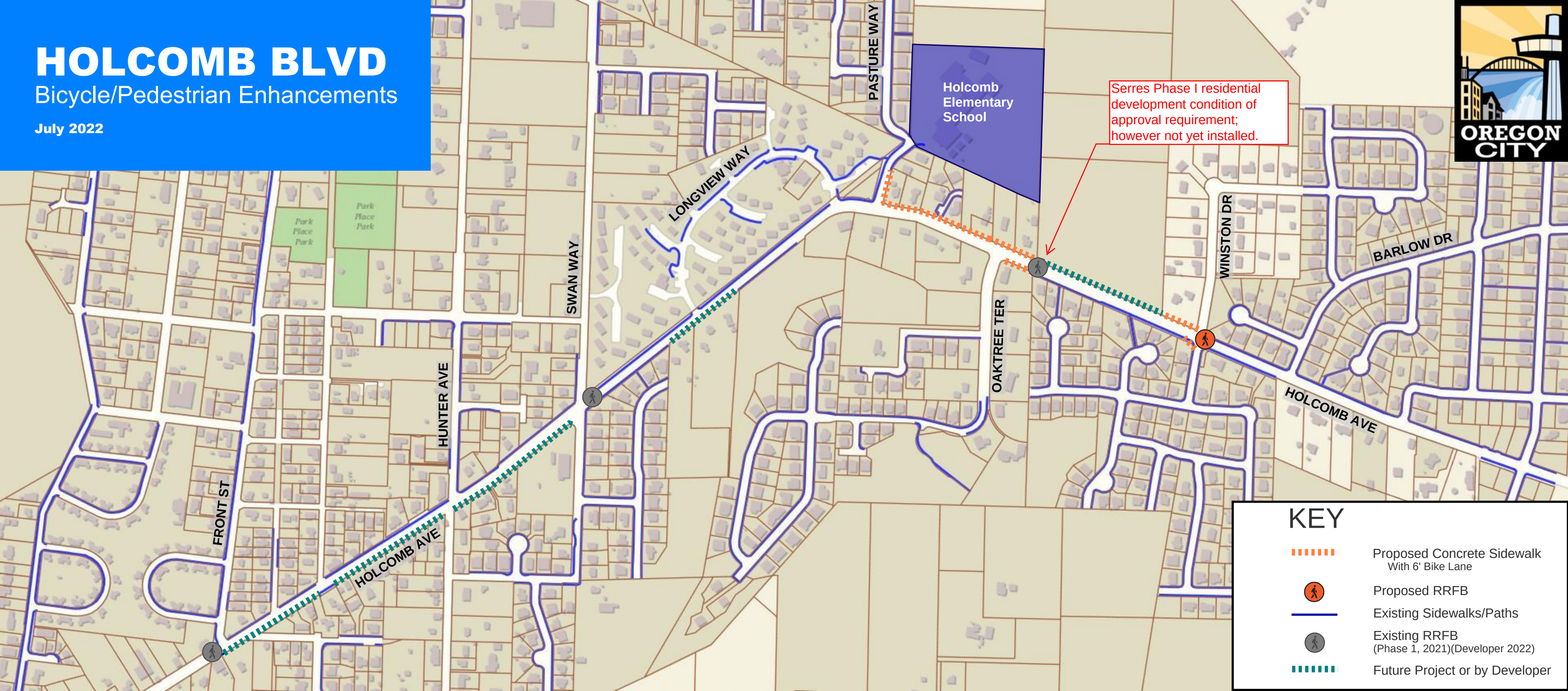
Recipient shall obtain from the contractor a certificate(s) of insurance for all required insurance before the contractor performs under the Subcontract. The certificate(s) or an attached endorsement must endorse: i) **“State of Oregon, the Oregon Transportation Commission and the Department of Transportation, and their respective officers, members, agents and employees”** as an endorsed Additional Insured in regards to the Commercial General Liability and Automobile Liability policies and ii) that all liability insurance coverages shall be primary and non-contributory with any other insurance and self-insurance, with exception of Workers’ Compensation.

The Recipient shall immediately notify ODOT of any change in insurance coverage.

HOLCOMB BLVD

Bicycle/Pedestrian Enhancements

July 2022



KEY

- Proposed Concrete Sidewalk With 6' Bike Lane
- Proposed RRFB
- Existing Sidewalks/Paths
- Existing RRFB (Phase 1, 2021)(Developer 2022)
- Future Project or by Developer



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: 03/15/2023

SUBJECT:

Approving an Intergovernmental Agreement with Clackamas County for the Right-of-Way of Caufield Road

STAFF RECOMMENDATION:

Approve an Intergovernmental Agreement with Clackamas County for the Right-of-Way of Caufield Road

EXECUTIVE SUMMARY:

Caufield Road is currently under the jurisdiction of Clackamas County. The City and County staffs have agreed that now is the proper time to transfer jurisdiction of Caufield Road since the entire roadway is within the City limits, and all adjacent properties are part of the City of Oregon City. This transfer of jurisdiction is completed by way of an Intergovernmental Agreement and then a Resolution accepting the right-of-way from Clackamas County. This item is the first step of the two step process in approving the intergovernmental agreement.

BACKGROUND:

In early 2019, Clackamas County Commissioners approved a \$30-per-year Vehicle Registration Fee to fund road maintenance and construction projects. One aspect of the approval included the County Strategic Investment Fund which utilizes 10% of the revenue share to be spent on local transportation priorities with an initial emphasis on jurisdictional transfers when supported by the appropriate agency.

Caufield Road is proposed to transfer jurisdiction from Clackamas County to Oregon City. This roadway no longer functions as a County Road and now functions as a City Road. This transfer is completed by way of an Intergovernmental Agreement, as specified in the 1990 Urban Growth Management Agreement between the City and the County. This agreement states that for roadways not built to City standards, the County agrees to pay to the City a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the existing pavement. The value of the pavement

work and replacement cost of the non-compliant Americans with Disabilities ACT (ADA) curb ramps to this section of roadway has been determined as \$94,845 and will be paid to the City as part of the transfer of this roadway.

Upon approval of the transfer of jurisdiction to the City, the funds received will be used to replace the ADA curb ramps and pave Caufield Road in Summer 2024.

If this agreement is approved by the City of Oregon City, the Intergovernmental Agreement will be provided to the County Board for approval. The area of transfer is legally written in Exhibit A and depicted in Exhibit B included within the Intergovernmental Agreement.

This request is the first step in transferring jurisdiction of Caufield Road by approving the Intergovernmental Agreement.

OPTIONS:

1. Approve the Intergovernmental Agreement with Clackamas County for the Right-of-Way of Caufield Road
2. Deny the Intergovernmental Agreement

BUDGET IMPACT:

Amount: \$94,845 Revenue

FY(s): FY 2023-24

Funding Source(s): Transportation Fund

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF OREGON CITY AND CLACKAMAS COUNTY RELATED TO THE TRANSFER OF A PORTION OF SOUTH CAUFIELD ROAD

This agreement (the “Agreement”) is made on the date all required signatures have been obtained, between the City of Oregon City (“CITY”), a municipal corporation of the State of Oregon, and Clackamas County (“COUNTY”), a political subdivision of the State of Oregon, pursuant to ORS Chapter 190 (Intergovernmental Cooperation), collectively referred to as the “PARTIES” and each a “PARTY.”

RECITALS

WHEREAS, ORS Chapter 190 authorizes local governments to enter into intergovernmental agreements for the performance of any or all functions and activities that a local government, its officers or agencies, have the authority to perform;

WHEREAS, the portion of S. Caufield Rd. located entirely within the boundaries of the City is a County Road, as defined in ORS 368.001 (“Caufield Rd.”);

WHEREAS, Caufield Rd. is described in Exhibit “A” and depicted in Exhibit “B,” all of the exhibit of which are attached hereto and incorporated herein;

WHEREAS, the Parties agree that the City is best suited to assume primary responsibility for maintenance and permitting of Caufield Rd.;

WHEREAS, ORS 373.270 provides a procedure whereby a county may transfer jurisdiction over any county roads within a city to the City, and the Parties desire to pursue a transfer of jurisdiction of Caufield Rd. pursuant to the terms of this Agreement; and

WHEREAS, the Parties acknowledge that Caufield Rd. should be improved, or the City should be compensated, consistent with the terms of this Agreement at, or prior to, the completion of the full transfer pursuant to ORS 373.270.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Term.** This Agreement shall be effective upon execution and shall expire automatically at the time the City assumes jurisdiction of Caufield Rd. pursuant to ORS 373.270.
2. **City Responsibilities.**
 - A. The City shall give notice and shall carry out those procedures set forth in ORS 373.270 to determine whether it is necessary, expedient or for the best interests of the City to assume jurisdiction over Caufield Rd.

- B. The City agrees to assume full and absolute jurisdiction over Caufield Rd. in the event the governing body of the City and the governing body of the County both determine that it is necessary, expedient or for the best interests of their respective jurisdictions to complete the transfers described herein.

3. **County Responsibilities.**

- A. After the City has initiated the process to transfer jurisdiction of Caufield Rd., the County shall carry out those procedures set forth in ORS 373.270 for purposes of finalizing the transfer. The County shall not unreasonably delay or withhold its consent to the transfer of Caufield Rd. and shall complete the process to finalize the transfer within 120 days from the date that the City concludes its hearing and decision on the matter. This obligation shall terminate in the event the governing body of the City fails to find that it is necessary, expedient or for the best interests of the City to surrender jurisdiction over Caufield Rd.
- B. In the event the governing body of the City and the governing body of the County both determine that it is necessary, expedient or for the best interests of their respective jurisdictions to complete the transfers described herein, the County shall provide to the City the sum of \$94,845, which is equivalent to the costs associated with installing 5 ADA-compliant sidewalk ramps and a 2-inch asphalt overlay on the portion of Caufield Rd. identified in the exhibits attached to this Agreement. The sum of \$94,845 identified in this paragraph shall be payable to the City within 30 days of the date that full and absolute jurisdiction over Caufield Rd. is surrendered to the City.

4. **Termination.**

- A. The County and the City, by mutual written agreement, may terminate this Agreement at any time.
- B. Either the County or the City may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within fifteen (15) days of deemed or actual receipt of the notice, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination. If the default is of such a nature that it cannot be completely remedied within such fifteen (15) day period, this provision shall be complied with if the breaching Party begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. The Party giving notice shall not be required to give more than one (1) notice for a similar default in any twelve (12) month period.
- C. The County or the City shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.
- D. Nothing herein shall prevent the Parties from meeting to mutually discuss the Project. Each Party shall use best efforts to coordinate with the other to minimize conflicts.

- E. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

5. Indemnification.

- A. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the County agrees to indemnify, save harmless and defend the City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the County or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the County has a right to control.
- B. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City agrees to indemnify, save harmless and defend the County, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the City or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the City has a right to control.

6. General Provisions

- A. **Oregon Law and Forum.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
- B. **Applicable Law.** The Parties hereto agree to comply in all ways with applicable local, state and federal ordinances, statutes, laws and regulations.
- C. **Non-Exclusive Rights and Remedies.** Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.
- D. **Access to Records.** The Parties acknowledge and agree that each Party, the federal government, and their duly authorized representatives shall have access to each Party's books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. The cost of such inspection shall be borne by the inspecting Party.

- E. **Debt Limitation.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.
- F. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.
- G. **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the Project. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.
- H. **Interpretation.** The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.
- I. **Independent Contractor.** Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.
- J. **No Third-Party Beneficiary.** Neither Party intends that this Agreement benefit, or create any right or cause of action in, or on behalf of, any person or entity other than the County or the City.
- K. **No Assignment.** No Party shall have the right to assign its interest in this Agreement (or any portion thereof) without the prior written consent of the other Party, which consent may be withheld for any reason. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the successors of the Parties.
- L. **Counterparts.** This Agreement may be executed in any number of counterparts (electronic, facsimile or otherwise) all of which when taken together shall constitute one

agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

M. **Authority.** Each Party represents that it has the authority to enter into this Agreement on its behalf and the individual signatory for a Party represents that it has been authorized by that Party to execute and deliver this Agreement.

N. **Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

CLACKAMAS COUNTY

Chair

Date

Recording Secretary**CITY OF OREGON CITY**

Mayor

Date

Recording Secretary

Exhibit "A"

S. Caufield Road Transfer of Jurisdiction

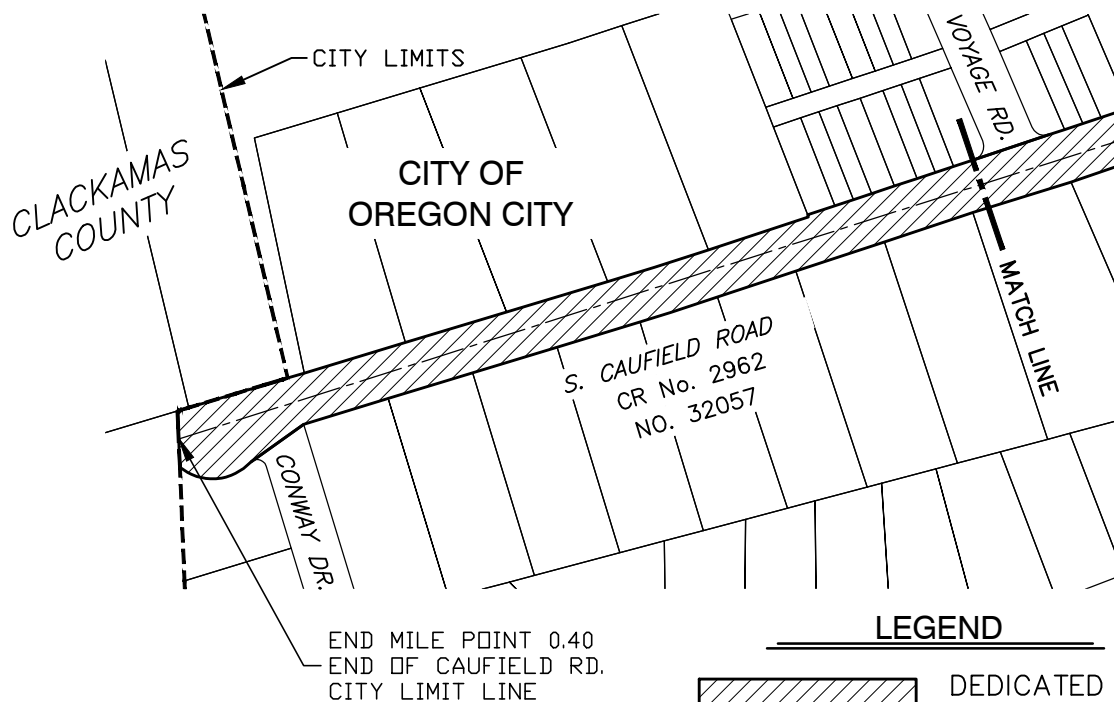
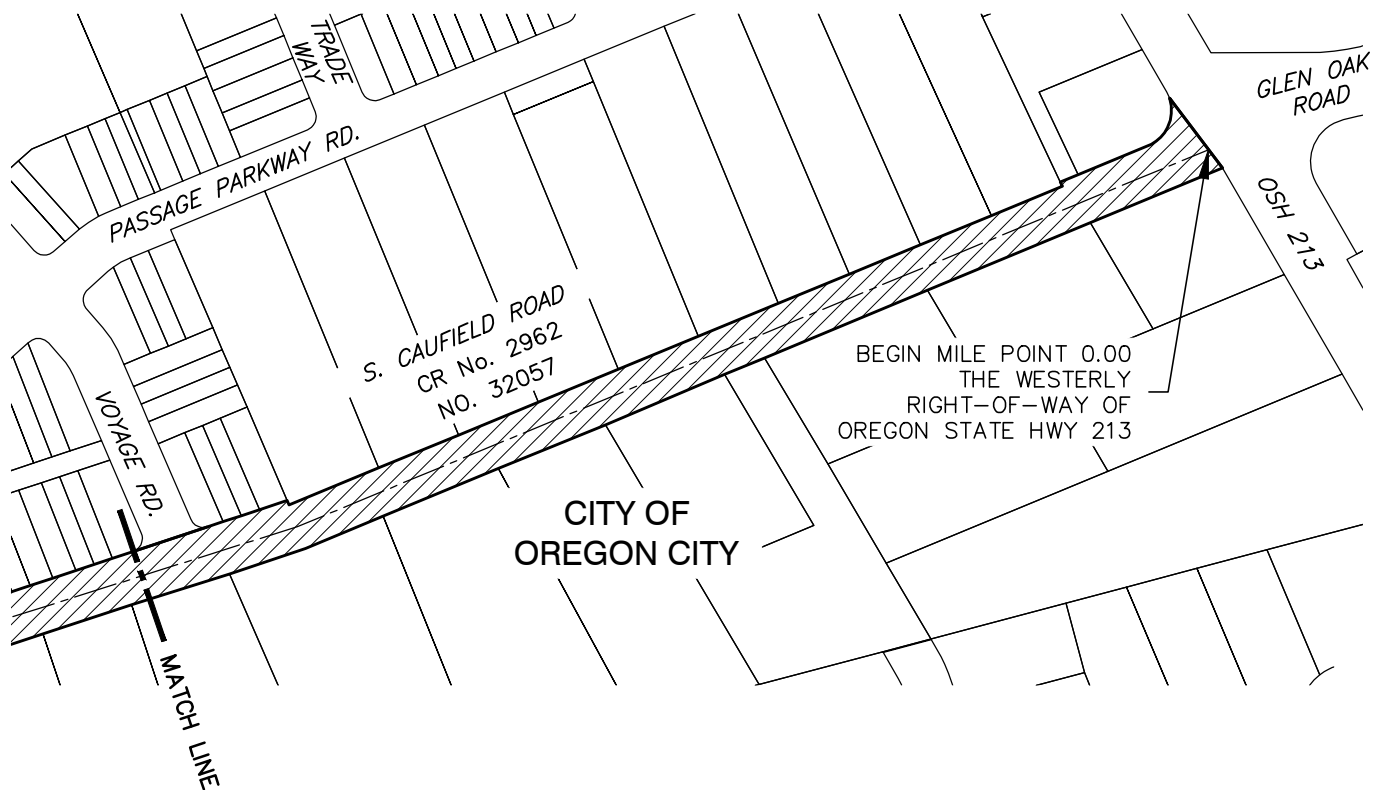
Clackamas County to City of Oregon City

Description

All of S. Caufield Road, County Road No. 2962, Department of Transportation and Development maintenance No. 32057; Situated in the NW 1/4 of Section 16 and the SW 1/4 of Section 17, T. 3 S., R. 2 E., W.M. as shown in Exhibit "B", attached hereto, lying West of the Westerly Right-of-Way of Oregon State Hwy. 213, (mile point 0.00) and the end of S. Caufield Road, also being the Westerly boundary of the City of Oregon City (mile point 0.40), being approximately 2,112 feet long.

Contains 105,790 square feet, more or less.

EXHIBIT "B"



1' = 200'

--- MATCH LINE

LEGEND

DEDICATED AREA
105,790 Sq. Ft.

LOCATED IN THE NW 1/4 OF SECTION 16
& THE NE 1/4 OF SECTION 17, T. 3 S., R. 2 E., W.M.
CLACKAMAS COUNTY, OREGON

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT150 BEAVERCREEK ROAD
OREGON CITY, OR 97045

BY: R. MAXWELL DATE: 1/20/2023

JURISDICTIONAL TRANSFER
S. CAUFIELD ROAD
COUNTY ROAD NO. 2962

SHEET

1 OF 1



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION - REVISED

DRAFT MINUTES

VIRTUAL ONLY VIA ZOOM
Tuesday, February 07, 2023 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor McGriff convened the meeting at 6:33 PM.

PRESENT: 5 - Commissioner Adam Marl, Commissioner Frank O'Donnell, Commissioner Mike Mitchell, Commissioner Rocky Smith, Mayor Denyse McGriff

STAFFERS: 14 - City Manager Tony Konkol, Police Chief James Band, Project Engineer Kenneth Cannady-Shultz, Communications Manager Jarrod Lyman, Public Works Director John Lewis, City Recorder Jakob Wiley, Assistant City Recorder Angelique Nomie, Parks and Recreation Director Kendall Reid, Police Captain Shaun Davis, Community Development Director Aquilla Hurd-Ravich, Library Director Greg Williams, Code Enforcement Manager Ryan Kersey, Information Technology Director Michael Dobaj, Finance Director Matt Zook

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Future work session agenda items included a Budget 101 meeting on February 23, 2023, and the Commission Goal Setting Retreat on March 3, 2023, and March 4, 2023. The March 7, 2023 work session will include a joint work session with the Planning Commission along with a review of community survey results and street design standards, and a discussion of City-designated speed limits and Loder Road.

DISCUSSION ITEMS

2. Presentation from Nate Kaplan, Oregon State Director for GoRail

Nate Kaplan, State Director of GoRail, discussed his organization's role as a liaison between the freight rail industry and cities, counties, and departments of transportation across the country. He asked that any railroad issues the City does not know how to deal with be brought to GoRail so they can assist in cutting through red tape and providing answers in a reasonable amount of time.

Mr. Kaplan asked for feedback on the City's previous interactions with railroads in the area. John Lewis, Public Works Director, said the City is partnered with railroad providers and that the relationship could be stronger. He reviewed the federally funded quiet zone project which is to make vehicle and pedestrian crossing safer and quieter.

Mr. Kaplan reviewed the Grade Crossing Elimination Program which dedicates 6 billion dollars in funds over five years to railroad crossing improvements. GoRail can help jurisdictions determine if they qualify for the funding, which will be released in early spring or summer of this year, and has not been available since the Roosevelt administration.

Mayor McGriff asked about improving rail stations. Mr. Kaplan reviewed other types of funding under the

1.2 trillion-dollar Bipartisan Infrastructure Law.

Mr. Kaplan also reviewed 2021 freight rail data for Oregon and the free AskRail app used by first responders in the event of derailment. Shaun Davis, Police Captain, said he would investigate the app which seemed to be a good resource.

3. Presentation on Code Enforcement Complaint Process

Ryan Kersey, Code Enforcement Manager, gave a presentation of the City's code enforcement complaint process, including staffing, workload, and department goals. Mr. Kersey emphasized that the City's code enforcement process was collaborative and not punitive and clarified the process of assigning complaints to different departments.

Commissioner O'Donnell asked about proactively addressing solid waste and vegetation violations. He also asked about night and weekend coverage for parking and noise violations. Mr. Kersey said approximately 10 percent of solid waste and vegetation violations were addressed proactively due to staffing limitations. James Band, Police Chief, emphasized that the department's priority was to address existing complaints since residents complain about the length of time it takes to close complaints. Commissioner O'Donnell asked if gross violations could be addressed proactively and expedited.

Mayor McGriff discussed a specific property with ongoing grass length concerns and suggested that this be a proactive item for code enforcement.

Commissioner Marl asked for updates on the vacant property registry. Mr. Kersey said a registry is being added to the City's website and a list of vacant properties has been compiled. Ordinance violations and vacant property registration code violations (such as graffiti) are being addressed, in addition to trespassing prevention.

Mr. Kersey said they are awaiting parking study results to determine night and weekend coverage for parking enforcement. He said current staffing would make it difficult to provide coverage other than perhaps adjusted hours in the evening. Commissioner O'Donnell said he would like to know what to budget for in the upcoming budget cycle to address parking violations.

Commissioner O'Donnell suggested the use of decimal readers for noise complaints, specifically noise complaints that are difficult to resolve.

Mayor McGriff asked if Community Development had been able to route complaints to Code Enforcement. Aquilla Hurd-Ravich, Community Development Director, and Mr. Kersey, confirmed that they had.

Commissioner O'Donnell brought forth a disconnect between Clackamas County services and Oregon City Code Enforcement and suggested educating people at dispatch about where to route calls. Chief Band agreed but stated that dispatch comes from multiple agencies.

Commissioner Mitchell asked about Community Service Officers. Captain Davis gave a definition of this service and said Oregon City is deciding if this is something they want to implement.

4. Memorandums of Understanding, Sport Field Fees, and Neighborhood Associations

Commissioner O'Donnell asked that this item be moved to a future work session. Commission consensus was reached.

5. Oregon City Inflow & Infiltration Program Service Lateral Improvement Program (CI 21-015)

John Lewis introduced Kenny Cannady-Schultz, Project Engineer, and Robert Lee of Leeway Engineering Services.

Mr. Lewis gave a review of the City's inflow and infiltration (I & I) concerns. He discussed Clackamas County Water Environment Services (WES), a potential revenue source for funding I & I repairs.

Mr. Lee reviewed the projected results of various I & I improvements and discussed funding options for repairs, including City-funded repairs, homeowner-funded repairs, and cost-sharing repairs between the City and homeowners.

Commissioners Mitchell, Marl, and O'Donnell supported the City-funded improvements option.

CITY MANAGER'S REPORT

Tony Konkol, City Manager, discussed a request from Summit Development Group for City assistance in applying for grant funds to cover infrastructure costs on the Rossman Landfill. Consensus was reached that the City would submit the grant application for Summit as part of the grant requirement. Consensus was also reached that similar requests in the future would be brought before the Commission prior to authorization.

COMMISSION COMMITTEE REPORTS

6. Commissioner O'Donnell

- South Fork Water Board

Tomorrow's South Fork Water Board (SFWB) meeting will discuss West Linn's waterline replacement. A chemical feed building project is upcoming in March or April. Maintenance work was performed on the Clackamas River.

7. Commissioner Smith

- Clackamas Heritage Partners
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board

Commissioner Smith had no updates to provide.

8. Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County I-205 Tolling Diversion Committee

Last night's Citizen Involvement Committee (CIC) included a presentation and Q & A with Summit Development Group. Commissioner Marl thanked Library and Parks and Recreation staff for providing after hours meeting space for the CIC.

Regional Transportation Plan (RTP) projects approved by the City Commission will go to C4 Metro for an advisory vote then return to C4 for approval.

An I-205 tolling presentation was given, and the environmental assessment is upcoming.

Commissioner Mitchell attended the I-205 Tolling Diversion Committee in Commissioner Marl's stead.

9. Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)

No answers were provided for diversion concerns on the Arch Bridge and Main Street as a result of I-205 tolling.

The current RTP projects list is long and funding concerns exist.

10. Mayor McGriff

- Clackamas Water Environment Services Policy Committee
- Clackamas Heritage Partners (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board
- Willamette Falls and Landings Heritage Area
- Willamette Falls Legacy Project Liaisons

Mayor McGriff reported ample support for Oregon City's position on I-205 tolling. She discussed an economic analysis performed by the Oregon Department of Transportation (ODOT) detailing the effects of I-205 tolling on downtown Oregon City and will route the report to the City Manager.

WES has engaged in capital improvement plan discussions.

Two downtown Oregon City business owners were added to the Downtown Oregon City Association (DOCA) board.

Mayor McGriff said the RTP does not address transit concerns for outlying communities. A commercial waste facility as part of the Regional Solid Waste Plan will not be placed on Jennifer Street due to environmental concerns.

Willamette Falls and Landings Heritage Area continues to pursue a National Heritage Area designation. They are discussing expanding the area and expanding board representation. Mayor McGriff asked for Oregon City representation on the Locks Authority.

ADJOURNMENT

Mayor McGriff adjourned the meeting at 8:45 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

Staff Report

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

Item 8a.

To: City Commission
From: Christina Robertson-Gardiner, Senior Planner

Agenda Date: 03/15/2023

SUBJECT:

Second Reading of Ordinance No. 23-1001, Code Amendments to Previously Adopted Middle Housing Code, Package #2 (GLUA 22-0002/LEG-22-0001 - HB 2001 Housing Choice Code Update - Technical Revisions)

STAFF RECOMMENDATION:

Approve the second reading of Ordinance No. 23-1001.

EXECUTIVE SUMMARY:

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 for the HB 2001 Housing Choices Update and remand the LEG 22-0001 to the October 24, 2022 Planning Commission Meeting to review the second package of outstanding policy questions and address any needed technical revisions.

Planning Commission Recommendation: *Accelerated Schedule For Technical Revisions*

Staff initially recommended, and the Planning Commission concurred that the following topics and revisions be forwarded to the City Commission for review at the next available City Commission Meeting. These revisions provide clarity to existing policies or are needed to process currently submitted building permit applications. The Planning Commission provided direction to Staff at the December 12, 2022 Hearing, with a formal vote at the January 9, 2023 Hearing, which provided the required 35 days' notice to the Department of Land Conservation and Development. At the January 9, 2023, Hearing, the Planning Commission voted 6-0 to forward this small package to the City Commission and continue the hearing to review the remainder of the policy topics. The City Commission approved the first reading at the March 1, 2023 City Commission Meeting.

Middle Housing Driveway Specifications

Coordinate with Public Works- Development Services to revise driveway widths to better align across code sections and meet policy goals. Please refer to the staff memo and Exhibit 1 December 5, 2022 Memo by Josh Wheeler, Assistant City Engineer.

Townhome Restriction in Middle Housing Land Division

Reduce the number of townhome units allowed through the Middle Housing Land Division process (four). Require review through the Subdivision or Expedited Land Division process for townhome proposals with more than four units.

Dimensional Standards Revisions for Mixed-Use Downtown and Mixed-Use Corridor Districts

Allowing an exemption of the maximum front yard setbacks and minimum density standards for standalone residential development of four units or less in the Mixed-Use Corridor and Mixed-Use Downtown Zoning Districts and creating a Type II Modification process for projects that need an adjustment to the middle housing design standards. Staff presented additional revisions at the February 1, 2023 City Commission meeting that directed middle housing and single family/duplex design standards to an existing administrative Variance process in OCMC 71.60 and removed the modification process.

Additional City Commission Direction.

At the February 1, 2023 City Commission meeting, staff presented an overview of the proposal and answered questions from the Commission. The Commission voted 5-0 to support the proposal with two additional revisions to OCMC 17.16 Middle Housing Design Standards 1. Correction of attached garage width from 20 feet to 10 feet, and 2. Larger open space width for larger cluster unit configuration (7+). These revisions have been added to Exhibit A of ORD 23-001.

OPTIONS

1. Approve the second reading of Ordinance 23-1001 GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update- Technical Revisions.
2. Provide staff additional direction and continue the file to the April 5, 2023 City Commission Hearing.

ORDINANCE NO. 23-1001

AN ORDINANCE ADOPTING AMENDMENTS TO OREGON CITY MUNICIPAL CODE; TITLE 16: LAND DIVISIONS, AND TITLE 17: ZONING OF THE OREGON CITY MUNICIPAL CODE

WHEREAS, The Housing Choices Code Update proposes amendments to Title 16 (Land Divisions) and Title 17 (Zoning) of the Oregon City Municipal Code in order to permit a greater range of middle housing types, including duplexes, triplexes, quadplexes, townhouses and cottage clusters in residential zones where single-family detached residential units are permitted; and

WHEREAS, Legislative File: GLUA 22-0002/LEG-22-0001 was remanded back to the Planning Commission for review at the October 24, 2022 Planning Commission Hearing to further discuss additional policy questions not required for inclusion in the June 30th package #1 along with any needed technical revisions; and

WHEREAS, at the January 9, 2023, Hearing, the Planning Commission voted 7-0 to forward a small package of technical revisions to the City Commission and continue the Legislative file to review the remainder of the policy topics.

WHEREAS, the revisions either further reduce the barriers to building middle housing, codify existing driveway spacing policies, or provide clarity to the existing HB 2001 code approach that separates and clearly defines the approval process for small infill middle housing and larger development proposals; and

NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code 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: GLUA 22-0002/LEG-22-0001 and the February 3, 2023 staff memorandum.

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 on March 31, 2023.

Read for the first time at a regular meeting of the City Commission held on the 1st day of March 2023, and the City Commission finally enacted the foregoing Ordinance on the 15th day of March 2023.

Mayor Denyse C. McGriff

Attested to this _____ day of _____ 2023:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code

Oregon City Municipal Code
GLUA 22-0002/LEG 22-00001

Housing Choices Update
February 15, 2023 City Commission
Hearing

Code Amendments Package #2
Technical Revisions
Clean Copy

Ordinance No.23-0001

OCMC 16.12- Minimum Public Improvements and Design Standards for Development
OCMC 16.24- Middle Housing Land Division
OCMC 17.14 - Single-Family Detached and Duplex Residential Design Standards
OCMC 17.16 - Middle Housing Design Standards
OCMC 17.29- MUC Mixed-Use Corridor District
OCMC 17.34 - MUD Mixed-Use Downtown District
OCMC 17.60- Variances



3Chapter 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT¹

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.010 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 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 single-family detached residential and middle housing units' 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 single-family detached residential and middle housing units 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 subsections 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

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 16.12 in its entirety to read as herein set out. Former Chapter 16.12, §§ 16.12.010—16.12.110, pertained to minimum improvements and design standards for land divisions, and derived from Ord. No. 08-1014, adopted July 1, 2009.

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 Chapter 12.04 of the Oregon City Municipal Code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 Section 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. 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;
 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 OCMC 16.12.13.A:
 1. Modifications to driveway location, size, and sharing standards in OCMC 16.12.035;
 2. Modifications to sidewalk and planter strips widths and location in OCMC 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.014 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, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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

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.
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.
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

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 OCMC 16.12.085.
- 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 marshal 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.018 Street design—Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines.
- 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.019 Traffic sight obstructions.

All new streets shall comply with the traffic sight obstructions in Chapter 10.32.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.021 Same—Grades and curves.

Grades and center line radii shall conform to standards approved by the city engineer.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.022 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.023 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.024 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.025 Same—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).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.026 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.027 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.028 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 five hundred thirty feet and the minimum block spacing between streets is one hundred fifty 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 three hundred thirty feet. The spacing standards within this section do not apply to alleys.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.032 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 three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

- A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
- B. 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.
- C. 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.
- D. 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.
- E. Accessways shall comply with Americans with Disabilities Act (ADA).
- F. 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;
 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;
 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.
- G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- H. 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.
- I. 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.
- J. 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.
- K. 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.033 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 throughway network, as defined in the regional transportation plan, the following mobility standards apply:
1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - 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 and Beaver Creek Road, the following mobility standards apply:
1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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- family dwellings, duplexes, triplexes, quadplexes and townhouses	175 feet
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	175 feet
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single family dwellings, duplexes, triplexes, quadplexes and townhouses	100 feet
Local Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single family dwellings, duplexes, triplexes, quadplexes and townhouses.	25 feet

1. When driveways are shared (combined), the minimum driveway spacing shall be 20 feet.
 2. All driveways, except for shared driveways, shall be placed a minimum of 5 feet from the property line.
 3. 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-family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance from a street corner standard 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, but no more than 5 feet to the neighboring property line, 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. For any detached single-family dwellings, duplexes, triplexes, quadplexes, and townhouses or property

developed with an ADU with multiple frontages, 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), unless otherwise approved by the city engineer.

1. Two driveways shall never be granted for any property with only one frontage on a local road for any single-family detached residential property or property that contains an ADU unless required by Clackamas Fire District No. 1.
- E. Cluster housing properties may be granted more than one driveway per property and per frontage meeting the spacing standards. Driveways should be combined whenever possible to limit the number of driveways per property.
1. Middle housing properties with only one building may be allowed one driveway for every two units, provided that spacing standards and/or driveway width requirements are met.
 2. Middle housing properties with more than one structure shall meet the cluster housing standards.
- F. Townhouses shall have one driveway approach for every two dwelling units (round up for townhouse structures with an odd number of dwellings).
- G. Driveways on collectors or arterials shall be provided in such a way that no backing of a vehicle will occur from the driveway to the collector or arterial.
- H. 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.
- I. 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 Detached and Duplexes	10 feet		24 feet
Townhouses	10 feet		24 feet
Triplexes, Quadplexes and Cottage Clusters	10 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

1. Shared driveways for middle housing structures shall be minimum 18 feet and maximum 36

- feet except when section J.4.a applies.
2. 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. J. 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.

K. For all driveways, the following standards apply:

2. 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.
3. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.
4. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

L. 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
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 rights-of-way 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 ten 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 five feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.
 - i. The applicant shall obtain a written determination from all utilities that the minimum five-foot PUE coupled with use of a minimum of a five-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 OCMC 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 twenty 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.
- 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.095 Same—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 one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - c. Properties with less than two hundred 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 five 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 ten 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 16.24 EXPEDITED AND MIDDLE HOUSING LAND DIVISIONS

16.24.010 Purpose and applicability.

- A. Purpose. The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions.
- B. Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within residential zoning districts as provided in ORS 197.365.
- C. Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot:
 - 1. A duplex.
 - 2. A triplex.
 - 3. A quadplex.
 - 4. A townhouse project (four units or fewer).
 - 5. A cottage cluster.

16.24.020 Expedited review.

- A. Expedited and middle housing land divisions are reviewed under a Type II procedure except as provided in this Chapter. Where the provisions of this Chapter conflict with the Type II procedures in OCMC 17.50, the procedures of this Chapter will prevail.
- B. Expedited and middle housing land divisions are not subject to pre-application conference requirements in OCMC 17.50.050.
- C. Expedited and middle housing land divisions are not a land use decision or limited land use decision under ORS 197.015.

16.24.030 Submittal requirements.

- A. An application for an expedited land division or middle housing land division is subject to the completeness review and one hundred and twenty-day rule requirements of OCMC 17.50.070 except as follows:
 - 1. The timeline for the completeness check in OCMC 17.50.070.A is twenty-one days, rather than thirty days.
 - 2. The notice of decision must be provided to the applicant and parties entitled to receive notice under OCMC 17.50.130.C within sixty-three days of a completed application.
- B. Mailed notice of an application for an expedited land division or middle housing land division must be provided in the same manner as for a Type II decision, as specified OCMC 17.50.090.A, to the following persons:
 - 1. The applicant.
 - 2. Owners of record of property, as shown on the most recent property tax assessment roll, located within one-hundred feet of the property that is the subject of the notice.
 - 3. Any state agency, other local government, or special district responsible for providing public facilities or services to the development area.

- C. A notice of decision must be provided to the applicant and to all parties who received notice of the application. The notice of decision must include:
 - 1. A written determination of compliance or non-compliance with the criteria of approval in OCMC 16.24.040 for an expedited land division or OCMC 16.24.050 for a middle housing land division.
 - 2. An explanation of the right to appeal the community development director's decision to a city-appointed hearings referee, as provided in ORS 197.375.

16.24.040 Criteria of approval – expedited land division.

- A. The community development director will approve or deny an application for expedited land division within sixty-three days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. The community development director may approve the land division with conditions to ensure the application meets the applicable land use regulations.
- B. The land subject to the application is within the R-10, R-8, R-6, R-5, R-3.5 and R-2 districts.
- C. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
- D. The land division does not provide for dwellings or accessory buildings to be located in the following areas:
 - 1. The Willamette River Greenway Overlay District;
 - 2. The Historic Overlay District;
 - 3. The Natural Resources Overlay District.
- E. The land division satisfies the minimum public improvement and design standards for development in OCMC 16.12.
- F. The land division satisfies the following development standards contained in this code or in an applicable Master Plan:
 - 1. Applicable lot dimensional standards;
 - 2. Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;
 - 3. Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.
- G. The land division will result in development that either:
 - 1. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
 - 2. Will be sold or rented to households with incomes below 120 percent of the median family income for Clackamas County.

16.24.050 Criteria of approval – middle housing land division.

- A. The community development director will approve a tentative plan for middle housing land division based on whether it satisfies the following criteria of approval:
 - 1. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot allowed under ORS 197.758 (5).
 - 2. Separate utilities are provided for each dwelling unit.

3. The applicant provides for easements necessary for each dwelling unit on the plan for:
 - i. Locating, accessing, replacing and servicing all utilities;
 - ii. Pedestrian access from each dwelling unit to a private or public road;
 - iii. Any common use areas or shared building elements;
 - iv. Any dedicated driveways or parking; and
 - v. Any dedicated common area;
4. The applicant proposes exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
5. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.
6. The original lot dedicated and improved the abutting street right of way sufficient to comply with minimum right of way and improvement standards of OCMC 16.12, or dedication and/or improvements of the abutting street right of way are proposed that meet the standards of OCMC 16.12.
7. The type of middle housing developed on the original lot shall not be altered by a middle housing land division. For example, cottage cluster units within a cottage cluster do not become single-family detached residential units after a middle housing land division.

16.24.060 Conditions of approval - expedited and middle housing land division.

- A. The community development director may add conditions of approval of a tentative plan for a middle housing land division or expedited land division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:
- B. A condition to prohibit the further division of the resulting lots or parcels.
- C. A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a middle housing land division.
- D. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

16.24.070. Final plat for expedited and middle housing land division.

- A. An expedited land division or middle housing land division is subject to the final plat standards and procedures as specified in OCMC 16.08.100 to 16.08.105, except as specifically provided otherwise in this section.
- B. A notice of middle housing land division for each middle housing lot shall be recorded with the county recorder that states:
 1. The middle housing lot may not be further divided.
 2. No more than one unit of middle housing may be developed on each middle housing lot.
 3. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.
- C. A final plat is not required prior to issuance of building permits for middle housing proposed with a middle housing land division.

- D. A middle housing land division tentative plan is void if and only if a final plat is not approved within three years of the tentative approval. Expiration of expedited land division tentative plans shall comply with the provisions of OCMC 17.50.200.

16.24.080 Appeals.

The procedures in OCMC 17.50.190 do not apply to appeals of an expedited land division or middle housing land division. Any appeal of an expedited land division or middle housing land division must be as provided in ORS 197.375. The Approval Authority for any appeal of an expedited land division or middle housing land division is a city-appointed hearings referee.

Chapter 17.14 SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DESIGN STANDARDS

17.14.010 Purpose.

The purpose of this chapter is to provide standards for single-family detached residential units and duplexes which are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing "eyes on the street".
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide clear and objective standards for good design at reasonable costs and with multiple options for design variety.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.020 Applicability.

This chapter applies to all street-facing facades of all single-family detached residential units and duplexes, referred to herein as "residences," including manufactured homes not within a manufactured home park.

- A. New single-family detached residential units and duplexes or new garages or expansions of an existing garage on properties with this use require compliance with OCMC 17.14.030 through 17.14.050, OCMC 17.21 or OCMC 17.22 if applicable, as well as OCMC 17.14.080 and 17.14.090.
- B. Residences on a flag lot with a pole length of one hundred feet or greater are exempt from OCMC 17.14.030—17.14.050.
- C. Compliance with minimum public improvements standards in OCMC Chapter 16.12 is required.
- D. The creation of a duplex through conversion of an existing single-family detached residential unit is exempt from the standards of this chapter.

For the purpose of this chapter, garages are defined as structures, or portions thereof, used or designed to be used for the parking of vehicles, including carports. For purposes of this section, garages do not include detached accessory dwelling units which are not part of a detached garage. The garage width shall be measured based on the foremost four feet of the interior garage walls or carport cover.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II administrative variance or may be requested as part of a concurrent Type II, III or IV land use application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.030 Residential design options.

- A. A residence with no garage, a garage not on a street-facing façade, or a detached garage shall provide five of the residential design elements in OCMC 17.14.040.A on the front facade of the structure.
- B. A residence with a front-facing garage where the structure is less than twenty-four feet wide may be permitted if:
 - 1. The garage is no more than twelve feet wide and;
 - 2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade;
 - 3. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 4. One of the following is provided:
 - a. Interior living area above the garage is provided. The living area shall be set back no more than four feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony shall be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit;
- C. A residence with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- D. A residence with a garage that extends up to sixty percent of the length of the street-facing facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Seven of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- E. A residence with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Eight of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- F. A residence with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Nine of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- G. A residence with a garage that is side-oriented to the front lot line may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Windows occupy a minimum of fifteen percent of the lineal length of the street-facing wall of the garage; and
 - 2. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
 - 3. The garage wall does not exceed sixty percent of the length of the street-facing façade.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.035 Corner lots and through lots.

- A. Residences on corner lots and through lots shall comply with one of the options in OCMC 17.14.030 for the front of the home
- B. The other street-facing side of the residence on a corner lot or through lot shall include the following:
 - 1. Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade;
 - 2. Minimum four-inch window trim; and
 - 3. Three additional residential design elements selected from OCMC 17.14.040.A.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.040 Residential design elements.

- A. The residential design elements listed below shall be provided as required in OCMC 17.14.030 above.
 - 1. The design of the residence includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
 - 2. The roof design utilizes a:
 - a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
 - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
 - 3. The building facade includes two or more offsets of sixteen inches or greater;
 - 4. A roof overhang of sixteen inches or greater;
 - 5. A recessed entry that is at least two feet behind the furthest forward living space on the ground floor, and a minimum of eight feet wide;
 - 6. A minimum sixty square-foot covered front porch that is at least five feet deep or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches;
 - 7. A bay window that extends a minimum of twelve inches outward from the main wall of a building and forming a bay or alcove in a room within;
 - 8. Windows and main entrance doors that occupy a minimum of fifteen percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
 - 9. Window trim (minimum four inches);
 - 10. Window grids on all street facing windows (excluding any windows in the garage door or front door).
 - 11. Windows on all elevations include a minimum of four-inch trim (worth two elements);
 - 12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth two elements);
 - 13. Windows on all of the elevations are recessed a minimum of two inches from the facade (worth two elements);
 - 14. A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet;
 - 15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street facade;
 - 16. All garage doors are a maximum nine feet wide;

17. All garage doors wider than nine feet are designed to resemble two smaller garage doors;
 18. There are a minimum of two windows in each garage door;
 19. A third garage door is recessed a minimum of two feet;
 20. A window over the garage door that is a minimum of twelve square feet with window trim (minimum four inches);
 21. The living space of the dwelling is within five feet of the front yard setback; or
 22. The driveway is composed entirely of pervious pavers or porous pavement.
- B. If the garage projects in front of the furthest forward living space on the street facing facade, one of the residential design elements 1 or 2 below, shall be provided in addition to the residential design elements required in OCMC 17.14.040.A. Residential design elements utilized in OCMC 17.14.040.B can be additionally utilized in OCMC 17.14.040.A.
1. A minimum sixty square-foot covered front porch that is at least five feet deep; or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches.
 2. The garage is part of a two-level facade. The second level facade shall have a window (minimum twelve square feet) with window trim (minimum four inches).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.050 Main entrances.

- A. The main entrance for each single-family detached residential unit, and the main entrance for at least one unit in a duplex shall:
1. Be located on a façade that faces a street; or
 2. Open onto a covered porch on a street-facing facade that is at least sixty square feet with a minimum depth of five feet.
- B. The main entrance of one or more dwelling units on a flag lot shall face either the front lot line or the side lot line adjoining the flag pole.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.060 Detached duplexes

- A. Duplexes consisting of two detached dwelling units are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.
- B. In the case of a duplex with detached dwelling units, each street-facing façade that is can be seen from the street shall meet the standards in OCMC 17.14.030.

17.14.080 Residential lot tree requirements.

The intent of this section is to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City at the time of construction. Though not required, the use of large native and heritage tree species is recommended as detailed in this section. In no case shall any plant listed as a nuisance, invasive or problematic species on any regionally accepted plant list be used.

- A. **Tree Requirement.** All single-family detached residential units and middle housing developments shall comply with the requirements of this section. This requirement may be met using one or any combination of the three options below (tree preservation, tree planting, or tree fund). Table 17.14.080.A identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the tree fund. Adjustments from this section are prohibited. The applicant shall submit a residential tree plan for Options 1 and 2 demonstrating compliance with the requirements of this section.

**Table 17.14.080.A
Tree Requirements**

Lot Size (square feet)	Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund
0—4,999	4"
5,000—7,999	6"
8,000—9,999	8"
10,000—14,999	10"
15,000 +	12"

1. **Tree Preservation.** The size of existing trees to be preserved shall be measured as diameter at breast height (DBH).
 - a. This standard shall be met using trees that are located on the lot. When this option is used, a tree preservation plan is required.
 - b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of two inches' caliper DBH.
 - c. **Large Native or Heritage Tree Incentive.** If a tree is preserved that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at DBH may count as a tree diameter of four inches.
2. **Tree Planting.** All planted trees shall measure a minimum two-inch caliper at six inches above the root crown. When this option is used, a tree planting plan is required.
 - a. Trees may be planted anywhere on the lot as space permits.
 - b. **Large Native or Heritage Tree Incentive.** If a tree is planted that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at six inches above the root crown may count as a tree diameter of four inches.

**Table 17.14.080.A.2
Large Native and Heritage Tree List**

Common Name	Scientific Name
Oregon White Oak	Quercus garryana
Pacific willow	Salix lucida spp. lasiandra

Western red cedar	Thuja plicata
Western hemlock	Tsuga heterophylla
Northern Red Oak	Quercus rubra
Bur Oak	Quercus macrocarpa
Bigleaf Maple	Acer macrophyllum
Grand Fir	Abies grandis
Douglas Fir	Pseudotsuga menziesii
American Elm hybrids (disease resistant)	Ulmus spp.
Western yew	Taxus brevifolia

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The community development director may approve this option in-lieu-of or in addition to requirements of Option 1 and/or 2 above. The community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above. The large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.
- The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
 - The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per subsection 1 and 2 above from the minimum tree diameter inches required in Table 17.14.080.A, dividing the sum by two inches and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.14.080.A (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a.—b.—c.	Number of trees owed to tree fund. d./2" minimum caliper tree
10,000—14,999	10"	2"	4"	4"	2

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.090 Street trees.

All new single-family detached residential units and middle housing developments, or additions of twenty-five percent or more of the existing square footage of the residence (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one existing street tree for every thirty-five feet of property frontage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.16 MIDDLE HOUSING DESIGN STANDARDS

17.16.010 Purpose.

The intention of these standards is to promote quality middle housing developments that include - physical and visual connection between units and the street, enhance the streetscape with attractive and varied front facades, minimize the prominence of garages and off-street parking areas, and promote compatibility with the surrounding neighborhood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.020 Applicability.

The standards of this chapter apply to townhouses, triplexes, quadplexes, and cottage clusters in any zone. The applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II administrative variance or may be requested as part of a concurrent Type II, III or IV land use application.

17.16.030 Townhouse design standards.

- A. Townhouses shall meet the dimensional and density standards of the underlying zoning district.
- B. Each townhouse shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the garage width shall be measured based on the foremost four feet of the interior garage walls.
- C. No more than six consecutive townhouses that share a common wall are allowed.
- D. The main entrance of each townhouse must:
 - 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or
 - d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).

Figure 17.16.030.D.1

Main Entrance Facing the Street

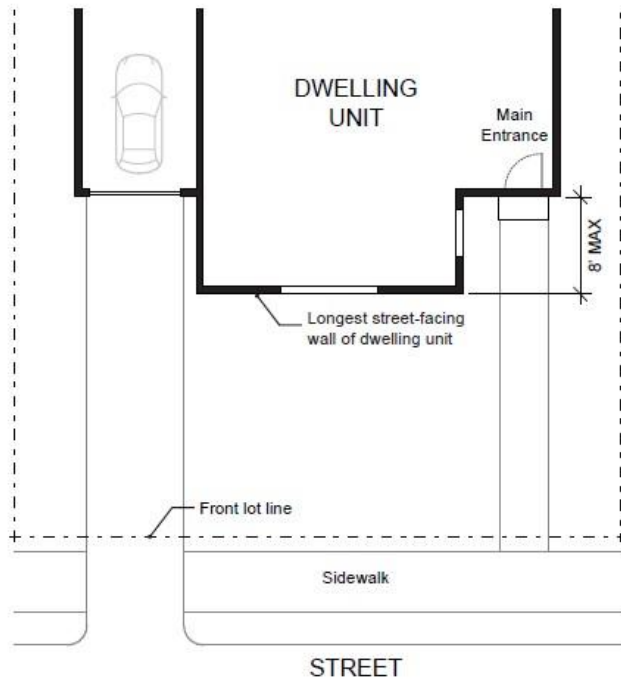


Figure 17.16.030.D.2
Main Entrance at Forty Five Degree Angle from the Street

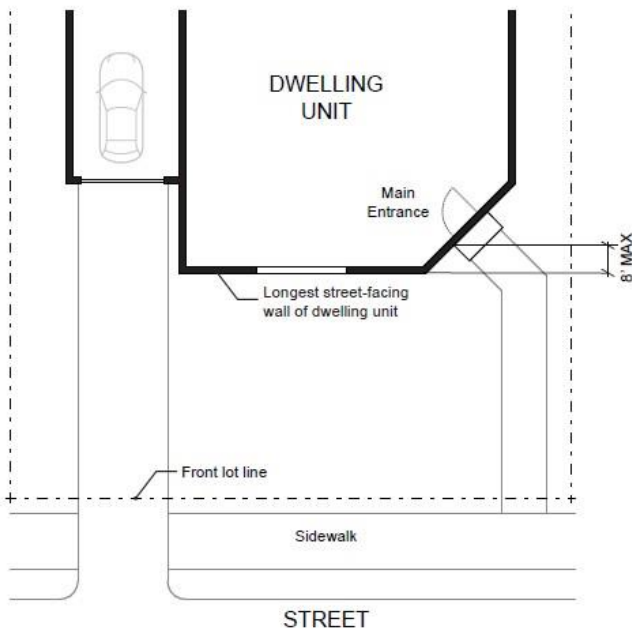


Figure 17.16.030.D.3
Main Entrance Facing Common Open Space

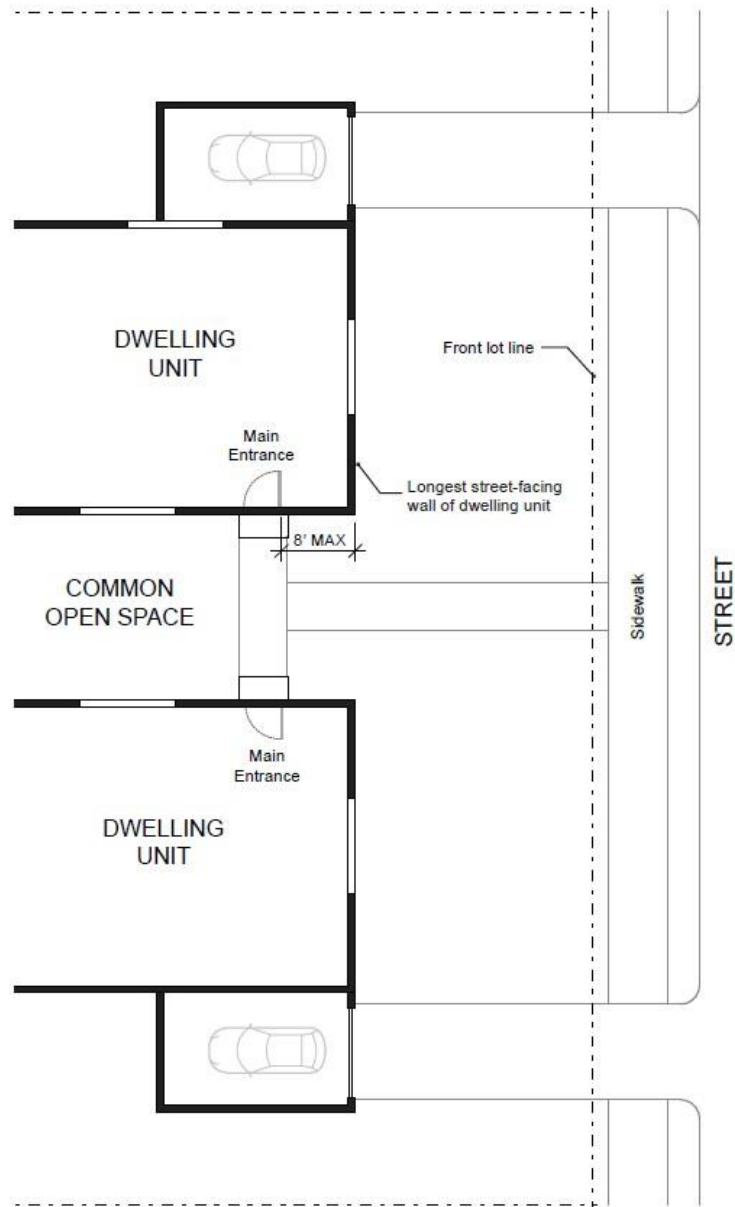
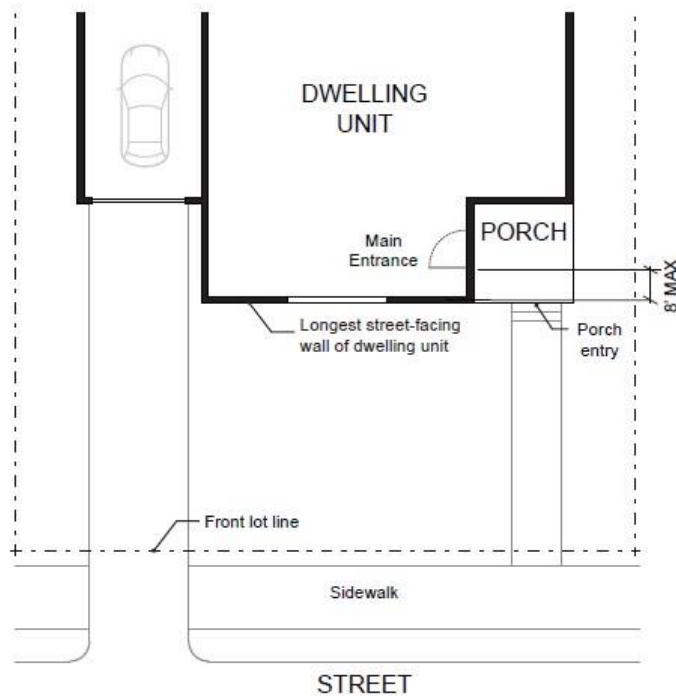


Figure 17.16.030.D.4
Main Entrance Opening onto a Porch



- E. Driveway access and parking shall comply with OCMC 17.16.040.
- F. Townhouses shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

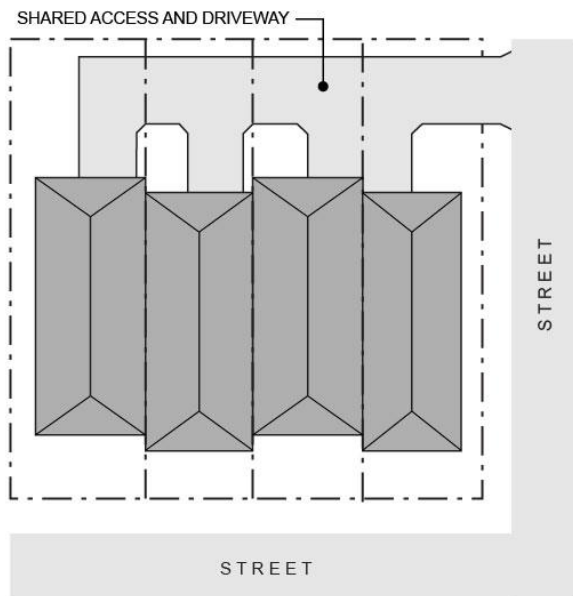
(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.040 Townhouse driveway access and parking.

- A. Where townhouses have frontage on a public street, garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are permitted in compliance with the following standards (see Figure 17.16.030.E.1):
 - 1. All driveways shall comply with OCMC 16.12.035.
 - 2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; ~~and~~
 - a. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach ~~meeting all other standards of~~ OCMC 16.12.035.
 - 3. The garage width shall not exceed twelve feet.
 - 4. Each townhouse lot shall have a street frontage on a local street.
- B. Garages not on the front façade and townhouses which do not include off-street parking in the front yard are permitted in compliance with the following standards. The following driveway access and parking standards may also be voluntarily utilized for townhouses that could otherwise meet the standards in OCMC 17.16.040.A:

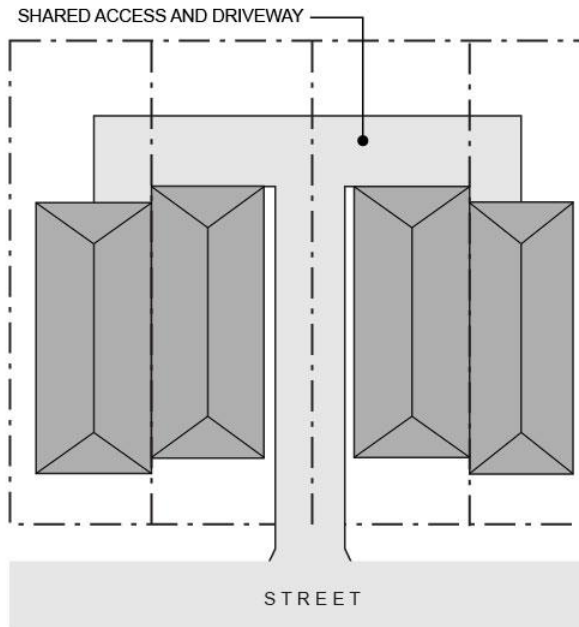
1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2
Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3
Development with Consolidated Access



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.
 - C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.
 - D. Driveways shall comply with the standards of OCMC 16.12.035.
- (Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.060 Triplex and quadplex development requirements.

- A. Triplexes and quadplexes shall meet the dimensional and density standards of the underlying zoning district.
- B. Each triplex or quadplex shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the width of any garage(s) shall be measured based on the foremost four feet of the interior walls of the garage(s).
- C. At least one main entrance for each triplex or quadplex structure must:
 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty-five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or
 - d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).

- D. In residential zones, garages on the front façade and off-street parking areas in the front yard, are permitted in compliance with the following standards:
 - 1. Outdoor on-site parking and maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less; and
 - 2. The combined width of all garages shall not exceed forty feet or fifty percent of the lot frontage, whichever is less.
- E. In mixed-use and commercial zones, parking aisles or areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings, except where the following conditions exist:
 - 1. The site does not abut a collector or arterial street (i.e. the site abuts a local street);
 - 2. The site is not a corner lot; and
 - 3. There is an existing topographic constraint that precludes locating the parking area in conformance with this standard.
- F. Triplexes and quadplexes shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.
- G. The creation of a triplex or quadplex through conversion of an existing single-family detached residential unit is exempt from the standards of this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.065 Detached triplexes

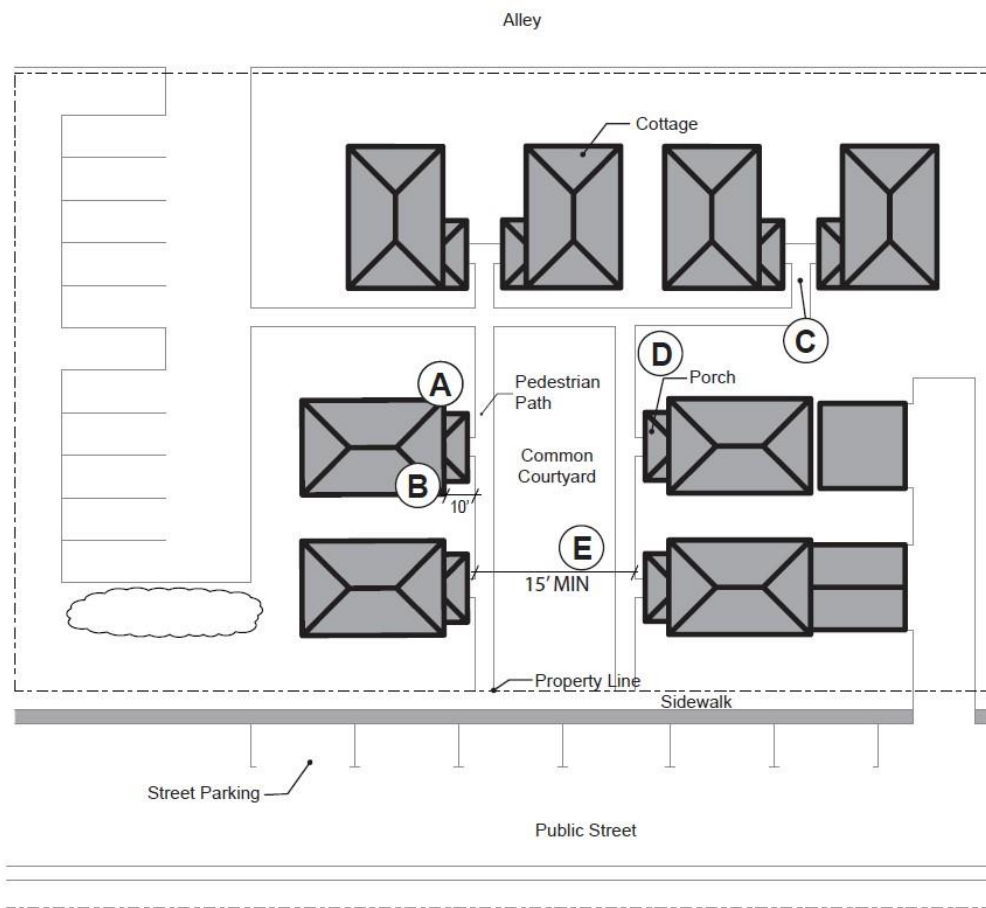
- A. Triplexes consisting of three detached dwelling units, or one detached and two attached dwelling units, are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.
- B. In the case of a triplex with detached dwelling units, each street-facing façade that is not separated from the street property line by a dwelling shall meet the standards in OCMC 17.14.030.
- C. Any detached dwelling unit that is not separated from the street property line by a dwelling along more than 50 percent of its street-facing façade shall provide at least one main entrance meeting the standards of OCMC 17.16.060.C.

17.16.070 Cottage clusters.

- A. Intent.
 - 1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
 - 2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
 - 3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
 - 4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
 - 5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.

- B. Density Standards. Cottage clusters shall meet the density standards of the underlying zoning district.
- C. Dimensional Standards. Cottage clusters shall meet the dimensional standards of the underlying zoning district and the following standards.
 - 1. Maximum building footprint: Nine hundred square feet per cottage cluster unit.
 - 2. Maximum average gross floor area: One thousand square feet per cottage cluster unit.
 - 3. Maximum gross floor area: One thousand five hundred square feet per cottage cluster unit.
 - 4. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
 - 5. Minimum distance separating cottage cluster units (excluding attached dwellings and accessory structures): Ten feet.
 - 6. Cottage clusters shall contain a minimum of four and a maximum of twelve cottage cluster units per cluster to encourage a sense of community among the residents. A development site may contain more than one cluster, however only one cluster of up to twelve units per lot is eligible to utilize the middle housing land division process in OCMC 16.24.
- D. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 17.16.070.D):
 - 1. Each cottage cluster unit within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - 2. A minimum of fifty percent of cottage cluster units within a cluster must be oriented to the common courtyard and must:
 - a. Have a main entrance facing the common courtyard;
 - b. Be within ten feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
 - 3. Cottages within twenty feet of a street property line may have their entrances facing the street.
 - 4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

Figure 17.16.070.D
Cottage Cluster Orientation and Common Courtyard Standards



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

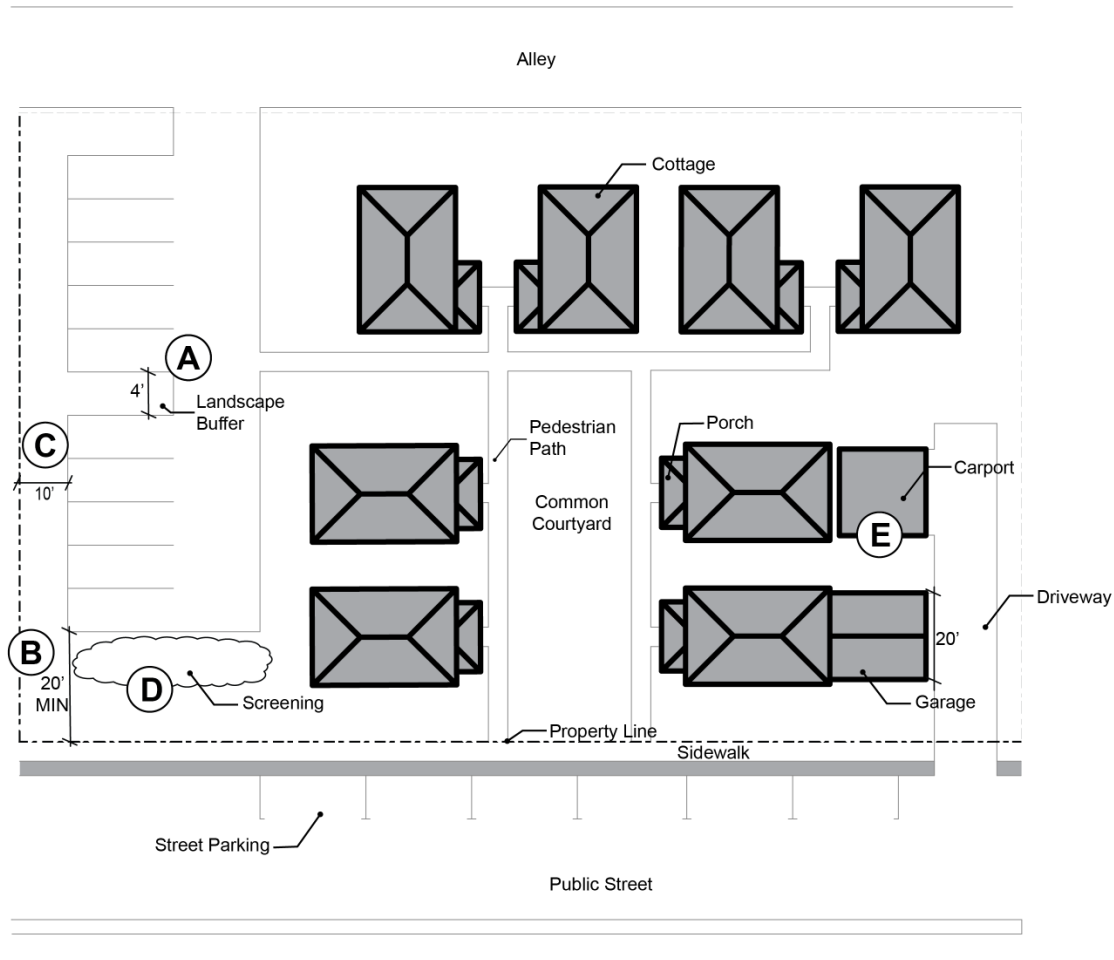
E. Common Courtyard Design Standards.

1. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents.

1. The required minimum common courtyard is one hundred fifty square feet per cottage cluster unit;
2. Common courtyards must meet the following standards (see Figure 17.16.070.D):
 - a. The common courtyard must be a single compact, contiguous, central open space that:
 - i. For clusters of 4-6 units: has a minimum dimension of fifteen feet.
 - ii. For clusters of 7-12 units: has a minimum dimension of twenty-five feet.
 - iii. Abuts at least fifty percent of the cottage cluster units in the cottage cluster
 - b. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common open space shall not exceed seventy-five percent of the total common courtyard area.
 - c. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- F. Pedestrian Access. An accessible, hard-surfaced pedestrian path that is a minimum of four feet wide must be provided that connects the main entrance of each cottage cluster unit to the following:
 1. The common courtyard;
 2. Shared parking areas;
 3. Community buildings; and
 4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- G. Community Buildings. Cottage clusters may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 1. A cottage cluster is permitted one community building, which shall count towards the maximum one thousand square feet average floor area limitation,
 2. A community building that meets the definition of a dwelling unit must meet the maximum nine hundred square foot building footprint limitation that applies to cottage dwelling units, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
- H. Dwelling Types.
 1. In the R-10, R-8 and R-6 zones: In addition to detached cottage cluster units groups of up to two units attached together are permitted in a cottage cluster
 2. In the R-5 and R-3.5 zones: In addition to detached cottage cluster units, groups of up to four units attached together are permitted in a cottage cluster.
 3. In the R-2 zone: In addition to detached cottage cluster units, groups of up to six units attached together, are permitted in a cottage cluster
 4. Accessory dwelling units are not permitted as part of a cottage cluster.
- I. Each cottage cluster unit within twenty feet of a street property line shall comply with the residential design options in OCMC 17.14.030.
- J. Parking shall be provided pursuant to the following requirements (see Figure 17.16.070.J):
 1. Parking shall be provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.

2. All parking shall be located on-site and shall not include shared parking or on-street spaces as allowed by OCMC 17.52.020.B.
3. Landscaping, fencing, or walls at least three feet tall shall separate parking areas and parking structures from common courtyards and public streets.
4. Parking shall be located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
5. Parking clusters shall be separated by a landscaping planter that is a minimum of four feet in width.
6. Parking spaces and vehicle maneuvering areas are prohibited:
 - a. In the front, interior or and side yard setback areas.
 - b. Within twenty feet of any street property line or within ten feet of any other property line, except alley property lines.
 - c. Between a street property line (excluding an alley) and the front façade of cottages located closest to the street property line.
7. Drive aisles and access driveways are allowed in the side or rear yard setback, and within ten feet of other property lines.
8. Detached parking structures/garages shall be six hundred square feet or less if shared by more than one cottage cluster unit, or four hundred square feet or less if exclusively used by a single cottage cluster unit. Such detached parking structures/garages shall not be counted as part of the allowed average or maximum gross floor area or building footprint of the cottage cluster units.
9. Garages may be attached to cottage cluster units. Such garages shall not abut common open spaces, shall have garage doors of ten feet or less in width shall not exceed two hundred square feet of gross floor area. The gross floor area of the garage shall not count towards the allowed average or maximum gross floor area or building footprint of the cottage cluster unit.
10. Driveways shall comply with OCMC 16.12.035.

Figure 17.16.070.J
Cottage Cluster Parking Design Standards



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

K. Fences.

1. All fences shall be no more than forty-two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
2. Chain link fences shall not be allowed.

- L. Existing Dwelling Unit On-Site. One existing single-family detached residential unit incorporated into a cottage cluster-that does not meet the requirements of this section is permitted to remain on a site developed for cottage cluster-and shall be considered a unit in the development. The size of the existing single-family detached residential unit may exceed the maximum building footprint and maximum gross floor area, and shall not be part of the average gross floor area calculations. The existing single-family detached residential unit shall be excluded from the calculation of orientation toward the common courtyard. Modifications or additions to the existing dwelling unit not consistent with the provisions of this section shall not be permitted.

17.16.080 Sufficient infrastructure.

- A. For all triplexes, quadplexes, townhouses and cottage clusters in residential zones, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:
1. Connection to a public wastewater system capable of meeting established service levels.
 2. Connection to a public water system capable of meeting established service levels.
 3. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 4. Storm drainage facilities capable of meeting established service levels for storm drainage.

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, Beavercreek 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. Multi-family residential, triplexes and quadplexes.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent 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 standalone 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. Accessory dwelling unit in conjunction with a legally established non-conforming single-family dwelling.
- CC. Duplex.
- DD. After-hours public parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 standalone 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
 - I. Standalone residential development of fewer than five units are exempt from maximum setbacks and minimum density requirements of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 standalone 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.080 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the MUC-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
 - 1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
 - 2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the net developable portion of contiguous mixed-use corridor zoned lands.
 - a. Restaurants, eating and drinking establishments;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a standalone building with a single store does not exceed twenty thousand square feet; and
 - d. Grocery stores provided the maximum footprint for a standalone building does not exceed forty thousand square feet.
 - 3. Drive-throughs are prohibited.
 - 4. Gas stations are prohibited.
 - 5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
 - 6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of July 31, 2020 as a permitted use. This property may only maintain and expand the current use.
- D. Dimensional Standards.
 - 1. Minimum floor area ratio (FAR) shall be 0.35.
 - 2. Maximum allowed setback for corner side yard abutting street shall be five feet.
- E. Residential Uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. Multi-family residential, triplexes and quadplexes;
- M. One or two units in conjunction with a nonresidential use provided that the residential use occupies no more than fifty percent 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 detached residential units, townhouses 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 (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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
- K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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): Five 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.
- K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 nonresidential 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.60 VARIANCES¹

17.60.010 Authority.

According to procedures set forth in OCMC 17.60.030, the planning commission or the community development director may authorize variances from the requirements of this title. In granting a variance, the planning commission or community development director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.
- 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.
- 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 17.50.030.B, 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;

¹Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.60 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.60 pertained to similar subject matter. See Ordinance Disposition List for derivation.

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, townhomes, accessory dwelling units, triplex, quadplexes, and cluster housing in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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;
- B. That the request is the minimum variance that would alleviate the hardship;
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated;
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
- F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)



To: City Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing
Choice Code Update- Technical Revisions
Date: February 3, 2023

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 for the HB 2001 Housing Choices Update and remand the LEG 22-001 to the October 24, 2022 Planning Commission Meeting to review the second package of outstanding policy questions.

Copies of the adopted code and application packets can be found by visiting the [Housing Choices Code Update project page](#). The [online municipal code](#) will be updated to include these changes in early 2023.

Hearings Process

The Package #2 code revision process generally followed the same method the Planning Commission utilized when adopting code revisions to the Thimble Creek Concept Plan area in 2019-2022. Policy topics will be assigned specific hearing dates in advance to allow Planning Commissioners, staff, and the public the ability to concentrate their efforts on a few issues at a time. Each topic will start with a presentation of background information from staff, a review of oral and written public comments on the topic, and a discussion of whether the policy question should be addressed through code revisions. If the Planning Commission provided direction on the policy question, A policy tracker was updated to reflect the Planning Commission's direction. Toward the end of the hearings process- the Planning Commission reviewed the entire proposal to ensure that there was consensus on the package being forwarded to the City Commission. The Planning Commission reviewed these topics from November 2022- January 2023.

Planning Commission Recommendation: *Accelerated Schedule For Technical Revisions*

Staff initially recommended, and the Planning Commission concurred that the following topics and revisions be forwarded to the City Commission for review at the next available City Commission Meeting. These revisions provide clarity to existing policies or are needed to process currently submitted building permit applications. The Planning Commission provided direction to Staff at the December 12, 2022 Hearing, with a formal vote at the January 9, 2023 Hearing, which provided the required 35 days' notice to the Department of Land Conservation and Development. At the January 9, 2023, Hearing, the Planning Commission voted 6-0 to forward this small package to the City Commission and continue the hearing to review the remainder of the policy topics.

Middle Housing Driveway Specifications

Coordinate with Public Works- Development Services to revise driveway widths to better align across code sections and meet policy goals. Please refer to the staff memo and Exhibit 1 December 5, 2022 Memo by Josh Wheeler, Assistant City Engineer.

Townhome Restriction in Middle Housing Land Division

Reduce the number of townhome units allowed through the Middle Housing Land Division process (four). Require review through the Subdivision or Expedite Land Division process for townhome proposals with more than four units.

Dimensional Standards Revisions for Mixed-Use Downtown and Mixed-Use Corridor Districts

Allowing an exemption of the maximum front yard setbacks and minimum density standards for standalone residential development of four units or less in the Mixed-Use Corridor and Mixed-Use Downtown Zoning Districts and creating a Type II Modification process for projects that need an adjustment to the middle housing design standards. Staff presented additional revisions at the February 1, 2023 City Commission meeting that directed middle housing and single family/duplex design standards to an existing administrative Variance process in OCMC 71.60 and removed the modification process.

Additional City Commission Direction.

At the February 1, 2023 City Commission meeting, staff presented an overview of the proposal and answered questions from the Commission. The Commission voted 5-0 to support the proposal with two additional revisions to OCMC 17.16 Middle Housing Design Standards 1. Correction of attached garage width from 20 feet to 10 feet, and 2. Larger open space width for larger cluster unit configuration (7+). These revisions have been added to Exhibit A of ORD 23-001.

Staff Report and Findings

The proposed technical revisions provide clarity to existing policies and adopted HB2001 code or address deficient processes in the code. The revisions either further reduce the barriers to building middle housing, codify existing driveway spacing policies, or provides clarity to the existing HB 2001 code approach that separates and clearly defines the approval process for small infill middle housing and larger development proposals. Please refer to the March 18, 2022GLUA 22-0002/LEG 22-0001 Staff Report for additional findings.

Public Comment: No public comment was received for items related to the proposed technical revisions.

Post Acknowledgment Plan Amendment (PAPA)

Proposed code language was sent to the Department for Land Conservation and Development (DLCD) for review as a Post Acknowledgment Plan Amendment (PAPA) 35 days before the 1st Planning Commission hearing on January 9, 2023. The original LEG 22-0001 submission and the PAPA for the technical amendments were submitted prior to the adoption of the recent Oregon City Comprehensive Plan. Therefore, the compliance review is based on the 2004 Comprehensive plan found in the attached staff report.

Exhibits

1. Proposed Redline Code
2. December 5, 2022 Memo by Josh Wheeler, Assistant City Engineer
3. LEG 22-0001 Staff Report

Planning Commission Agendas, Videos, and Memos

1. [**October 24, 2022 Planning Commission Agenda**](#)
 - a. Planning Commission Memo
2. [**December 12, 2022 Planning Commission Agenda**](#)
 - a. Planning Commission Memo
3. [**January 9, 2023 Planning Commission Agenda**](#)
 - a. Planning Commission Memo
4. [**February 1, 2023 City Commission Agenda**](#)

Oregon City Municipal Code
GLUA 22-0002/LEG 22-00001

Housing Choices Update
February 15, 2023 City Commission
Hearing

Code Amendments Package #2
Technical Revisions
Redline Copy

Ordinance No.23-0001

OCMC 16.12- Minimum Public Improvements and Design Standards for Development
OCMC 16.24- Middle Housing Land Division
OCMC 17.14 - Single-Family Detached and Duplex Residential Design Standards
OCMC 17.16 - Middle Housing Design Standards
OCMC 17.29- MUC Mixed-Use Corridor District
OCMC 17.34 - MUD Mixed-Use Downtown District
OCMC 17.60- Variances



Chapter 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT¹

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.010 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 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 single-family detached residential and middle housing units' 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 single-family detached residential and middle housing units 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 subsections 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

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 16.12 in its entirety to read as herein set out. Former Chapter 16.12, §§ 16.12.010—16.12.110, pertained to minimum improvements and design standards for land divisions, and derived from Ord. No. 08-1014, adopted July 1, 2009.

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 Chapter 12.04 of the Oregon City Municipal Code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 Section 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. 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;
 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 OCMC 16.12.13.A:
1. Modifications to driveway location, size, and sharing standards in OCMC 16.12.035;
 2. Modifications to sidewalk and planter strips widths and location in OCMC 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.014 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, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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

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.
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.
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

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 OCMC 16.12.085.
- 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 marshal 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.018 Street design—Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines.
- 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.019 Traffic sight obstructions.

All new streets shall comply with the traffic sight obstructions in Chapter 10.32.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.021 Same—Grades and curves.

Grades and center line radii shall conform to standards approved by the city engineer.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.022 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.023 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.024 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.025 Same—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).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.026 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.027 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.028 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 five hundred thirty feet and the minimum block spacing between streets is one hundred fifty 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 three hundred thirty feet. The spacing standards within this section do not apply to alleys.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.032 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 three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

- A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
- B. 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.
- C. 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.
- D. 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.
- E. Accessways shall comply with Americans with Disabilities Act (ADA).
- F. 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;
 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;
 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.
- G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- H. 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.
- I. 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.
- J. 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.
- K. 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.033 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 throughway network, as defined in the regional transportation plan, the following mobility standards apply:
1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - 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 and Beaver Creek Road, the following mobility standards apply:
1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 <u>single-family dwellings, duplexes, triplexes, quadplexes and townhouses</u>	175 feet
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	175 feet
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single family dwellings, duplexes, triplexes, quadplexes and townhouses	100 feet
Local Streets	Minimum distance from a street corner to a driveway and between <u>driveways for all uses other than detached single family dwellings, duplexes, triplexes, quadplexes and townhouses.</u>	25 feet

1. When driveways are shared (combined), the minimum driveway spacing shall be 20 feet.
 2. All driveways, except for shared driveways, shall be placed a minimum of 5 feet from the property line.
 3. 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-family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance from a street corner standard 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, but no more than 5 feet to the neighboring property line, 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. For any detached single-family dwellings, duplexes, triplexes, quadplexes, and townhouses or property

~~developed with an ADU with multiple frontages.~~ 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 detached residential or middle housing property, or property developed with an ADU with multiple frontages,~~ unless otherwise approved by the city engineer.

1. Two driveways shall never be granted for any property with only one frontage on a local road for any single-family detached residential property or property that contains an ADU unless required by Clackamas Fire District No. 1.
- E. Cluster housing properties may be granted more than one driveway per property and per frontage meeting the spacing standards. Driveways should be combined whenever possible to limit the number of driveways per property.
1. Middle housing properties with only one building may be allowed one driveway for every two units, provided that spacing standards and/or driveway width requirements are met.
 2. Middle housing properties with more than one structure shall meet the cluster housing standards.
- F. Townhouses shall have one driveway approach for every two dwelling units (round up for townhouse structures with an odd number of dwellings).
- G. Driveways on collectors or arterials shall be provided in such a way that no backing of a vehicle will occur from the driveway to the collector or arterial.
- H. 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.
- I. 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 Detached and Duplexes	10 feet		24 feet
Townhouses	10 feet		24 feet
Triplexes, Quadplexes and Cottage Clusters	10 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

1. Shared driveways for middle housing structures shall be minimum 18 feet and maximum 36 feet except when section J.4.a applies.
2. 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. J. 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.

K. For all driveways, the following standards apply:

2. 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.
3. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.
4. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

L. 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
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 rights-of-way 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 ten 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 five feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.
 - i. The applicant shall obtain a written determination from all utilities that the minimum five-foot PUE coupled with use of a minimum of a five-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 OCMC 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 twenty 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.
- 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.095 Same—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 one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - c. Properties with less than two hundred 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 five 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 ten 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 16.24 EXPEDITED AND MIDDLE HOUSING LAND DIVISIONS

16.24.010 Purpose and applicability.

- A. Purpose. The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions.
- B. Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within residential zoning districts as provided in ORS 197.365.
- C. Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot:
 - 1. A duplex.
 - 2. A triplex.
 - 3. A quadplex.
 - 4. A townhouse project (four units or fewer).
 - 5. A cottage cluster.

16.24.020 Expedited review.

- A. Expedited and middle housing land divisions are reviewed under a Type II procedure except as provided in this Chapter. Where the provisions of this Chapter conflict with the Type II procedures in OCMC 17.50, the procedures of this Chapter will prevail.
- B. Expedited and middle housing land divisions are not subject to pre-application conference requirements in OCMC 17.50.050.
- C. Expedited and middle housing land divisions are not a land use decision or limited land use decision under ORS 197.015.

16.24.030 Submittal requirements.

- A. An application for an expedited land division or middle housing land division is subject to the completeness review and one hundred and twenty-day rule requirements of OCMC 17.50.070 except as follows:
 - 1. The timeline for the completeness check in OCMC 17.50.070.A is twenty-one days, rather than thirty days.
 - 2. The notice of decision must be provided to the applicant and parties entitled to receive notice under OCMC 17.50.130.C within sixty-three days of a completed application.
- B. Mailed notice of an application for an expedited land division or middle housing land division must be provided in the same manner as for a Type II decision, as specified OCMC 17.50.090.A, to the following persons:
 - 1. The applicant.
 - 2. Owners of record of property, as shown on the most recent property tax assessment roll, located within one-hundred feet of the property that is the subject of the notice.
 - 3. Any state agency, other local government, or special district responsible for providing public facilities or services to the development area.

- C. A notice of decision must be provided to the applicant and to all parties who received notice of the application. The notice of decision must include:
 - 1. A written determination of compliance or non-compliance with the criteria of approval in OCMC 16.24.040 for an expedited land division or OCMC 16.24.050 for a middle housing land division.
 - 2. An explanation of the right to appeal the community development director's decision to a city-appointed hearings referee, as provided in ORS 197.375.

16.24.040 Criteria of approval – expedited land division.

- A. The community development director will approve or deny an application for expedited land division within sixty-three days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. The community development director may approve the land division with conditions to ensure the application meets the applicable land use regulations.
- B. The land subject to the application is within the R-10, R-8, R-6, R-5, R-3.5 and R-2 districts.
- C. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
- D. The land division does not provide for dwellings or accessory buildings to be located in the following areas:
 - 1. The Willamette River Greenway Overlay District;
 - 2. The Historic Overlay District;
 - 3. The Natural Resources Overlay District.
- E. The land division satisfies the minimum public improvement and design standards for development in OCMC 16.12.
- F. The land division satisfies the following development standards contained in this code or in an applicable Master Plan:
 - 1. Applicable lot dimensional standards;
 - 2. Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;
 - 3. Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.
- G. The land division will result in development that either:
 - 1. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
 - 2. Will be sold or rented to households with incomes below 120 percent of the median family income for Clackamas County.

16.24.050 Criteria of approval – middle housing land division.

- A. The community development director will approve a tentative plan for middle housing land division based on whether it satisfies the following criteria of approval:
 - 1. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot allowed under ORS 197.758 (5).
 - 2. Separate utilities are provided for each dwelling unit.

3. The applicant provides for easements necessary for each dwelling unit on the plan for:
 - i. Locating, accessing, replacing and servicing all utilities;
 - ii. Pedestrian access from each dwelling unit to a private or public road;
 - iii. Any common use areas or shared building elements;
 - iv. Any dedicated driveways or parking; and
 - v. Any dedicated common area;
4. The applicant proposes exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
5. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.
6. The original lot dedicated and improved the abutting street right of way sufficient to comply with minimum right of way and improvement standards of OCMC 16.12, or dedication and/or improvements of the abutting street right of way are proposed that meet the standards of OCMC 16.12.
7. The type of middle housing developed on the original lot shall not be altered by a middle housing land division. For example, cottage cluster units within a cottage cluster do not become single-family detached residential units after a middle housing land division.

16.24.060 Conditions of approval - expedited and middle housing land division.

- A. The community development director may add conditions of approval of a tentative plan for a middle housing land division or expedited land division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:
- B. A condition to prohibit the further division of the resulting lots or parcels.
- C. A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a middle housing land division.
- D. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

16.24.070. Final plat for expedited and middle housing land division.

- A. An expedited land division or middle housing land division is subject to the final plat standards and procedures as specified in OCMC 16.08.100 to 16.08.105, except as specifically provided otherwise in this section.
- B. A notice of middle housing land division for each middle housing lot shall be recorded with the county recorder that states:
 1. The middle housing lot may not be further divided.
 2. No more than one unit of middle housing may be developed on each middle housing lot.
 3. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.
- C. A final plat is not required prior to issuance of building permits for middle housing proposed with a middle housing land division.

- D. A middle housing land division tentative plan is void if and only if a final plat is not approved within three years of the tentative approval. Expiration of expedited land division tentative plans shall comply with the provisions of OCMC 17.50.200.

16.24.080 Appeals.

The procedures in OCMC 17.50.190 do not apply to appeals of an expedited land division or middle housing land division. Any appeal of an expedited land division or middle housing land division must be as provided in ORS 197.375. The Approval Authority for any appeal of an expedited land division or middle housing land division is a city-appointed hearings referee.

Chapter 17.14 SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DESIGN STANDARDS

17.14.010 Purpose.

The purpose of this chapter is to provide standards for single-family detached residential units and duplexes which are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing "eyes on the street".
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide clear and objective standards for good design at reasonable costs and with multiple options for design variety.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.020 Applicability.

This chapter applies to all street-facing facades of all single-family detached residential units and duplexes, referred to herein as "residences," including manufactured homes not within a manufactured home park.

- A. New single-family detached residential units and duplexes or new garages or expansions of an existing garage on properties with this use require compliance with OCMC 17.14.030 through 17.14.050, OCMC 17.21 or OCMC 17.22 if applicable, as well as OCMC 17.14.080 and 17.14.090.
- B. Residences on a flag lot with a pole length of one hundred feet or greater are exempt from OCMC 17.14.030—17.14.050.
- C. Compliance with minimum public improvements standards in OCMC Chapter 16.12 is required.
- D. The creation of a duplex through conversion of an existing single-family detached residential unit is exempt from the standards of this chapter.

For the purpose of this chapter, garages are defined as structures, or portions thereof, used or designed to be used for the parking of vehicles, including carports. For purposes of this section, garages do not include detached accessory dwelling units which are not part of a detached garage. The garage width shall be measured based on the foremost four feet of the interior garage walls or carport cover.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II application **administrative variance** or may be requested as part of a concurrent Type II, III or IV land use application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.030 Residential design options.

- A. A residence with no garage, a garage not on a street-facing façade, or a detached garage shall provide five of the residential design elements in OCMC 17.14.040.A on the front facade of the structure.
- B. A residence with a front-facing garage where the structure is less than twenty-four feet wide may be permitted if:
 - 1. The garage is no more than twelve feet wide and;
 - 2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade;
 - 3. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 4. One of the following is provided:
 - a. Interior living area above the garage is provided. The living area shall be set back no more than four feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony shall be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit;
- C. A residence with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- D. A residence with a garage that extends up to sixty percent of the length of the street-facing facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Seven of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- E. A residence with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Eight of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- F. A residence with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Nine of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- G. A residence with a garage that is side-oriented to the front lot line may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Windows occupy a minimum of fifteen percent of the lineal length of the street-facing wall of the garage; and
 - 2. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
 - 3. The garage wall does not exceed sixty percent of the length of the street-facing façade.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.035 Corner lots and through lots.

- A. Residences on corner lots and through lots shall comply with one of the options in OCMC 17.14.030 for the front of the home
- B. The other street-facing side of the residence on a corner lot or through lot shall include the following:
 - 1. Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade;
 - 2. Minimum four-inch window trim; and
 - 3. Three additional residential design elements selected from OCMC 17.14.040.A.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.040 Residential design elements.

- A. The residential design elements listed below shall be provided as required in OCMC 17.14.030 above.
 - 1. The design of the residence includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
 - 2. The roof design utilizes a:
 - a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
 - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
 - 3. The building facade includes two or more offsets of sixteen inches or greater;
 - 4. A roof overhang of sixteen inches or greater;
 - 5. A recessed entry that is at least two feet behind the furthest forward living space on the ground floor, and a minimum of eight feet wide;
 - 6. A minimum sixty square-foot covered front porch that is at least five feet deep or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches;
 - 7. A bay window that extends a minimum of twelve inches outward from the main wall of a building and forming a bay or alcove in a room within;
 - 8. Windows and main entrance doors that occupy a minimum of fifteen percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
 - 9. Window trim (minimum four inches);
 - 10. Window grids on all street facing windows (excluding any windows in the garage door or front door).
 - 11. Windows on all elevations include a minimum of four-inch trim (worth two elements);
 - 12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth two elements);
 - 13. Windows on all of the elevations are recessed a minimum of two inches from the facade (worth two elements);
 - 14. A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet;
 - 15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street facade;
 - 16. All garage doors are a maximum nine feet wide;

17. All garage doors wider than nine feet are designed to resemble two smaller garage doors;
 18. There are a minimum of two windows in each garage door;
 19. A third garage door is recessed a minimum of two feet;
 20. A window over the garage door that is a minimum of twelve square feet with window trim (minimum four inches);
 21. The living space of the dwelling is within five feet of the front yard setback; or
 22. The driveway is composed entirely of pervious pavers or porous pavement.
- B. If the garage projects in front of the furthest forward living space on the street facing facade, one of the residential design elements 1 or 2 below, shall be provided in addition to the residential design elements required in OCMC 17.14.040.A. Residential design elements utilized in OCMC 17.14.040.B can be additionally utilized in OCMC 17.14.040.A.
1. A minimum sixty square-foot covered front porch that is at least five feet deep; or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches.
 2. The garage is part of a two-level facade. The second level facade shall have a window (minimum twelve square feet) with window trim (minimum four inches).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.050 Main entrances.

- A. The main entrance for each single-family detached residential unit, and the main entrance for at least one unit in a duplex shall:
1. Be located on a façade that faces a street; or
 2. Open onto a covered porch on a street-facing facade that is at least sixty square feet with a minimum depth of five feet.
- B. The main entrance of one or more dwelling units on a flag lot shall face either the front lot line or the side lot line adjoining the flag pole.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.060 Detached duplexes

- A. Duplexes consisting of two detached dwelling units are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.
- B. In the case of a duplex with detached dwelling units, each street-facing façade that is can bee seen from the street shall meet the standards in OCMC 17.14.030.

17.14.080 Residential lot tree requirements.

The intent of this section is to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City at the time of construction. Though not required, the use of large native and heritage tree species is recommended as detailed in this section. In no case shall any plant listed as a nuisance, invasive or problematic species on any regionally accepted plant list be used.

- A. Tree Requirement. All single-family detached residential units and middle housing developments shall comply with the requirements of this section. This requirement may be met using one or any combination of the three options below (tree preservation, tree planting, or tree fund). Table 17.14.080.A identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the tree fund. Adjustments from this section are prohibited. The applicant shall submit a residential tree plan for Options 1 and 2 demonstrating compliance with the requirements of this section.

**Table 17.14.080.A
Tree Requirements**

Lot Size (square feet)	Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund
0—4,999	4"
5,000—7,999	6"
8,000—9,999	8"
10,000—14,999	10"
15,000 +	12"

1. Tree Preservation. The size of existing trees to be preserved shall be measured as diameter at breast height (DBH).
 - a. This standard shall be met using trees that are located on the lot. When this option is used, a tree preservation plan is required.
 - b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of two inches' caliper DBH.
 - c. Large Native or Heritage Tree Incentive. If a tree is preserved that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at DBH may count as a tree diameter of four inches.
2. Tree Planting. All planted trees shall measure a minimum two-inch caliper at six inches above the root crown. When this option is used, a tree planting plan is required.
 - a. Trees may be planted anywhere on the lot as space permits.
 - b. Large Native or Heritage Tree Incentive. If a tree is planted that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at six inches above the root crown may count as a tree diameter of four inches.

**Table 17.14.080.A.2
Large Native and Heritage Tree List**

Common Name	Scientific Name
Oregon White Oak	Quercus garryana
Pacific willow	Salix lucida spp. lasiandra

Western red cedar	Thuja plicata
Western hemlock	Tsuga heterophylla
Northern Red Oak	Quercus rubra
Bur Oak	Quercus macrocarpa
Bigleaf Maple	Acer macrophyllum
Grand Fir	Abies grandis
Douglas Fir	Pseudotsuga menziesii
American Elm hybrids (disease resistant)	Ulmus spp.
Western yew	Taxus brevifolia

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The community development director may approve this option in-lieu-of or in addition to requirements of Option 1 and/or 2 above. The community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above. The large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.
- The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
 - The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per subsection 1 and 2 above from the minimum tree diameter inches required in Table 17.14.080.A, dividing the sum by two inches and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.14.080.A (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a.—b.—c.	Number of trees owed to tree fund. d./2" minimum caliper tree
10,000—14,999	10"	2"	4"	4"	2

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.090 Street trees.

All new single-family detached residential units and middle housing developments, or additions of twenty-five percent or more of the existing square footage of the residence (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one existing street tree for every thirty-five feet of property frontage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.16 MIDDLE HOUSING DESIGN STANDARDS

17.16.010 Purpose.

The intention of these standards is to promote quality middle housing developments that include - physical and visual connection between units and the street, enhance the streetscape with attractive and varied front facades, minimize the prominence of garages and off-street parking areas, and promote compatibility with the surrounding neighborhood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.020 Applicability.

The standards of this chapter apply to townhouses, triplexes, quadplexes, and cottage clusters in any zone. The applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II administrative variance or may be requested as part of a concurrent Type II, III or IV land use application.

17.16.030 Townhouse design standards.

- A. Townhouses shall meet the dimensional and density standards of the underlying zoning district.
- B. Each townhouse shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the garage width shall be measured based on the foremost four feet of the interior garage walls.
- C. No more than six consecutive townhouses that share a common wall are allowed.
- D. The main entrance of each townhouse must:
 - 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or
 - d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).

Figure 17.16.030.D.1
Main Entrance Facing the Street

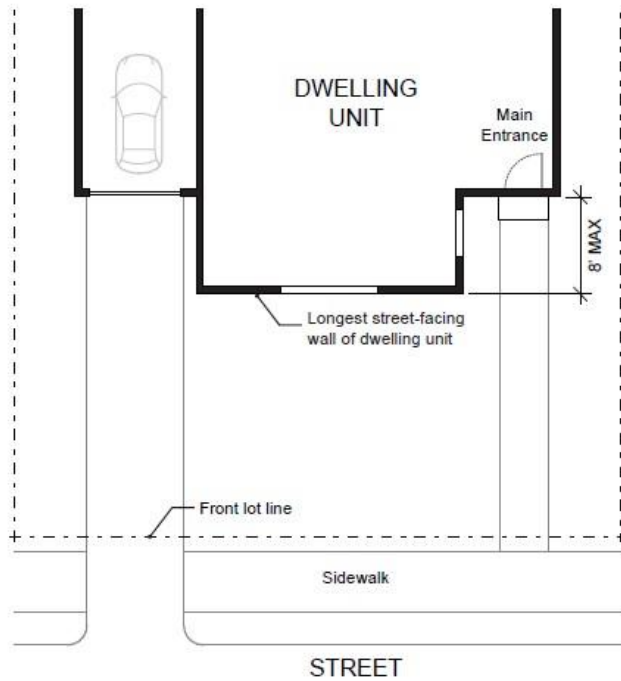


Figure 17.16.030.D.2
Main Entrance at Forty Five Degree Angle from the Street

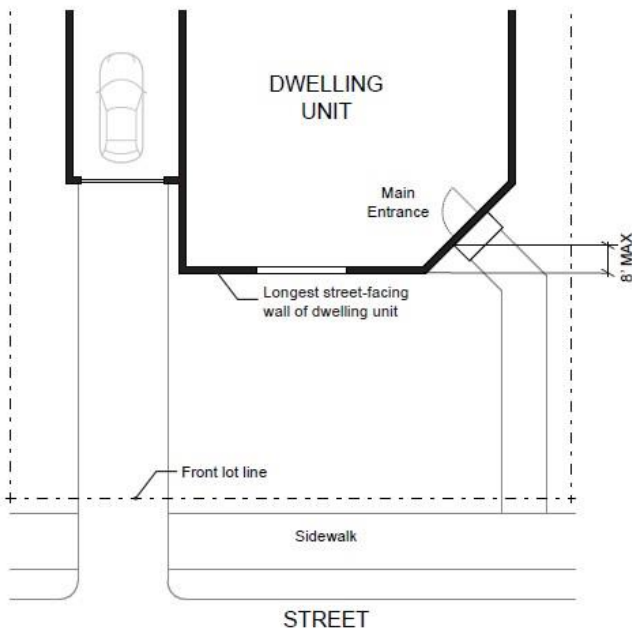


Figure 17.16.030.D.3
Main Entrance Facing Common Open Space

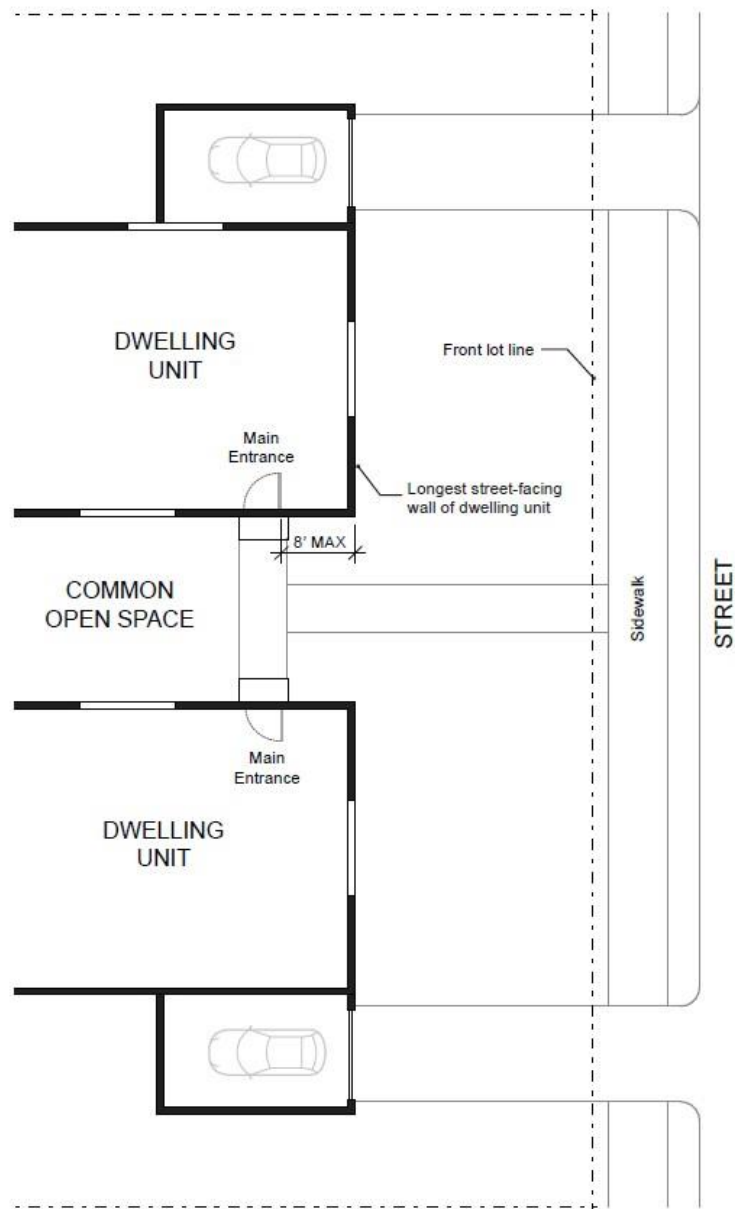
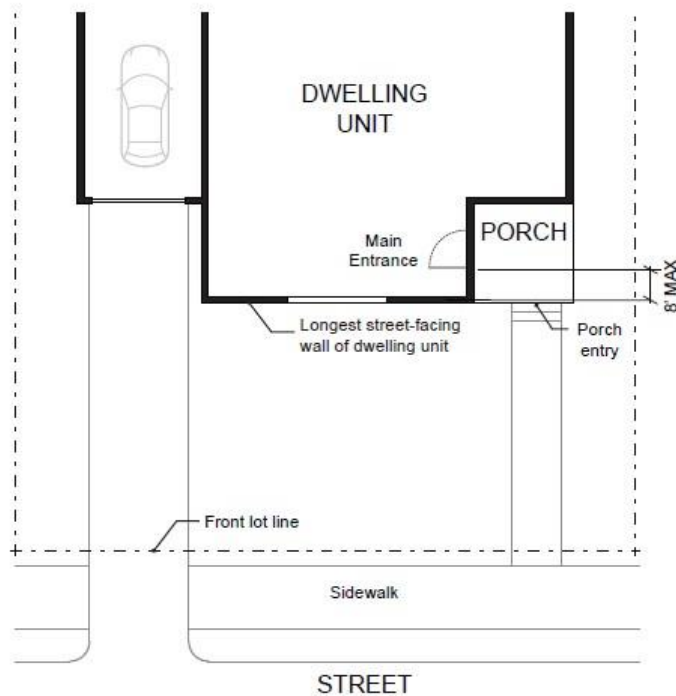


Figure 17.16.030.D.4
Main Entrance Opening onto a Porch



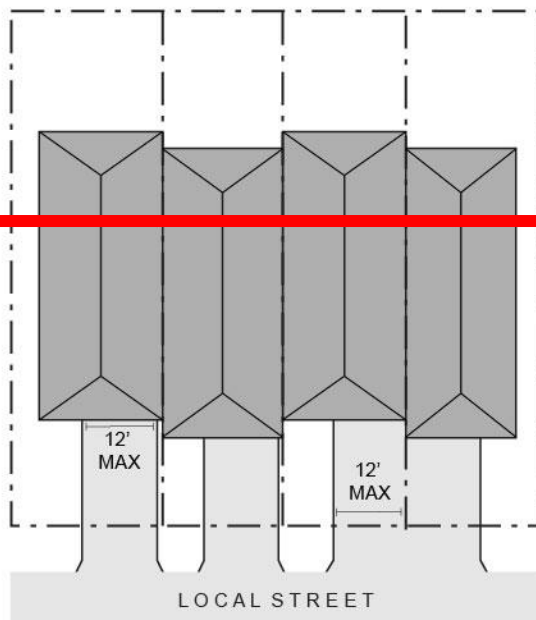
- E. Driveway access and parking shall comply with OCMC 17.16.040.
- F. Townhouses shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.040 Townhouse driveway access and parking.

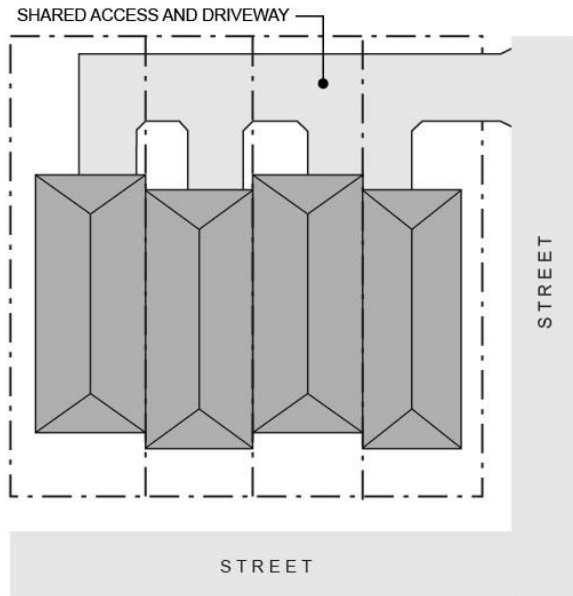
- A. Where townhouses have frontage on a public street, garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are permitted in compliance with the following standards (see Figure 17.16.030.E.1):
 1. All driveways shall comply with OCMC 16.12.035.
 2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; ~~and~~
 - a. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, ~~which may be between 20 to 24 feet in width,~~ meeting all other standards of OCMC 16.12.035.
 3. The garage width shall not exceed twelve feet.
 4. Each townhouse lot shall have a street frontage on a local street.

Figure 17.16.040.A.1
Townhouses with Parking in the Front Yard



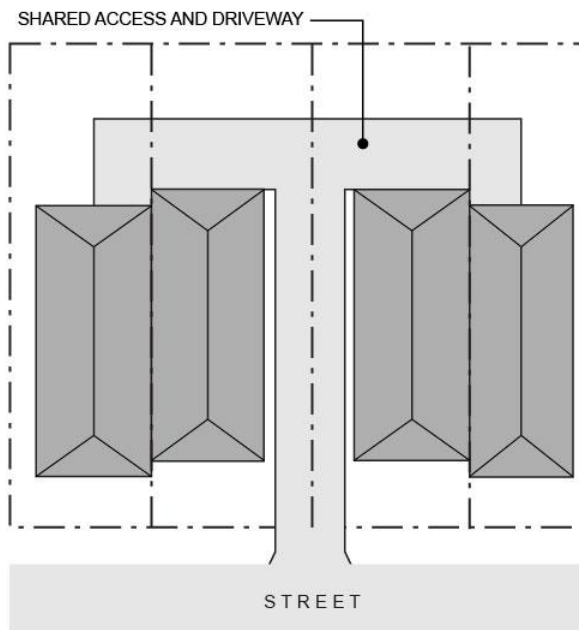
- B. Garages not on the front façade and townhouses which do not include off-street parking in the front yard are permitted in compliance with the following standards. The following driveway access and parking standards may also be voluntarily utilized for townhouses that could otherwise meet the standards in OCMC 17.16.040.A:
1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
 2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2
Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3
Development with Consolidated Access



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.
 - C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.
 - D. Driveways shall comply with the standards of OCMC 16.12.035.
- (Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.060 Triplex and quadplex development requirements.

- A. Triplexes and quadplexes shall meet the dimensional and density standards of the underlying zoning district.
- B. Each triplex or quadplex shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the width of any garage(s) shall be measured based on the foremost four feet of the interior walls of the garage(s).
- C. At least one main entrance for each triplex or quadplex structure must:
 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty-five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or
 - d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).
- D. In residential zones, garages on the front façade and off-street parking areas in the front yard, are permitted in compliance with the following standards:
 1. Outdoor on-site parking and maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less; and
 2. The combined width of all garages shall not exceed forty feet or fifty percent of the lot frontage, whichever is less.
- E. In mixed-use and commercial zones, parking aisles or areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings, except where the following conditions exist:
 1. The site does not abut a collector or arterial street (i.e. the site abuts a local street);
 2. The site is not a corner lot; and
 3. ~~The site is less than twenty thousand square feet in size; or~~
 4. There is an existing topographic constraint that precludes locating the parking area in conformance with this standard.
- F. Triplexes and quadplexes shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

- G. The creation of a triplex or quadplex through conversion of an existing single-family detached residential unit is exempt from the standards of this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.065 Detached triplexes

- A. Triplexes consisting of three detached dwelling units, or one detached and two attached dwelling units, are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.
- B. In the case of a triplex with detached dwelling units, each street-facing façade that is not separated from the street property line by a dwelling shall meet the standards in OCMC 17.14.030.
- C. Any detached dwelling unit that is not separated from the street property line by a dwelling along more than 50 percent of its street-facing façade shall provide at least one main entrance meeting the standards of OCMC 17.16.060.C.

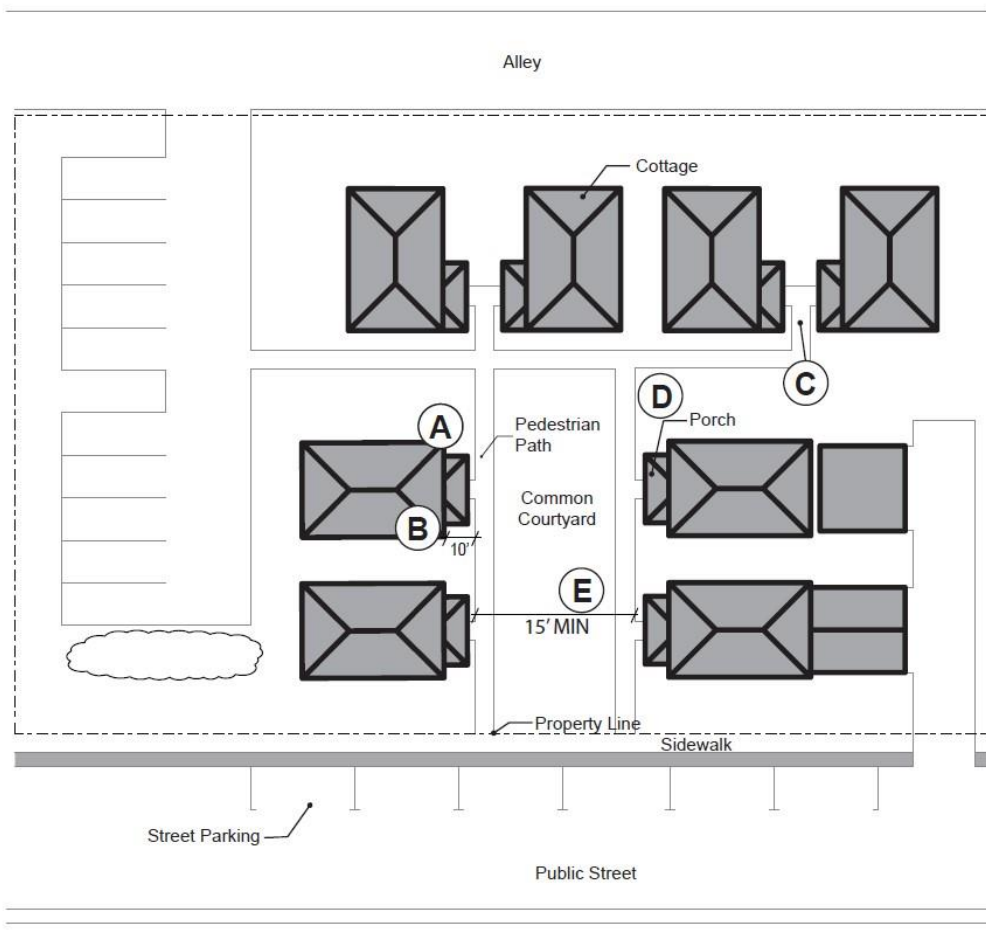
17.16.070 Cottage clusters.

- A. Intent.
1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
 2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
 3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
 4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
 5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.
- B. Density Standards. Cottage clusters shall meet the density standards of the underlying zoning district.
- C. Dimensional Standards. Cottage clusters shall meet the dimensional standards of the underlying zoning district and the following standards.
1. Maximum building footprint: Nine hundred square feet per cottage cluster unit.
 2. Maximum average gross floor area: One thousand square feet per cottage cluster unit.
 3. Maximum gross floor area: One thousand five hundred square feet per cottage cluster unit.
 4. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
 5. Minimum distance separating cottage cluster units (excluding attached dwellings and accessory structures): Ten feet.
 6. Cottage clusters shall contain a minimum of four and a maximum of twelve cottage cluster units per cluster to encourage a sense of community among the residents. A development site may contain more than one cluster, however only one cluster of up to twelve units per lot is eligible to utilize the middle housing land division process in OCMC 16.24.

- D. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 17.16.070.D):
1. Each cottage cluster unit within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 2. A minimum of fifty percent of cottage cluster units within a cluster must be oriented to the common courtyard and must:
 - a. Have a main entrance facing the common courtyard;
 - b. Be within ten feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
 3. Cottages within twenty feet of a street property line may have their entrances facing the street.
 4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

Figure 17.16.070.D

Cottage Cluster Orientation and Common Courtyard Standards



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

E. Common Courtyard Design Standards.

- 1. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents.
- 1. The required minimum common courtyard is one hundred fifty square feet per cottage cluster unit.
- 2. Common courtyards must meet the following standards (see Figure 17.16.070.D):
 - a. The common courtyard must be a single compact, contiguous, central open space that:
 - i. **For clusters of 4-6 units:** has a minimum dimension of fifteen feet.
 - ii. **For clusters of 7-12 units:** has a minimum dimension of twenty-five feet.
 - iii. Abuts at least fifty percent of the cottage cluster units in the cottage cluster
 - b. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common open space shall not exceed seventy-five percent of the total common courtyard area.
 - c. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

F. Pedestrian Access. An accessible, hard-surfaced pedestrian path that is a minimum of four feet wide must be provided that connects the main entrance of each cottage cluster unit to the following:

- 1. The common courtyard;
- 2. Shared parking areas;
- 3. Community buildings; and
- 4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

G. Community Buildings. Cottage clusters may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

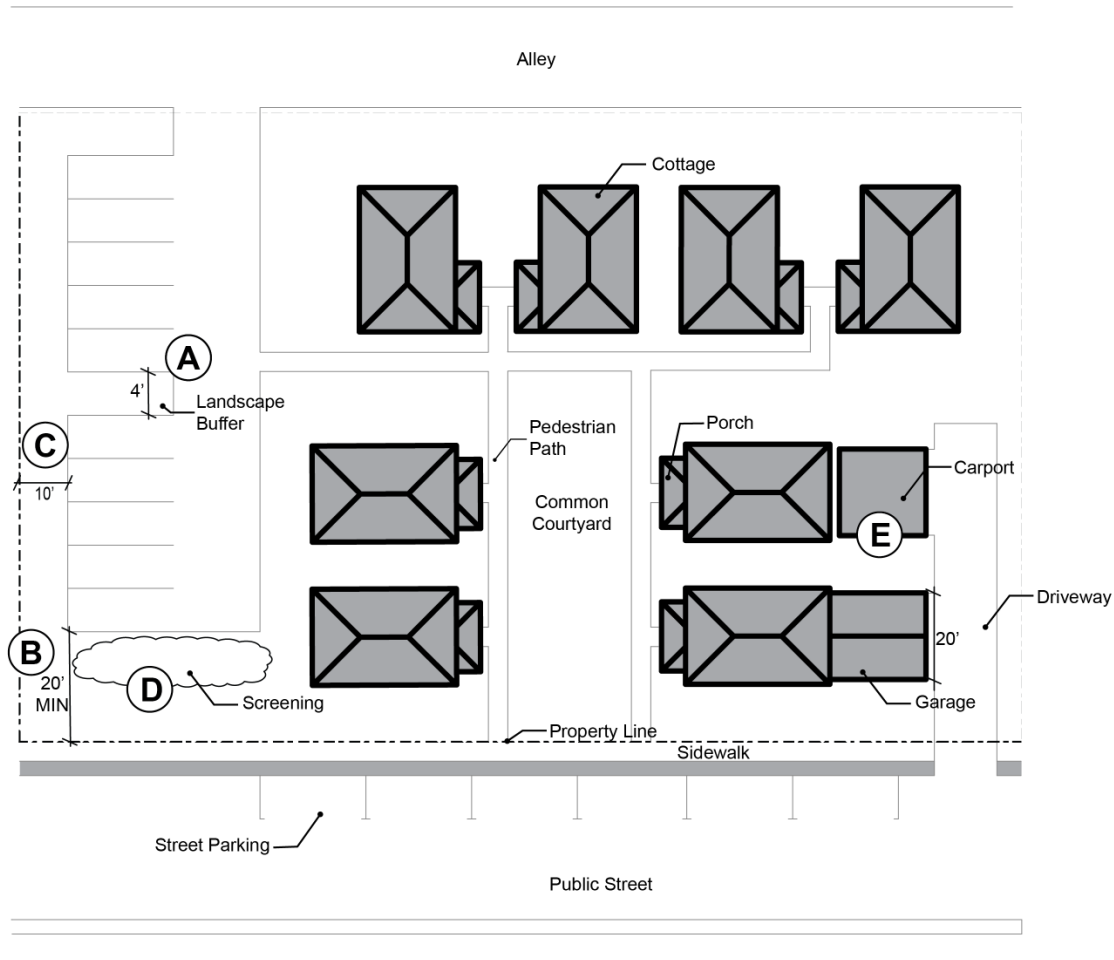
- 1. A cottage cluster is permitted one community building, which shall count towards the maximum one thousand square feet average floor area limitation,

2. A community building that meets the definition of a dwelling unit must meet the maximum nine hundred square foot building footprint limitation that applies to cottage dwelling units, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

H. Dwelling Types.

1. In the R-10, R-8 and R-6 zones: In addition to detached cottage cluster units groups of up to two units attached together are permitted in a cottage cluster
 2. In the R-5 and R-3.5 zones: In addition to detached cottage cluster units, groups of up to four units attached together are permitted in a cottage cluster.
 3. In the R-2 zone: In addition to detached cottage cluster units, groups of up to six units attached together, are permitted in a cottage cluster
 4. Accessory dwelling units are not permitted as part of a cottage cluster.
- I. Each cottage cluster unit within twenty feet of a street property line shall comply with the residential design options in OCMC 17.14.030.
- J. Parking shall be provided pursuant to the following requirements (see Figure 17.16.070.J):
1. Parking shall be provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.
 2. All parking shall be located on-site and shall not include shared parking or on-street spaces as allowed by OCMC 17.52.020.B.
 3. Landscaping, fencing, or walls at least three feet tall shall separate parking areas and parking structures from common courtyards and public streets.
 4. Parking shall be located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
 5. Parking clusters shall be separated by a landscaping planter that is a minimum of four feet in width.
 6. Parking spaces and vehicle maneuvering areas are prohibited:
 - a. In the front, interior or and side yard setback areas.
 - b. Within twenty feet of any street property line or within ten feet of any other property line, except alley property lines.
 - c. Between a street property line (excluding an alley) and the front façade of cottages located closest to the street property line.
 7. Drive aisles and access driveways are allowed in the side or rear yard setback, and within ten feet of other property lines.
 8. Detached parking structures/garages shall be six hundred square feet or less if shared by more than one cottage cluster unit, or four hundred square feet or less if exclusively used by a single cottage cluster unit. Such detached parking structures/garages shall not be counted as part of the allowed average or maximum gross floor area or building footprint of the cottage cluster units.
 9. Garages may be attached to cottage cluster units. Such garages shall not abut common open spaces, shall have garage doors of ~~twenty~~ ten feet or less in width shall not exceed two hundred square feet of gross floor area. The gross floor area of the garage shall not count towards the allowed average or maximum gross floor area or building footprint of the cottage cluster unit.
 10. Driveways shall comply with OCMC 16.12.035.

Figure 17.16.070.J
Cottage Cluster Parking Design Standards



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

K. Fences.

1. All fences shall be no more than forty-two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
2. Chain link fences shall not be allowed.

- L. Existing Dwelling Unit On-Site. One existing single-family detached residential unit incorporated into a cottage cluster-that does not meet the requirements of this section is permitted to remain on a site developed for cottage cluster-and shall be considered a unit in the development. The size of the existing single-family detached residential unit may exceed the maximum building footprint and maximum gross floor area, and shall not be part of the average gross floor area calculations. The existing single-family detached residential unit shall be excluded from the calculation of orientation toward the common courtyard. Modifications or additions to the existing dwelling unit not consistent with the provisions of this section shall not be permitted.

17.16.080 Sufficient infrastructure.

- A. For all triplexes, quadplexes, townhouses and cottage clusters in residential zones, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:
1. Connection to a public wastewater system capable of meeting established service levels.
 2. Connection to a public water system capable of meeting established service levels.
 3. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 4. Storm drainage facilities capable of meeting established service levels for storm drainage.

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, Beavercreek 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. Multi-family residential, triplexes and quadplexes.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent 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 standalone 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. Accessory dwelling unit in conjunction with a legally established non-conforming single-family dwelling.
- CC. Duplex.
- DD. After-hours public parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 standalone 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

I. Standalone residential development of fewer than five units are exempt from maximum setbacks and minimum density requirements of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 standalone 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.080 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the MUC-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
 - 1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
 - 2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the net developable portion of contiguous mixed-use corridor zoned lands.
 - a. Restaurants, eating and drinking establishments;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a standalone building with a single store does not exceed twenty thousand square feet; and
 - d. Grocery stores provided the maximum footprint for a standalone building does not exceed forty thousand square feet.
 - 3. Drive-throughs are prohibited.
 - 4. Gas stations are prohibited.
 - 5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
 - 6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of July 31, 2020 as a permitted use. This property may only maintain and expand the current use.
- D. Dimensional Standards.
 - 1. Minimum floor area ratio (FAR) shall be 0.35.
 - 2. Maximum allowed setback for corner side yard abutting street shall be five feet.
- E. Residential Uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. Multi-family residential, triplexes and quadplexes;
- M. One or two units in conjunction with a nonresidential use provided that the residential use occupies no more than fifty percent 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 detached residential units, townhouses 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 (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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
- K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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): Five 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.

K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 nonresidential 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.60 VARIANCES¹

17.60.010 Authority.

According to procedures set forth in OCMC 17.60.030, the planning commission or the community development director may authorize variances from the requirements of this title. In granting a variance, the planning commission or community development director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.
- 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.
- 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 17.50.030.B, 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;

¹Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.60 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.60 pertained to similar subject matter. See Ordinance Disposition List for derivation.

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, townhomes, internal conversions~~, accessory dwelling units, ~~triplex and quadplexes, and cluster housing~~ in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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;
- B. That the request is the minimum variance that would alleviate the hardship;
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated;
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
- F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

M E M O R A N D U M

December 5, 2022

To : Christina Robertson-Gardiner, Senior Planner**From : Josh Wheeler, PE, Assistant City Engineer****RE : Middle Housing Driveway Code 16.12.035**

Oregon City Public Works has made recommended revisions to OCMC 16.12.035 due to the additions of middle housing to City Code.

Some revisions are clerical or clarifying in nature. Other revisions are directly related to the implementation of middle housing. Lastly, a couple of revisions are to enhance code based on experiences and questions we have encountered during permitting. The goal of most of these revisions is to provide flexibility but also limit the amount of driveways which ensures a safer travel environment. Note that driveways are defined as access from a public right-of-way to a private property. The portion of the access beyond the right-of-way on private property is not regulated. A summary of the most significant revisions is shown below :

- Requiring shared driveways when driveways cannot meet driveway spacing requirements
- Requiring a limit of maximum two driveways per frontage for all residential uses
- Limiting the number of driveways to properties with only one frontage to one driveway or two driveways, if the proposal meets the middle housing standards.
- Providing flexibility for the size of shared driveways
- Providing direction for cluster housing
- Providing an equitable, consistent regulation for middle housing that acts as or can easily be compared to a small subdivision or partition with individual lots
- Ensuring driveways on collectors or arterials do not allow for backing out onto these roadways. All movements must be forward-facing when leaving the property



REPORT DATE: March 18, 2022

FILE NO.: Legislative File: GLUA 22-0002/LEG-22-0001

APPLICANT: City of Oregon City – Planning Division
698 Warner Parrott Rd, Oregon City, Oregon 97045

CONSULTANTS: 3J Consulting: Steve Faust, Principal
JET Planning: Elizabeth Decker, Principal

REVIEWERS: Christina Robertson-Gardiner, AICP, Senior Planner
Aquilla Hurd-Ravich, AICP, Community Development Director
Carrie Richter, Asst. City Attorney

REQUEST: Amend Title 16 and 17 of the Oregon City Municipal Code to Implement the Goals and Policies of State House Bill 2001 and Senate Bill 458 regarding Middle Housing.

LOCATION: City Wide

RECOMMENDATION: **Adoption of the proposed amendments.** See last page for full recommendation.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land-use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission

recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land-use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

EXECUTIVE SUMMARY:

The Housing Choices Code Update (House Bill 2001) proposes amendments to Title 16 (Land Divisions) and Title 17 (Zoning) of the Oregon City Municipal Code in order to permit a greater range of middle housing types including duplexes, triplexes, quadplexes, townhouses and cottage clusters in residential zones where single-family detached residential units are permitted. The proposed code updates build on policy and code updates adopted in 2019 with the Equitable Housing Policy project to encourage a greater range of housing types throughout the city, in order to bring the City's code into full compliance with recently adopted state legislation for middle housing (House Bill 2001 enacted in 2019) and middle housing land divisions (Senate Bill 458 enacted in 2021) by the state's June 30, 2022 effective deadline.

The code updates incorporate guidance from public outreach in Fall 2021 through Spring 2022, four Planning Commission work sessions and hearings and three City Commission work sessions and hearings, as well as engagement with the Citizen Involvement Committee and Historic Review Board.

CC&Rs (Covenants, Conditions, and Restrictions)

While HB 2001 does prohibit the creation of new CC&Rs that conflict with HB 2001, it does not affect existing CC&Rs. To find out if a specific property has CC&Rs, contact the Homeowner's Association (if applicable) or a title company or conduct a search through Clackamas County Deeds & Records. Title reports, produced when purchasing property, should disclose any CC&Rs. Realtors are required to disclose existing CC&Rs before properties are sold. The City of Oregon City does not enforce CC&Rs or other such private agreements.

I. INTRODUCTION

PROPOSAL

The Housing Choices Code Update includes updates to Titles 16 and 17 of the City's code to permit middle housing types (duplexes, triplexes, quadplexes, townhouses and cottage clusters) in full compliance with HB 2001 requirements, and to permit middle housing land divisions to create fee-simple ownership

opportunities of individual housing units resulting from middle housing developments. The proposed updates build upon earlier policy work developed in the 2019 Equitable Housing Policy project and were written to maintain existing policy direction while meeting the specifics of state requirements in HB 2001 and SB 458.

Middle housing standards must comply with new Oregon Administrative Rules (OARs) and/or Model Code standards that implement HB 2001. The OARs set minimum requirements for all middle housing types, and the Model Code offers best practices for cities to adopt or adapt that generally go a step beyond the minimum compliance standards.

The following code amendments were developed to meet the minimum compliance standards. The Planning Commission or City Commission could choose to implement code that goes beyond the minimum compliance standards if they choose- but would need to provide that direction to staff through the hearings process.

Key updates in this package include:

- **Terms:** Updating duplex, triplex, quadplex, townhouse and cottage cluster definitions and using them consistently throughout Titles 16 and 17.
- **Low density zones (R-10, R-8, R-6):** Expanding permitted middle housing types beyond corner duplexes and cluster housing to include all duplexes, triplexes, quadplexes, townhouses and cottages clusters; revising existing and introducing new dimensional and density standards in order to permit middle housing at the same scale as single-family detached residential units.
- **Medium density zones (R-5, R-3.5):** Because the full range of middle housing types are already permitted, only minor changes to dimensional and density standards are proposed to accommodate middle housing.
- **High-density zones (R-2):** Only minor changes to terms are proposed for consistency; middle housing types will continue to be permitted in this zone but it is not subject to HB 2001.
- **Design standards for middle housing:** Applying the same single-family detached residential design standards to duplexes; revising design standards specific to triplexes and quadplexes, townhouses and cottage clusters to incorporate elements of the single-family detached residential standards and state Model Code elements.
- **Parking requirements:** Reducing off-street parking minimums to one space per unit for cottage clusters; parking ratios and requirements for other middle housing types already comply with the maximum of one off-street space per unit allowed by HB 2001.
- **Access and driveway standards:** Maintaining provisions for one driveway per residential lot developed with either single-family detached or middle housing units; minimal revisions to allowed driveway widths for each residential type.
- **Procedures:** Expanding administrative reviews (Type I) for middle housing on a single lot to apply to triplexes, quadplexes and cottage clusters in addition to single-family detached, duplexes and townhouses.
- **Land divisions:** Creating a new middle housing land division procedure to allow expedited division of an individual lot developed with a middle housing project (such as dividing a quadplex into four separate, small fee-simple lots provided they are served with separate utilities). Note: The existing subdivision process will continue to be required for large developments to create individual lots that could then be developed with middle housing.

- **Goal-protected areas:** Maintaining existing protections for historic areas, natural resource areas, and geohazard areas to apply to any middle housing proposed. While middle housing types will not be prohibited within these areas, the development and design standards for each overlay will apply to middle housing and may effectively limit middle housing. The Historic Review Board will be concurrently working on guidance about the application of existing design standards to any proposed middle housing development.

Code Summary Memo

Key issues where there is flexibility to craft provisions in the space between OARs and Model Code standards that best respond to Oregon City's needs are highlighted in the code summary memo to focus discussion around key decision points (Exhibit c). While the broad aspects of middle housing regulations with the greatest impact on development are set by state regulations, namely provisions around which middle housing uses to permit, where to permit them, and the dimensional and density standards that apply, these outstanding policy issues do provide some additional flexibility for the City to guide middle housing development and where desired, enhance development feasibility.

For each of these issues, this memo identifies a 'compliance' option that minimizes code and policy changes to the extent needed to meet the state minimum compliance standards, followed by alternative policy option(s) if policy makers wish to further expand middle housing development permissions. **For each identified issue, policy makers may elect to confirm the compliance option, choose to include the alternative policy option(s) in this round of code updates, or choose to continue to explore the alternative policy option(s) in future code updates,** separate from initial code update package needed to meet the June 30, 2022 deadline.

If the Planning and City Commissions determines that additional analysis or outreach is needed before direction can be given on the following policy questions, staff recommends that after the 1st package is adopted in June 2022, GLUA 22-0002/LEG-22-0001 be continued to a date certain October Planning Commission hearing to review a 2nd package of amendments that address policy questions that are advanced by the City and allow staff the ability to respond to any technical revisions needed in response to implementation of the initial package.

The staff report and redline code will be updated over the course of the hearings to reflect Planning Commission and City Commission direction on the following policy questions. The compliance option has been included in the draft redlines as the default approach.

Policy	Compliance Option	Alternate Option
Middle Housing in Geohazard Areas	Maintain existing 2 units per acre limitation	Permit some middle housing- same footprint as single-family
Townhouse Maximum Density	Set townhouse maximum densities to the lowest density option allowed for each zone	Permit higher density standards in some or all zones.
Duplex, Triplex and Quadplex Configurations	Continue to require duplex, triplex and quadplex units to be attached.	Permit some or all duplex, triplex and quadplex units be detached.
Duplex Lot Coverage in Medium Density Zones	Maintain maximum building lot coverage for duplexes equal to that allowed for single-family detached dwellings in each zone (50-55%)	Increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (60-65%).
Lot Coverage in Low Density Zones	Set maximum building lot coverage for middle housing types in low density zones equal to the allowed lot coverage for single-family detached dwellings.	Increase maximum building lot coverage for specific middle housing types in rough proportion to increased numbers of units. Specifically, consider increasing duplex lot coverage to 45%, triplex and quadplex lot coverage to 45-50% or more, and/or townhouse lot coverage to 70%.
Cottage Cluster On-Street Parking Credits	Maintain the minimum requirement of one off-street parking space per cottage with no reductions for available on-street parking spaces.	Make cottage cluster developments eligible to use on-street parking credits to count toward the minimum off-street parking requirements, similar to other residential and commercial development
Garage Options for Cottage Clusters	Maintain existing option for 600-SF (shared) detached parking garages/structures and option for small attached garages that count towards total gross floor area as two options for garage parking with cottage clusters.	Explicitly permit up to 200-400-SF detached garages for individual cottages exempt from gross floor area limitations, clarifying that 600-SF structures must be shared in common parking areas; and/or exempt up to 200-SF attached garages for individual cottages from the gross floor area limitations

Future Policy Questions

Multiple ADUs per Lot	Consider the future role for ADUs and how ADU standards compare to plex standards. Consider whether to permit multiple ADUs per lot for greater parity with new provisions for plexes, which could be written to require one attached and one detached unit, or in any combination.
High Density Zone Development Standards	With the introduction of middle housing at greater densities in the low and medium densities zone, there could be a broader discussion about the purpose and standards for the high-density R-2 zone
Lot Averaging for Subdivisions	Consider whether and how lot averaging should apply to middle housing options beyond duplexes, and whether lot averaging remains a useful tool for new developments along with middle housing opportunities.
Land Use Affordability Incentives	More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements, both to improve feasibility of those projects and to explicitly encourage affordable housing development.
Allow non-conforming single-family units in Commercial Districts to convert to duplexes	Over the years the city has seen single-family residential and duplexes as separate uses that have different impacts. HB 2001 further blurs this distinction. Should the city begin to allow owners of houses in Commercial zones be allowed to change the use to a duplex within the existing footprint- or even allow a modest increase?

II. SUMMARY OF PUBLIC OUTREACH

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City's acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation.

An extensive and significant public outreach process occurred during the development code amendment process that included:

- [Project website](#) created Summer 2021, with background information, public process timeline, and ways to connect with staff
- Land use Measure 56 Postcard sent to all owners and residents within the UGB listing project and March 28, 2022 hearings date.
- Survey #1 October 2021 sent via utility bill insert Survey #2- December 2021/January 2022 sent via mailing list/social media/e-newsletter. Survey #1 which focused on general questions garnered 162 responses, and Survey #2 focusing specifically on policy options had 83 responses.
- Focus groups in January 2022 with market-rate housing developers, nonprofit housing developers, and City staff engaged in development review to understand current issues with middle housing code provisions, and future middle housing development opportunities and concerns.
- January Development Stakeholder Group Presentation
- Trail News E-Newsletter – monthly updates October to March

- Fall 2021, Winter 2021/2022 Trail News
- City social media posts (October-March)
- Project e-blasts updates (October-March) 141 people on mailing list

The Planning Commission and City Commission reviewed the zoning and code amendments for the Middle Housing Code Updates over multiple meetings from the first quarter of 2021 through the end of March of 2022. Comments and direction, as well as public comments, were tracked throughout the hearings, and topics were added to future meetings if new items were identified or had not been resolved. The following meetings were held to discuss the proposed legislative amendments:

May 11, 2021, City Commission Worksession

Presentation- Ethan Stuckmayer, Senior Planner of Housing Programs, Department of Land Conservation and Development

September 7, 2021 City Commission Worksession -

Presentation- Christina Robertson-Gardiner, Senior Planner, Initial project approach

October 4, 2021 Citizen Involvement Committee

Presentation- Christina Robertson-Gardiner, Senior Planner, Project introduction

October 26, 2021 Historic Review Board

Presentation- Christina Robertson-Gardiner, Senior Planner, Project introduction/historic guidelines

February 22, 2022 Historic Review Board * Revised date

Presentation- Design Guidelines for Middle Housing in Historic Overlay District

February 28, 2022 Planning Commission Work Session

General Business: Project timeline

March 7, 2022 Citizen Involvement Committee- Update * Revised date

Presentation- Christina Robertson-Gardiner, Senior Planner, Project update

March 8, 2022 City Commission Work Session- * Revised date

Presentation- Housing tools beyond Land Use

March 14, 2022 Planning Commission Work Session

General Business: Review of proposal

Public Hearings: March 28, 2022 – June 1, 2022.

IIa Public Comment

A public comment matrix is attached to the staff report (Exhibit b) and will be updated to reflect public comments added into the records through the hearings process.

III. DECISION-MAKING CRITERIA:

The remainder of this report details compliance of the proposed code amendments with the applicable state, regional and local requirements.

III.A DECISION-MAKING CRITERIA - CONTINUED:

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.010 Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the comprehensive plan map, may be initiated by:

- A. A resolution request by the city commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division; or*
- D. A Legislative request by the planning division.*

All requests for amendment or change in this title shall be referred to the planning commission.

Response: This Legislative request is for amendments to the Oregon City Municipal Code and was initiated by the Planning Division.

17.68.015 - Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

Response: Compliance with the procedures set forth in OCMC 17.50 are discussed after the findings for OCMC 17.68 – Zoning Changes and Amendments.

17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

- A. The proposal shall be consistent with the goals and policies of the comprehensive plan.*

Response: Consistency with the Oregon City Comprehensive Plan (OCCP) Goals and Policies follow starting on a subsequent page of this report.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

Response: The capacity of the respective public facilities and services to support the proposal is addressed below and is also discussed in the findings for Statewide Planning Goal 11.

Water, Sewer, & Storm Drainage

Goal 11 requires the City 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. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City's wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)
- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City's Transportation System Plan from 2013 (TSP), are the City's acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, transportation, and electricity) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to the PFSP are proposed in conjunction with the code update project, and the code update project is otherwise consistent with Goal 11 as explained below.

In June 2021, a technical memorandum by Wallis Engineering (exhibit f) was created to determine the impact of increasing housing density within certain residential zones on the water supply and distribution system, the sanitary sewer collections system, and the stormwater system. Wastewater treatment is provided by the Tri-City Sewer District and potable water supply is provided by the South Fork Water Board; both of which were not assessed in this memorandum. The memo recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum are significantly flawed.

The public facility plan requirements in OAR 660-011-0020(2) include public facility projects to support the development of middle housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of middle housing allowances by a Large City, the Large City must work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where middle housing is allowed is appropriately designed and sized to serve middle housing. The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services. HB 2001 states, "The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures." Further, middle housing other than duplexes will be required to have "sufficient infrastructure" to serve the development, detailed as infrastructure meeting adopted levels of service, in proposed OCMC 17.16.080. New public facilities and services will be designed to serve anticipated residential development, including middle housing. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the middle housing code updates.

Transportation

Impacts to the transportation system are addressed under (C) below.

Schools, Police & Fire Protection

Impacts to police, fire protection, and schools are not anticipated by these code amendments related to middle housing.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Response: The impacts of the proposal on the transportation system were reviewed by Kevin Chewuk and Alex Correa, transportation engineer at DKS Associates. Please refer to the DKS analysis and memorandum dated March 17, 2022 (exhibit e) The memorandum provides an assessment of the transportation implications of the proposed code updates.

Even though HB 2001 does not require cities to show compliance with the Transportation Planning Rule (TPR), Oregon City chose to pursue additional analysis, through this memo, to ensure that their adopted plans are sufficient and can account for the potential increase in units in the Low and Medium Density Dwelling Districts.

The memo summary provides an overview of the analysis. The assumed increase in residential trips resulting from a middle housing shift is not expected to have a significant effect on the transportation system in Oregon City. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. This middle housing shift will occur gradually over time and will be dispersed throughout the UGB, so no intersection will experience all the added trips. The findings of the 2035 TSP will not change because of the middle housing shift and there is no anticipated need to add projects to the TSP as a result. Middle housing built on lots created through the land use process will continue to be analyzed as part of development review and a proposal's Transportation Impact Analysis (TIA).

Pursuant to ORS 660-046-0030 regarding Middle Housing in Medium and Large Cities, when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility as otherwise required by the Transportation Planning Rule (TPR), at OAR 660-012-0060. However, the memo assesses potential impacts related to permitting middle housing throughout the city including potential for greater trip generation associated with middle housing compared to the single-family detached development densities assumed in previous transportation planning.

The memo concludes that the assumed increase in residential trips is not expected to have a significant effect on intersections in the UGB. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. These trips are distributed throughout the UGB, so no intersection will experience all the added trips and will not have a significant effect on the transportation system. The findings of the 2035 TSP will not change because of the middle housing shift, including the established citywide circulation needs. New

subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Response: Responses to the applicable statewide planning goals are addressed in Section III.C. of this report.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.

Finding: Complies as Proposed. The proposed Legislative application is being reviewed pursuant to the Type IV process.

17.50.050 - Pre-application conference

Finding: Complies as Proposed. A pre-application conference, File #PA-22-013, was held on March 17, 2022 to discuss the proposed Housing Choices Code Updates in accordance with the requirements of OCMC 17.50.050.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. This is a citywide application; no specific neighborhood association was identified and is not required with the code that is currently in effect. As required for Legislative files, the project was presented to the Citizen Involvement Committee on October 4th, 2021, and March 7th, 2022. A full list of public engagement efforts related to the subject amendments are discussed in Section II.E. of this report and in findings for Statewide Planning Goal 1.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This is a Legislative Decision, there is no 120-day deadline for making a final city decision.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.090 Public Notices.

Finding: Complies as Proposed. A Measure 56 Notice was sent to all property owners within the City and general Land Use Notice was sent to all residents within the urban growth boundary. The Land Use Notice was posted on the Oregon City website and in a general circulation newspaper. Staff provided an email transmittal of the application and notice to affected agencies, and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. No signs were posted as there was not a limited number of affected properties for this proposed Legislative amendment.

III.b. OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1.2 Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

Policy 1.2.1

Encourage citizens to participate in appropriate government functions and land-use planning.

Goal 1.4 Community Involvement

Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Policy 1.4.1

Notify citizens about community involvement opportunities when they occur.

Response: The proposal is consistent with these Goals and Policies. The project provided numerous opportunities for citizen involvement, including engagement with the Citizen Involvement Committee, the Development Stakeholder Group, the Historic Review Board, and various stakeholder groups. Multiple informational resources were provided to the general public and interested members of the public through the project website, e-blasts, social media and other tools. Two online surveys were circulated via utility bill inserts and mailing lists, social media, and via e-newsletters; results helped to inform the code policy development. Additionally, a Measure 56 postcard was sent to all property owners and residents within the City's urban growth boundary. Meetings were held with the City Commission and Planning Commission and citizens were notified of these meetings via the above-mentioned means. See full summary in Section II.E.

2.1 Efficient Use of Land

Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently, and that land is developed following principles of sustainable development.

Policy 2.1.1

Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

Policy 2.1.2

Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

Response: The middle housing code updates will expand the number and type of middle housing uses in zones previously used principally for detached single-unit dwellings and make development of middle housing more feasible through broadening permitted housing types, particularly in the low-density zones (R-10, R-8, R-6). In doing so, a significant amount of land previously restricted to lower density, detached single-unit dwellings within the UGB will be available for middle housing development at higher residential densities that can utilize existing infrastructure. An increased number of dwelling units within these existing residential areas effectively conserves rural resource lands outside of the UGB and improves the efficiency of public services and facilities by concentrating development opportunities where residential development already exists.

Goal 5.3 Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City

Policy 5.3.7 Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

Policy 5.3.8 Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Response: The existing protections for historic areas, natural resource areas, and geohazard areas that are found within the relevant sections of the Oregon City Municipal Code will remain in place, and will apply to any middle housing proposed. The Historic Review Board will be concurrently working on guidance about the application of existing design standards to any proposed middle housing development.

Goal 6.1 Air Quality

Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Response: The proposed amendments will not affect any codes or policies that implement Goal 6.

Policy 6.1.1 Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Response: The Housing Choices Code Updates will have the net effect of increasing the density of land within the urban growth boundary, specifically in low density zones that currently permit single-family detached residential and limited middle housing options. These amendments will promote land-use patterns that are denser than what is currently permitted. An increased number of dwelling units within these existing residential areas rather than developing new residential areas can reduce the need for distance travel.

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.

Response: Geohazard areas are an identified Goal 7 resource under state land use system. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City's existing Geological Hazards Overlay District (OCMC 17.49) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

In the Geologic Hazard Overlay District, the development of middle housing at densities that exceed the maximum density allowed for detached single-unit dwellings would increase the number of people exposed to a hazard. For that reason, development of middle housing in the Geologic Hazard Overlay District will be subject to regulations limiting density where there are slopes between 25-35% or located within historic landslide areas to two dwelling units per acre, whether that be two single-family detached dwellings, one duplex, or any other residential development type permitted in the underlying zoning district. This standard will permit residential development without increasing the number of people exposed to landslide hazards, thereby limiting loss of life and damage to property from natural hazards through the regulation of development in these areas.

Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Response The Equitable Housing Policy code updates, which predated the proposed Housing Choices Code Updates to comply with HB 2001, allowed for a broad range of housing options collectively referred to as "middle housing." Middle housing was defined in those amendments as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods, encouraging a more diverse housing stock in residential zones that are currently dominated by single-family residential homes. Adding to the work that

was previously done through the Equitable Housing Policy code updates, the Housing Choices Code Updates proposed herein continue to guide the planning and development of a variety of housing types and lot sizes in accordance with this goal.

Policy 10.1.1

Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

Response: The middle housing code updates provide opportunities to expand upon the range of development types across more of the city while continuing to permit (or maintaining) the existing residential housing stock.

Policy 10.1.3

Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Policy 10.1.4

Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

Response: The proposed code amendments, driven by HB 2001, provides Oregonians with more housing choices, especially those that are attainably priced. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. These housing types meet the housing needs of many younger people, older people, and low-income households who cannot afford or do not need a large single-family detached house, and reduce environmental impacts associated with large houses. Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods. HB 2001 re-legalizes these housing types, which have not been built in many cities for over 70 years due in part to restrictive zoning codes.

Policy 10.1.5

Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.

Response: Middle housing is intended to expand upon, not replace, earlier state and local efforts to permit accessory dwelling units (ADUs) in all residential areas and other efforts to support greater variety of housing options. Minor revisions to ADU standards are proposed in OCMC 17.20.010.D to remove off-street parking requirements as required by HB 2001 (codified as ORS 197.312(5)(B)(b)) to enhance development feasibility.

Policy 10.1.6

Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)

Response: The Oregon City Municipal Code does not differentiate between manufactured housing and other housing types on individual lots and the proposed code amendments do not propose to change this; an individual manufactured house is permitted on any lot where a single-family detached residential unit is permitted.

The code amendments do allow for some additional options for manufacture housing. Cluster housing could potentially be built using park model manufactured homes if designed to meet the cluster housing standards. Allowance of some detached middle housing, could also provide additional opportunities for siting manufactured home if pursued by the Planning and City Commissions.

Policy 10.1.7

Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Response: The proposed code amendments further support livable neighborhoods by broadening the permitted housing types beyond duplex and cluster housing in low density zones. This would entail the inclusion of dimensional and density standards that permit middle housing at the same scale as single-family detached homes. The Housing Choices Code Updates also include development standards related to the design of middle housing, providing standards specific to each middle housing type generally to address the allowed design components in a clear and objective manner consistent with the requirements of HB 2001.

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Policy 10.2.2

Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.

Policy 10.2.3

Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

Policy 10.2.4

Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).

Response: (From Comprehensive Plan, P. 77):

In 2001, Metro adopted amendments to Title 7 of the Urban Growth Management Functional Plan to implement the Regional Affordable Housing Strategy (2000), which identifies measures to provide

adequate affordable housing in the Metro region. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as one that requires no more than 30 percent of household income for people earning 50 percent of the median household income in their jurisdiction. By that definition, an affordable housing unit in Oregon City in 2000 would cost \$570 per month or less. The 2002 housing inventory and analysis showed that the number of lower-cost units in Oregon City was inadequate to meet both the current (2002) and projected housing needs of the city's lower-income residents. Title 7 tools and strategies have been adopted as Goal 10.2 and Policies 10.2.1 through 10.2.4.

Housing affordability is a significant issue in Oregon City as it is across the region, with 50% of Oregon City renter households and 28% of homeowner households identified as “cost-burdened” because more than 30% of household income is spent on housing, according to the 2021 Housing Needs Analysis. While middle housing is not explicitly affordable housing, it can increase the number and variety of new housing options that ease scarcity and costs across the housing spectrum, particularly if it can support creation of smaller dwelling units more in line with needs and incomes of small households.

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.

Response: The public facility plan requirements in OAR 660-011-0020(2) include public facility projects to support the development of middle housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of middle housing allowances by a Large City, the Large City must work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where middle housing is allowed is appropriately designed and sized to serve middle housing. The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services. HB 2001 states, “The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures.” New public facilities and services will be designed to serve anticipated residential development, including middle housing. The amendments will not result in the need to adjust or amend existing policies or projects in the City’s adopted facility plans. Therefore, compliance with Goal 11.1 and Policy 11.1.2. is maintained for the middle housing code updates.

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

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.

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 plan strategically for future expansion areas.

Policy 11.3.3 Maintain adequate reservoir capacity to provide all equalization, operational, emergency, and fire flow storage required for the City's distribution system

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

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 plan strategically for future expansion areas.

Response: The City has performed due diligence by contracting with Wallis Engineering to determine the impact of increasing housing density within certain residential zones on water supply and distribution, sanitary sewer collections systems, and the stormwater system. Generally, the June 2021 memo recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum need to be updated.

Goal 12.1 Land Use-Transportation Connection

Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Response: The proposed code amendments implement this vision to balance land use and transportation goals; the proposal is supported by a transportation memo prepared by DKS that concludes that development associated with the proposal can be served by the planned City-wide transportation system as discussed in the finding for Goal 12.6 and related policies below.

Goal 12.6 Capacity

Develop and maintain a transportation system that has enough capacity to meet users' needs.

Policy 12.6.1 Provide a transportation system that serves existing and projected travel demand.

Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected areas of congestion.

Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system

Response: The impacts of the proposal on the transportation system were reviewed by a transportation consultant, DKS Please refer to the DKS analysis and memorandum which is attached to this narrative (exhibit e). The memorandum provides an assessment of the transportation implications of the project proposal.

Pursuant to ORS 660-046-0030 regarding Middle Housing in Medium and Large Cities, when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility as otherwise required by the Transportation Planning Rule (TPR), at OAR 660-012-0060. However, the memo assesses potential impacts related to permitting middle housing throughout the city including potential for greater trip generation associated with middle housing compared to the single-family detached development densities assumed in previous transportation planning.

The memo concludes that the assumed increase in residential trips shown in the attached report is not expected to have a significant effect on intersections in the UGB. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. These trips are distributed throughout the UGB, so no intersection will experience all the added trips and will not have a significant effect on the transportation system. The findings of the 2035 TSP will not change because of the middle housing shift, including the established citywide circulation needs. New subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

Goal 14.1 Urban Growth Boundary

Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.

Policy 14.1.1 The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.

Goal 14.2 Orderly Redevelopment of Existing City Areas

Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

Policy 14.2.2 Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

Response: The Housing Choices Code Updates reduce the need to develop land within the UGB by encouraging the redevelopment of underdeveloped areas within existing city limits by expanding upon the opportunity to develop at higher densities within lower density zones. All areas slated to be impacted by these code amendments are currently served by public facilities already or are planned to be served by future public facilities prior to any development. The Housing Choices Code Updates may allow a modest increase in the number of dwelling units that could be constructed within the UGB because a greater number of units will be permitted on lots that were previously restricted to detached single-unit dwellings.

III.c. OREGON STATEWIDE PLANNING GOALS

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Response: Requirements under Goal 1 are met by adherence to the applicable goals and policies of Section 1 of the Oregon City Comprehensive Plan and the citizen involvement processes required by the Oregon City Municipal Code, Chapter 17.50 – Administration and Procedures. A Summary of Public Outreach in accordance with Goal 1 can be found within Section II.E. of this report.

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City's acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation. Additionally, Measure 56 notice required by ORS 227.186 was mailed to affected property owners. Goal 1 is met.

Statewide Planning Goal 2 – Land Use Planning:

This goal requires 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.

Response: This goal outlines the land use planning process and policy framework, and is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. The Oregon City Comprehensive Plan and Oregon City Municipal Code have been acknowledged by DLCD as being consistent with the statewide planning goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Oregon City Municipal Code as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

The amendments will be adopted by the City Commission after a public hearing. Multiple opportunities have been provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Statewide Planning Goal 2 Guideline E states:

“Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.”

While the Statewide Planning Goal Guidelines are not mandatory provisions, the code updates are consistent with the direction provided in Guideline E, because the middle housing code update will help to increase the diversity of housing opportunities which would help to meet Oregon City's housing needs. These amendments originate from the HB 2001 and Oregon City is justified in providing the aforementioned necessary changes to the Oregon City Municipal Code. This is consistent with Goal 2.

Statewide Planning Goals 3 & 4: Agricultural Lands and Forest Lands

Response: These statewide planning goals relate to agricultural and forest lands in Oregon and are not applicable to these amendments. These amendments pertain to lands within City limits that is zoned for urban development. 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 – Natural Resources, Scenic and Historic Areas

Response: The City is currently in compliance with the Statewide Planning Goal 5. The amendments do not alter the City's acknowledged Goal 5 inventories or land use programs. No changes will occur directly to current natural resource or historic protections (OCMC 17.49, Natural Resource Overlay District, and OCMC 17.40, Historic Overlay District) because of these amendments; therefore, the amendments are in compliance with Goal 5. In areas subject to the Historic Overlay District, middle housing types permitted in the underlying zoning districts will be permitted consistent with OAR 660-046-0010(3)(B) and will require review and compliance with Historic Overlay District provisions.

The Historic Review Board is currently pursuing amendments to the Design Guidelines to New Construction to provide additional clarity for property owners, neighbors, and the city on appropriate design approaches to middle housing in historic districts and Landmarks. OCMC 17.40 Historic Overlay District and the existing Design Guidelines for New Construction currently provide sufficient legal authority for the Historic Review Board to review middle housing in Historic Overlay Districts. Revisions to the guidelines can occur after June 30, 2022 and are not dependent on the HB 2001 deadline.

Statewide Planning Goal 6: Air, Water, and Land Resources Quality

Response: Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing. The City is currently in compliance with Statewide Planning Goal 6. The amendments do not alter the City's acknowledged land use programs regarding water quality and flood management protections. As a result, the updates comply with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Response: Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:

- (A) Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and

(B) Other hazard areas identified in an adopted comprehensive plan or development code, provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:

- (i) Increasing the number of people exposed to a hazard;
- (ii) Increasing risk of damage to property, built, or natural infrastructure; and
- (iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

The City is currently in compliance with Goal 7 for geologic hazard areas by maintaining current development limitations and review requirements. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City's existing Geological Hazards Overlay District (OCMC 17.49) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

In the Geologic Hazard Overlay District, the development of middle housing at densities that exceed the maximum density allowed for detached single-unit dwellings would increase the number of people exposed to a hazard. For that reason, development of middle housing in the Geologic Hazard Overlay District will be subject to regulations limiting density where there are slopes between 25-35% to two dwelling units per acre, whether that be two single-family detached dwellings, one duplex, or any other residential development type permitted in the underlying zoning district. This standard will permit residential development without increasing the likelihood of or the number of people exposed to landslide hazards, thereby limiting loss of life and damage to property from natural hazards through the regulation of development in these areas.

The amendments do not alter the City's acknowledged land use programs regarding potential landslide areas (OCMC 17.44 – US-Geologic Hazards) and flood protection (OCMC 17.42 – Flood Management Overlay District).

Statewide Planning Goal 8 – Recreational Needs

Response: The provision of recreation services within Oregon City is the responsibility of the Oregon City Parks and Recreation Department. This goal is not applicable as the Housing Choices Code Updates have no effect on the availability of or access to recreational opportunities as planned in the City's Parks and Recreation Master Plan; therefore, the updates are in compliance with Goal 8.

Statewide Planning Goal 9: Economic Development

Response: This goal is not applicable as the Housing Choices Code Updates have no direct effect on economic development and economic growth; the updates apply only within residentially zoned areas.

Statewide Planning Goal 10: Housing

To provide for the housing needs of citizens of the state.

Response: Goal 10 requires that jurisdictions inventory buildable lands for residential use and develop plans that encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

The City of Oregon City recently adopted a Housing Needs Analysis in December 2021. This document serves as the City's compliance document under Goal 10, OAR Chapter 660 Division 008 (Division 008), and ORS 197.296(3) – and provides the factual and analytical basis for the City's determination that the separate City of Oregon City UGB has sufficient buildable land to meet identified housing needs during the 20-year planning period. This report, known as the City of Oregon City 2021- 2041 Housing Needs Analysis, suggests that Oregon City should plan for the growth of 7,435 new dwelling units over the next 20 years. Much of the growth in housing will be driven by growth in households. The City will meet Metro's requirements for net density and housing mix within its existing zoning but has a slight shortage of land for high-density housing and an unmet need for affordable housing.

Consistent with HB 2001 and ORS 197.758, the Housing Choices Code Updates expand housing options which will provide some help in meeting the forecasted needs outlined in the Housing Needs Analysis. Housing affordability is a significant issue in Oregon City as it is across the region, with 50% of Oregon City renter households and 28% of homeowner households identified as "cost-burdened" because more than 30% of household income is spent on housing. While middle housing is not explicitly affordable housing, it can increase the number and variety of new housing options that ease scarcity and costs across the housing spectrum, particularly if it can support creation of smaller dwelling units more in line with needs and incomes of small households.

The Housing Choices Code Updates may allow a modest increase in the number of dwelling units that could be constructed within the UGB because a greater number of units will be permitted on lots that were previously restricted to detached single-unit dwellings. Since its allowance in 2019/2020 as part of the equitable housing process, the city has approved only 15 new units of middle housing.

The proposed middle housing updates revise dimensional, density, and design standards to reduce the regulatory barriers to middle housing development, which meets the definition of needed housing per ORS 197.303(1).

Finding: The proposed middle housing code updates meet the minimum compliance standards for Large Cities, including OAR 660-046-0200 to OAR 660-046-0235, in part through incorporation of aspects of the Large Cities Model Code and in other part by applying the same standards for detached single unit dwellings to middle housing types.

Finding: While not a code revision in this packet, but still responsive to reducing the barriers to middle housing development. As required by OAR 660-046-0030(2), the City of Oregon City's City Commission considered methods to increase the affordability of middle housing through ordinances or policies including but not limited to:

- a. Waiving or deferring system development charges;

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

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

The City Commission reviewed a memo prepared by ECONorthwest at the March 8, 2022 City commission worksession on tools to increase affordability of middle housing, including the three strategies above, and conducted a work session on March 8, 2022 to review potential applicability of these tools.

Finding: The City of Oregon City does not propose to use alternative siting and design standards as permitted under OAR 660-046-0235.

Finding: The impacts of HB 2001 on the Goal 10-mandated Housing Needs Analysis and Buildable Lands Inventory will be assessed in the future, to the extent that the implementation of HB 2001 has increased the City's capacity for residential development within the Urban Growth Boundary which may help to meet the City's identified housing needs. The proposed updates do not reduce the City's buildable land inventory, nor do they reduce the assumed residential density within the City's residentially-designated lands, and therefore it is anticipated that any additional housing built as a result of these middle housing authorizations will contribute to the overall housing supply built over the planning horizon. Further, the City has an obligation under ORS 197.290 to complete a Housing Production Strategy Report by 2027 that will provide detailed analysis of how the City will ensure the provision of housing units necessary to meet the needs identified in the Housing Needs Analysis. Middle housing, as a strategy to achieve housing demand will be discussed as part of that report.

Finding: The City of Oregon City recently adopted a Housing Needs Analysis in December 2021. This document serves as the City's compliance document under Goal 10, OAR Chapter 660 Division 008 (Division 008), and ORS 197.296(3) – and provides the factual and analytical basis for the City's determination that the separate City of Oregon City UGB has sufficient buildable land to meet identified housing needs during the 20-year planning period. This report, known as the City of Oregon City 2021- 2041 Housing Needs Analysis (HNA), concludes that Oregon City should plan for the growth of 7,435 new dwelling units over the next 20 years. New housing in Oregon City is forecast to be 50% single-family detached, 20% single-family attached, 10% duplexes, triplexes, and quadplexes, and 20% multifamily to meet the diverse needs of the projected Oregon City population.

OAR 660-046-0330 (b) and (c) describe the amount of infill and redevelopment as well as undeveloped areas can count toward the increase of middle housing as a result of the state required changes. Cities may assume a one percent increase in the number of dwelling units produced due to middle housing in infill and redevelopment areas and a three percent increase in the number of dwelling units produced due to middle housing allowances within undeveloped areas. These expected increases in middle housing will help fulfill the needed housing goals.

The 2021 HNA calculated the infill development potential across the City, which can be used at the basis for estimating additional infill capacity as a result of proposed middle housing code amendments. Only capacity within Low and Medium Density Residential areas is included here because proposed middle housing types would be limited to those areas.

Plan Designation	Estimated Redevelopment Units
Low Density Residential	660
Medium Density Residential	233
Total	893
<i>Additional 1% infill capacity</i>	9
Revised Total	902

Source: 2021 HNA Exhibit 8, Estimate of housing units on potentially redevelopable lots by plan designations, Oregon City, City Limits and UGB Areas, 2019

The 2021 HNA also calculated development capacity of undeveloped areas across the City and UGB, which can then be used as the basis for estimating additional housing units that may be produced due to middle housing allowances. Similar to the above infill estimates, the focus is on Low and Medium Residential areas.

Plan Designation	Capacity
Low Density Residential	2,116
Medium Density Residential	3,159
Total	5,275
<i>Additional 3% development capacity</i>	158
Revised Total	5,433

Source: 2021 HNA Exhibit 65, Estimate of residential capacity on unconstrained vacant and partially vacant buildable land, Oregon City Planning Area, 2021 to 2041.

Thus in total, the City could expect up to an additional 167 dwelling units as middle housing to be produced as a result of the proposed middle housing code amendments, in addition to the portion of the total 7,435 new dwelling units for the next 20 years already forecasted to be middle housing types. The additional middle housing capacity helps the City to meet and exceed its forecasted housing needs for the 2021-2041 period, in compliance with Goal 10.

Statewide Planning Goal 11: Public Facilities and Services

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.

Response: Goal 11 requires the City 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. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City's wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)

- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City's Transportation System Plan from 2013 (TSP), are the City's acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, transportation, and electricity) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to the Public Facilities Service Plans are proposed in conjunction with the code update project, and the code update project is otherwise consistent with Goal 11 as explained below.

In June 2021, a technical memorandum by Wallis Engineering was created to determine the impact of increasing housing density within certain residential zones on the water supply and distribution system, the sanitary sewer collections system, and the stormwater system. Wastewater treatment is provided by the Tri-City Sewer District and potable water supply is provided by the South Fork Water Board; both of which were not assessed in this memorandum. The memo recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum are significantly flawed.

The public facility plan requirements in OAR 660-011-0020(2) include public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City must work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing. The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services. New subdivisions will continue to be analyzed as part of development review to ensure that any proposed middle housing can be served and is consistent with the adopted facility master plans.

HB 2001 states, "The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures." New public facilities and services will be designed to serve anticipated residential development, including middle housing. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the middle housing code updates.

Statewide Planning Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Response: The impacts of the proposal on the transportation system were reviewed by a transportation consultant, DKS. Please refer to the DKS analysis and memorandum which is attached to this report. The memorandum provides an assessment of the transportation implications of the proposed code updates.

Pursuant to ORS 660-046-0030 regarding Middle Housing in Medium and Large Cities, when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility as otherwise required by the Transportation Planning Rule (TPR), at OAR 660-012-0060. However, the memo assesses potential impacts related to permitting middle housing throughout the

city including potential for greater trip generation associated with middle housing compared to the single-family detached development densities assumed in previous transportation planning.

The memo concludes that the assumed increase in residential trips shown in the attached report is not expected to have a significant effect on intersections in the UGB. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. These trips are distributed throughout the UGB, so no intersection will experience all the added trips and will not have a significant effect on the transportation system. The findings of the 2035 TSP will not change because of the middle housing shift, including the established citywide circulation needs. New subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

Statewide Planning Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Response: Goal 13 regarding energy conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain unaffected by the proposed amendments.

Statewide Planning Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal, replace, or void existing code provisions regarding annexation. Therefore, the code amendments are consistent with Goal 14.

Statewide Planning Goal 15: Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Response: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of use along the river. Section 15 – Willamette River Greenway of the Oregon City Comprehensive Plan establishes goals and policies that provide a basis for an overlay zone in Title 17 of the City of Oregon City Municipal Code, namely OCMC 17.48 – WRG Willamette River Greenway Overlay District.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of OCMC 17.48. The uses allowed in the Willamette Greenway Overlay District are the same as those in the underlying zoning district; thus, the middle housing code updates do not repeal, replace, or void existing code provisions related to Goal 15. Furthermore, no changes to existing protections afforded through this overlay are proposed under the middle housing code updates. Therefore, the proposed amendments are consistent with the requirements of Statewide Land Use Goal 15.

Statewide Planning Goals: 16 Estuarine Resources; 17 Coastal Shorelands; 18 Beaches and Dunes; 19 Ocean Resources

Response: *Statewide planning Goals 16-19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Oregon City and are not applicable to the amendments.*

III. STAFF RECOMMENDATION:

Based on the findings identified above, the proposal to amend Title 16 and 17 of the Oregon City Municipal Code to implement the Goals and Policies of House Bill 2001 is consistent with the Oregon City Comprehensive Plan and State Land Use Goals. Staff recommends approval of Planning file LEG 22-0001.

Exhibits

- a. Draft Redlines
- b. Public Comment Matrix
- c. Code Summary and Policy Questions
- d. Code Matrix
- e. Transportation Analysis Memo
- f. Water Sewer Utility Impact Memo
- g. Senate Bill 458 FAQ
- h. Supporting Documents and Links
- i. October Survey #1 Results
- j. January Survey #2 Results
- k. Nonprofit Developer Focus Group Notes
- l. Developer Focus Group Notes
- m. Policy Tracker



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: 03/15/2023

SUBJECT:

License Agreement Between the City of Oregon City and Sportcraft Landing, Inc.

STAFF RECOMMENDATION:

Staff recommends the approval of the license agreement with Sportcraft Landing, Inc.

EXECUTIVE SUMMARY:

A license agreement has existing between Oregon City and Sportcraft Landing, Inc. since April 9, 1970 pertaining to portions of real property owned by Oregon City and property interests that Oregon City has acquired on adjacent property pursuant to leases with the State of Oregon Department of State Lands. The most recent license agreement lapsed as of June 30, 2020 and the parties wish to enter into a new license through November 30, 2024. Through this proposed license agreement Oregon City grants Sportcraft Landing, Inc. a license to locate and operate marina facilities on submersible lands within the boundaries of the Department of State Lands leases.

BACKGROUND:

The proposed license agreement identifies the terms of the license, use of parking areas, the obligations of the Licensee, including the annual license fee and DSL license fees, maintenance requirements, public access to restrooms, default remedies and insurance requirements. The license agreement addresses termination terms, security deposit requirements, dispersal of Oregon Department of Transportation condemnation proceeds, permitted uses, and required land use planning requirements.

The annual license fee is \$84,000, payable in equal monthly payments of \$7,000 per month. Sportcraft Landing, Inc. shall make immediate repairs of safety issues that have been identified as identified by Southwest Passage Marine Surveys, LLC.

The permitted uses, identified in section 26 of the license agreement, identifies the following uses (i) moorage slips for up to 3 floating homes pursuant to Section 7E and Section 28; (ii) moorage for Ken's Floatation Services, Incl facilities; (iii) to provide

access to and parking for (subject to the parking limitations of the license) the moorage agreement between Clackamas County and Licensee related to Licensee's own property interests; (iv) a concession or similar agreement with Northwest River Guides LLC; (v) the operation of a public boat facility pursuant to Section 7F; and (vi) the rental of individual moorage slips on the North and South Dock.

The proposed license agreement was signed by the President of Sportcraft Landing, Inc, on March 7, 2023.

OPTIONS:

1. Approve the license agreement with Sportcraft Landing, Inc.
2. Modify the license agreement with Sportcraft Landing, Inc
3. Deny the license agreement with Sportcraft Landing, Inc.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source(s):

LICENSE AGREEMENT
BETWEEN
THE CITY OF OREGON CITY
AND SPORTCRAFT LANDING, INC.
(Superseding All Previous Agreements)

This License Agreement ("Agreement" or "License Agreement") is made and entered into effective as of July 1, 2021 (the "Effective Date") by and between the City of Oregon City, an Oregon Municipal Corporation (hereinafter referred to as "Oregon City" or the "City") and Sportcraft Landing, Inc., an Oregon Corporation (hereinafter referred to as "Licensee").

RECITALS

WHEREAS, a license agreement has existed between Oregon City and Licensee since April 9, 1970, pertaining to portions of real property owned by Oregon City and property interests that Oregon City has acquired on adjacent property pursuant to leases with the State of Oregon Department of State Lands ("DSL"). A map of the properties currently owned and/or leased by the City and Licensee is attached to this Agreement as Exhibit A; and

WHEREAS, the most recent license agreement lapsed as of June 30, 2020 and Licensee has been holding over for the period July 1, 2020 through June 30, 2021 and the parties wish to enter into a new license to allow Licensee to remain at this location until November 30, 2024.

NOW THEREFORE, the premises being as general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

AGREEMENT

1. Purpose of Agreement. The purpose of this Agreement is to enter into a new agreement to allow Licensee to use real property owned by Oregon City and submersible lands in which Oregon City has an interest in pursuant to Submerged and Submersible Land Leases (collectively, the "DSL Leases") with DSL (DSL Lease 17480 – ML (formerly ML 9781) and DSL Lease ML 31737). Lessee's marina facilities including docks are located partially on the above described uplands and the property subject to DSL Leases (the "Improvements"). The Improvements consist of what is sometimes referred to herein as the "North Dock" (which is located within property subject to DSL Lease ML 17480-2015) and includes the marina store and the "South Dock" (which is located within property subject to DSL Lease ML 31737). Licensee owns other marina facilities ("Licensee's Owned Dock") that is situated on submersible lands described in a Submersible Land Lease between DSL and Licensee (DSL Lease ML 9782). As used herein, "Licensed Areas" means the area described in this Section 1, Section 2, and Section 5 herein. As used herein, "Parking Areas" means the "Upper Parking Area," the "Central Parking Area" and the "South Parking Area" as designated in Exhibit B hereto.

2. Grant of Right-of-Way Interest. Oregon City grants to Licensee for the license term a non-exclusive right-of-way not to exceed twenty feet in width from the access road to the Willamette River across the property of the City acquired from Crown Zellerbach Corporation

south of Abernethy Creek (Sealed Document 68 6201) Clackamas County, Oregon, Recorded April 4, 1968), as mutually agreed upon and marked for pedestrian and vehicular traffic only. This right of way is commonly known as Clackamette Drive.

3. **License Pursuant to Submersible Lands Lease.** Oregon City grants to Licensee a license to locate and operate marina facilities as such facilities exist as of the Effective Date on submersible lands within the boundaries of the DSL Leases.

4. **License Term.** The term of the licenses described in this Agreement shall commence July 1, 2021 and shall terminate November 30, 2024 unless said term is terminated earlier pursuant to the terms of this License Agreement.

5. **Use of Parking Area.**

A. The primary use of the Parking Areas that are adjacent to Licensee's marina facility on City Uplands is to support the public recreational boat ramp at the north end of the Central Parking Area (sometimes referred to herein as the "Boat Ramp"). Accordingly, Licensee shall not have the right to park any vehicles, stage or unload any vehicles except as expressly set forth in this Section 5.

B. ENRG Kayaking shall have the right to use the Central Parking Area to load and unload vehicles and equipment to support its operations provided that: (i) no vehicle shall be parked or otherwise located in the Central Parking Area for a period exceeding 30 minutes and (ii) in no event shall access to the Boat Ramp be obstructed.

C. Licensee and its contractor(s) shall have the right subject to reasonable rules and procedures required by the City to use the Parking Areas in connection with performance of the Permanent Dock Stabilization Work (as such term is defined in Section 25 below).

D. Licensee shall have the exclusive use of eight (8) parking spaces in South Parking Area, and one (1) parking space in Central Parking Area as shown on Exhibit D hereto ("Licensee's Exclusive Parking Spaces") in support of its Permitted Uses set forth in clauses (i) – (v) (inclusive) of Section 25 A. below. The single parking space located in the Central Parking Area, north of the gangway, shall be used exclusively by Clackamas County Sheriff or affiliated law enforcement agencies and not by any other person or entity. Licensee shall have the right to install signage indicating Licensee's right to Licensee's Exclusive Parking Spaces subject to the City's approval of the design and installation of such signage which approval the City shall not unreasonably withhold, condition or delay. The City shall have no obligation or liability to ensure the availability and/or exclusive use of Licensee's Exclusive Parking Spaces.

E. Licensee's customers that rent individual moorage slips for recreational boating shall have the nonexclusive right to park in the Parking Areas.

F. ENRG Kayaking's customers shall have the nonexclusive right to park in the Parking Areas.

G. No later than forty-five (45) days after the Execution Date (as such term is defined below), Licensee shall install three (3) signs indicating exclusive use of parking spaces that are currently unmarked and that with the addition of the Five Existing Marked Spaces (as such term is defined below) shall result in all of Licensee's Exclusive Parking Spaces being marked in some manner for Licensee's use. As used herein, "Five Existing Marked Spaces" means: (i) Homeowner Parking Only" (light blue) in the South Parking Area, (ii) "Sherriff's Marine Patrol Parking Only" sign in the South Parking Area, (iii) "Resident Parking Only" sign on the small stone wall in the South Parking Area, (iv) "HOAG Parking Only" sign in the South Parking Lot, and (v) "Homeowner Parking Only" (dark blue) in the South Parking Lot.

H. No later than forty-five (45) days after the Execution Date, Licensee and the City shall conduct a site visit to confirm Licensee's compliance with the terms of this Section 5. Thereafter, Licensee shall provide City upon City's request information demonstrating Licensee's compliance with the terms of this Section 5.

6. Assignment of License. This Agreement and the license provide herein cannot be sold or transferred without the written consent and approval of Oregon City, and the Licensee shall have no other rights for storing or use of the City Uplands acquired from Crown Zellerbach Corporation or any other City property except the Licensee shall have temporary rights during construction or alteration or repair to its public moorage, but only with written approval from Oregon City. A sale or transfer of all or substantially all of the assets of Licensee or a transfer of more than 10% of the ownership interest in Sportcraft Landing, Inc., shall be considered a sale or transfer of the license and this Agreement for purposes of this section.

7. Obligations of Licensee.

A) **Annual License Fee.** Licensee shall pay Oregon City an annual license fee of \$84,000 payable in equal monthly payments of \$7,000 per month paid in advance on or before the 1st day of each month. From the \$626,500 held in connection with the Condemnation Action (as such term is defined in Section 21 below), Licensee shall pay Oregon City the license fee payable for the period July 1, 2021 through and including June 30, 2023 (that is \$168,000, the "Accrued and Prepaid License Fee"). Licensee shall commence the payment of the regular monthly license fee on July 1, 2023 provided that this Agreement has not been terminated prior to July 1, 2023. If this Agreement has been terminated prior to July 1, 2023, the amount any license fee payable for the period between the termination date and June 30, 2023 shall be considered as and added to the Security Deposit (as such term is defined in Section 19 of this License Agreement).

B) **DSL License Fees.** The annual license fee set forth in Section 7.A above includes the Rent (as such term is defined in the DSL Leases) that Oregon City pays to DSL for the DSL Leases Oregon City agrees to timely pay the Rent to DSL. Licensee acknowledges that Licensee is responsible and shall pay as and when due any other charges, fees, costs, and/or assessments of any kind due under the DSL Leases other than the Rent payments.

- C) Parking Areas Maintenance. Licensee shall provide general litter pickup and general maintenance in the Parking Areas. General maintenance shall not include silt and debris deposited on the Parking Areas because of river flooding. The parties agree that Licensee does not have equipment suitable for that purpose and flood debris removal will continue to be provided by Oregon City. Licensee shall maintain regular garbage pick-up service at its own cost and shall locate all garbage receptacles (e.g. dumpster) within the fenced area that is adjacent to the South Parking Area and the Central Parking Area.
- D. Marina Facility. Licensee shall maintain the marina facility (specifically including the Improvements and all property subject to this Agreement in a clean and presentable manner and in good condition and repair. Licensee shall restore any Improvements damaged by casualty and such obligation shall not be diminished if any available insurance proceeds are not sufficient to pay for the cost of such restoration.
- E) Floating Homes. Licensee shall maintain no more than three (3) floating homes within the Licensed Area. No floating home or other structure shall exceed 30 feet in height as measured from the surface of the Willamette River.
- F) Operation of Public Moorage Service. During the term of this Agreement, Licensee will maintain and operate a public moorage service and public boat facility in the Willamette River within the Dolphin Line adjoining the above-described property. Licensee in its use of the license and the river shall cooperate with Oregon City in dealing and complying with the requirements of DSL, the Army Corps of Engineers, and the Oregon Marine Board. Licensee shall supply upon request, one free boat tie-up privilege to Oregon City. Licensee will, at all times, maintain its facilities (and the facilities of its Current Sublicensees (as such term is defined in Section 22 below)) in such a manner as to protect and promote public safety and compliance with this Agreement.
- G) Terms of State Leases. Licensee is responsible for complying with the terms of all leases from the State of Oregon, including the DSL Leases except for the payment of Rent under the DSL Leases. Licensee acknowledges that it has previously received a copy of the DSL Leases. Licensee agrees to defend, indemnify, and hold harmless Oregon City for any damages caused by its failure to comply with the terms of the DSL Leases. To the extent the State of Oregon requires any action by Oregon City or Licensee to maintain a lease and Licensee fails to perform that obligation, Oregon City shall have the right to perform that obligation and seek compensation from Licensee for its full costs in complying with the requirement of the state, including seeking compensation for attorney's fees.
- H) Marina Restroom. Throughout the term of this Agreement, Licensee shall make available for public use Licensee's existing restroom facilities located at the end of the marina entrance gangway, and shall provide signage that reasonably identifies the location of the restroom and directs the public to such location. Licensee shall make the restroom available for public use 24 hours per day, unless closures are necessary to address vandalism or property damage, at which point Licensee shall notify City of such concerns and, upon receipt of written approval of reduced hours by City, Licensee shall post updated signage indicating hours of availability.

I) Open Air Shed Porta Potty. There is an existing porta potty located in the Central Parking Area within an open air covered shed (the "Outside Porta Potty") owned and serviced by United Site Services ("United"). Not later than forty-five (45) days after the Execution Date, Licensee shall enter into a regular service contract with United Site Services for the provision and regular maintenance and servicing of the Outside Porta Potty during the term of this Agreement.

J) Immediate Repair of Safety Issues. On or before the date that is 28 days after the Execution Date, Licensee shall at its sole cost and expense perform the Marine Surveys Repair and Safety Items. As used herein, "Marine Surveys Repair and Safety Items" means collectively items 4.2 – 4.8 (inclusive) and 5.1 and 5.2 of that certain report dated December 8, 2022 prepared by Southwest Passage Marine Surveys, LLC entitled "Condition and Value Survey of Southcraft Landing North Marina" and items 4.2 – 4.10 (inclusive) and 5.1 and 5.2 of that certain report dated December 8, 2022 prepared by Southwest Passage Marine Surveys, LLC entitled "Condition and Value Survey of Southcraft Landing South Marina." Licensee shall demonstrate completion of the Marine Surveys Repair and Safety Items by on or before the date that is 42 days after the Execution Date by delivering to the City a report or other document from Southwest Passage Marine Surveys, LLC acceptable to the City in its sole and absolute discretion unconditionally confirming that Licensee has completed the Marine Surveys Repair and Safety Items. Licensee's obligations set forth in this subparagraph J) are referred to herein as the "Immediate Repair Conditions."

8. Obligations of Oregon City. Oregon City shall provide and maintain a public use boat launching ramp, separate and apart from Licensee's moorage business, gangway and facilities, unless the public use boat launch is damaged by flooding, act of God or the City determines in its sole discretion that the public use boat launching ramp should be closed, either temporarily or permanently. Licensee will not and will not allow or permit any of its Current Sublicensees to interfere with access from such ramp to the river channel. Neither Licensee nor any of its Current Sublicensees shall use the public boat ramp for any commercial purpose except as expressly allowed in Section 5. B. above. For avoidance of doubt, Licensee specifically acknowledges that it shall not allow or permit Ken's Flotation Service, Inc. the use of the public boat launch/ ramp to launch or provide access to any dock or other improvements that is a work product of Ken's Flotation Service, Inc.

9. Late Charge. If any installment of the annual license fee payable under Section 7.A above or the reimbursement payable under Section 7.B above is not received by Oregon City within five (5) days after such amount is due, then, in addition to other remedies provided herein, Licensee shall pay to Oregon City a late charge equal to five percent (5%) of such overdue amount. The parties hereby agree that such late charge represents a fair and reasonable estimate of the costs that Oregon City will incur by reason of late payment by Licensee. Acceptance of such late charge by Oregon City shall in no event constitute a waiver of Licensee's default with respect to such overdue amount, nor prevent Oregon City from exercising any of the other rights and remedies granted hereunder. Interest shall accrue on any amounts not paid within five (5) days from when due at the rate of nine percent (9%) per annum.

10. Default Remedies.

A) Default. Any of the following shall constitute an Event of Default by Licensee under this License Agreement (time of performance being of the essence of Licensee's obligations under this License Agreement): (i) Licensee's failure to pay any installment of the annual license fee payable under Section 7.A or the Self Help Costs (as such term is defined below) within five (5) days after such installment or payment is due; (ii) Licensee's failure to maintain the restrooms, the parking lot, marina or other property after notice from Oregon City under Section 7.C above; (iii) Licensee's failure to comply with any of the leases with the State of Oregon in violation of Section 7.F above; (iv) Licensee's assignment of this License Agreement in violation of Section 6 above; (v) Licensee's failure to provide, maintain, or provide evidence of the insurance required of Licensee under Section 13 below; (vi) Licensee's failure to timely deliver to City the certificates or other agreements required by Sections 28 and 29 below; (vii) Licensee's failure to timely satisfy the Immediate Repair Conditions as set forth in Section 7 J) above; (viii) Licensee's commencement of proceedings under any provision of any bankruptcy or insolvency law or failure to obtain dismissal of any petition filed against it under such laws within the time required to answer; or the appointment of a receiver for all or any portion of Licensee's properties or financial records; or an assignment for the benefit of creditors; or business failure of the Licensee; (ix) vacation or abandonment of the Licensed Areas without the consent of Oregon City; or (x) Licensee's failure to comply with any other term or condition of this License Agreement within twenty (20) days following written notice from Oregon City specifying the noncompliance.

B) Remedies for Default. Upon occurrence of an Event of Default as described above, Oregon City shall have the right to the following remedies, which are intended to be cumulative and in addition to any other remedies provided under applicable law or under this License Agreement: (i) Oregon City may at its option terminate this Agreement, without prejudice to its right to damages for Licensee's default; (ii) with or without termination, Oregon City may retake possession of the Licensed Areas by self-help, forcible entry and detainer action, ejectment or other legal proceeding and may use or relet such property without accepting a surrender or waiving the right to damages; (iii) Oregon City may recover all damages caused by Licensee's default which shall include an amount equal to unpaid license fees and license fees lost because of the default; and (iv) without prejudice to any other rights and remedies, Oregon City may perform Licensee's obligations and charge Licensee for all costs incurred by the City in doing so (the "Self Help Costs"), and Licensee shall reimburse the City for such Self Help Costs no later than five (5) days after a receipt of any invoice for the same. Oregon City may sue periodically to recover damages as they occur throughout the term, and no action for accrued damages shall bar a later action for damages subsequently accruing. Oregon City may elect in any one action to recover accrued damages plus damages attributable to the remaining term. Such damages shall be measured by the difference between the license fees under this License Agreement and the reasonable rental value of the property for the remainder of the term, discounted to the time of judgment at the prevailing interest rate on judgments; and (iv) Oregon City may, but shall not be obligated to, make any payment or perform any obligation which Licensee has failed to perform when required under this License Agreement and charge Licensee for the costs of doing so, including recovery of all costs, including attorney fees.

C. If Licensee violates the same term or condition of this License Agreement on two (2) occasions during any twelve (12) month period, the City shall have the right to exercise all remedies for any violations of the same term or condition during the next twelve (12) months without providing further notice or an opportunity to cure.

11. Amendment Provisions. The terms of this Agreement may be amended by mutual agreement of the parties. Any amendment shall be in writing and shall refer specifically to this Agreement and shall be executed by the parties.

12. Attorney's Fees. In the event any suit or action is initiated to enforce any of the provisions of this Agreement, the parties agree that the prevailing party shall receive from the other party, such sum as the trial court may adjudge reasonable as attorneys fees to be allowed in such suit or action and if an appeal is taken from any judgment or any decree of such trial court, the parties further agree to pay such sum as the Appellate Court shall adjudge reasonable as a prevailing party's attorneys fees on such appeal.

13. Insurance.

- A) Licensee shall maintain commercial general liability insurance for the protection of Licensee and Oregon 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, Licensee's operation, in an amount not less than \$3,000,000 per-occurrence/annual aggregate, (which may be satisfied by excess liability insurance in an amount not greater than \$2,000,000) which insurance shall include environmental pollution coverage in the amount of \$1,000,000. Such insurance shall be written on an occurrence basis and shall include contractual indemnity coverage. Such insurance shall name Oregon City and the State of Oregon as additional insureds, with the stipulation that this insurance, as to the interest of Oregon City, shall not be invalidated by any act or neglect or breach of this Agreement by Licensee. Attached hereto as Exhibit C is a certificate of insurance evidencing the required coverages under this subsection A).
- B) Licensee is currently unable to obtain insurance for the Improvements other than the marina store because of the age and condition of the Improvements. Licensee shall nonetheless use its reasonable best efforts to obtain property insurance on the Improvements other than the marina store in the maximum amount available to Licensee upon completion of the Marine Survey Repair Safety Items. On or before May 5, 2023, Licensee shall notify the City in writing whether Licensee was able to obtain property insurance of the Improvements, in what amounts, and such other related information as the City may request. Licensee shall continue to maintain property insurance on the marina store for actual cash value of \$156,000. Attached hereto as Exhibit C is a certificate of insurance evidencing the marina store property insurance required under this subsection B).
- C) On or before September 30, 2023 and February 27, 2024, Licensee shall provide the City new insurance certificates in the form attached hereto evidencing coverages required by this Section 11 are in place through November 30, 2024.

14. No Third Party Beneficiaries. Oregon City and Licensee 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.

15. Integration. This Agreement contains the entire agreement between and among the parties, integrates all the terms and conditions mentioned herein or incidental hereto, and supersedes 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.

16. Nonwaiver. The failure of Oregon City to insist upon or enforce strict performance by Licensee 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.

17. Written Notice Addresses. All written notices required under this Agreement shall be sent to the parties as follows:

To the City: City of Oregon City Attention: City Manager 625 Center Street Oregon City, OR 97045	To Sportcraft: 1701 Clackamette Drive Oregon City, OR 97045 Facsimile: (503) 650-6362
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Notices shall be deemed received 72 hours after deposit in the United States mail or upon a confirmed facsimile transmission receipt.

18. Improvements Upon Termination.

A. No later than the expiration or earlier termination of this License Agreement, Licensee shall remove and cause all of its sublicensees to remove all personal property (but excluding the North Dock and the South Dock) owned by Licensee or sublicensee located within the Licensed Areas ("Personal Property"). If Licensee or any of sublicensees fail to timely remove such Personal Property, then such Personal Property shall be deemed to have been abandoned in which case all right, title and interest in and to such Personal Property shall vest in the City.

B. At expiration or earlier termination of this License Agreement, Licensee shall leave in place the North Dock and the South Dock and title to the same shall vest in the City without further action and Licensee shall have no claim whatsoever for any of the then value of the North Dock or the South Dock. For avoidance of doubt, the City assumes the responsibility at the City's sole cost and expense to remove the North Dock and the South Dock pursuant to terms of the DSL Leases (as may be subsequently renewed or amended).

19. Security Deposit.

A. To secure Licensee's obligations under this License Agreement, Licensee shall deposit with Oregon City from the Condemnation Stipulated Judgment \$458,000 as a security deposit (the "Security Deposit"). The City may apply all or any part of the Security Deposit to cure any default by Licensee hereunder or to compensate the City for any damages suffered by City as a result of such default and Licensee shall promptly restore to the Security Deposit to the amount existing prior to such application upon notice to Licensee. If Licensee shall fully perform each provision of this License, any portion of the Security Deposit which has not been appropriated by Oregon City in accordance with the provisions hereof shall be returned to Licensee without interest within thirty (30) day after the expiration of the License Term. No interest shall accrue to Licensee on the Security Deposit.

B. Licensee shall have the right to have \$201,500 of the security deposit released to Licensee upon the satisfaction of the Permanent Stabilization Work Conditions (as such term is defined in Section 25 below) and the Immediate Repair Conditions (as such term is defined in Section 7 J) above). Oregon City shall remit the \$201,500 within thirty (30) days of receipt of Licensee's satisfaction of the Permanent Stabilization Work Conditions and the Immediate Repair Conditions. For the sake of clarity, if and when the \$201,500 is released to Licensee, Licensee will not have the obligation of restoring the Security Deposit to the amount of the Security Deposit that existed prior to the release of the \$201,500, rather, the amount of the Security Deposit then held by the City shall be reduced by the \$201,500. Thereafter, if any portion or all of the Security Deposit is applied to cure any default by Licensee hereunder or to compensate the City for any damages suffered by City as a result of such default, Licensee shall upon notice promptly restore the Security Deposit to the amount existing prior to the City's application of the same.

C. [Intentionally Deleted].

D. Provided that Licensee is not then in default and further provided that the City has not previously applied any portion of Security Deposit to cure any default by Licensee hereunder or to compensate the City for any damages suffered by City as a result of such default, Licensee shall have the right to have the Security Deposit applied to the monthly license fee due for the last year of the License Term (that is December 1, 2023 - November 30, 2024).

20. July 1, 2020 – June 30, 2021 Holdover Period. Licensee acknowledges that it has occupied the Licensed Areas for the period July 1, 2020 through June 30, 2021 without a written agreement which was effective during such period. Licensee and Oregon City agree by executing this License Agreement that Licensee shall be deemed to have occupied the Licensed Areas pursuant to the terms of the prior License Agreement as if it had been renewed for a one-year period.

21. ODOT Condemnation. Subject to the terms of this Section 21 and the other provisions of this License Agreement, Oregon City confirms that Licensee shall be entitled to the compensation in the amount of \$626,500 payable by the Oregon Department of Transportation pursuant to the condemnation action filed in Clackamas County Circuit Court under Case Number 21CV39128 (the "Condemnation Action") related to the partial taking of the

Improvements provided that of such \$626,500, \$458,500 of the same shall be delivered to the City to be held as the Security Deposit pursuant to Section 19 above and \$168,000 of the same shall be delivered to the City as the Accrued and Prepaid License Fee pursuant to Section 5 A) above. Licensee acknowledges that the Licensed Areas has been or will be reduced by the Condemnation Action and that there shall be no reduction in the License Fee payable to Oregon City as a result of such reduction. Licensee represents and warrants to Oregon City that Licensee has no claims of any kind against Oregon City in any way related to the Condemnation Action. As soon as possible after the Execution Date, Licensee and the City shall apply to the Court for the release of the condemnation proceeds and shall request the Court distribute the condemnation proceeds in – one check to the City (in the amount of the Security Deposit and the Accrued and Prepaid License Fee).

22. Licensee Current Sublicensees. Licensee represents and warrants to Oregon City that Exhibit E attached hereto lists: (i) all of Licensee's sublicensees as of the Execution Date (as such term is defined below) including agreements for use of the three houseboats located within the License Area other than individual slip agreements (the "Current Sublicensees"), (ii) the name and date of the agreement with the Current Sublicensees (the "Sublicensee Agreements"), and (iii) the termination date of the Sublicensee Agreements (which take into consideration any right of a Current Sublicensee to extend the terms of its Sublicense Agreement). Licensee further represents and warrants that prior to the mutual execution of this License Agreement, Licensee has provided the City full and complete copies of the Sublicense Agreements. Licensee shall not grant any other rights to use the Licensed Areas without the written consent of the City which consent may be withheld in the City's sole and absolute discretion.

23. Acknowledgment of No Access Upon Expiration and/or Termination of License Agreement. For the benefit of the City and as material consideration for the City to enter into this License Agreement, Licensee acknowledges that upon the expiration and/or termination of the License Agreement, Licensee will not have access to the 1 foot strip owned by Licensee or to the property subject to Licensee's DSL Lease ML 9782 from any property owned or controlled by the City, including the Licensed Areas. Licensee further acknowledges and confirms that pursuant to Clackamas County Deed Record 82-32066, and as part of its acquisition of the 1-foot strip owned by Licensee, Licensee waived, as Grantee, "all rights of access between the said strip or parcel of land and the lands above high water mark easterly thereof." Notwithstanding the same, to avoid any avoidance of doubt as to Licensee's access rights, Licensee hereby waives any and all current rights or claims to rights and any future rights or claims to rights related to access from or over the City's property to Licensee's property (and specifically including Licensee's Owned Dock) under any Oregon state or local statute and/or regulation or under Oregon common (case) law, including but not limited to a right or easement of necessity or abutter's rights. Upon the expiration or early termination of this License Agreement and upon the City's request, Licensee agrees to execute a quitclaim deed in favor of the City confirming that it has no rights to the City property (including the Licensed Areas).

24. No Use of the South Portion of City Property. Except for Licensee Exclusive Parking Spaces, Licensee shall not use any portion of the South Parking Area. Not later than forty-five (45) days after the Execution Date, Licensee shall at its sole cost and expense: (i) construct a sign reasonably acceptable to the City informing the public that the South Parking Area (other than

Licensee's Exclusive Parking Spaces) is available for public parking and (ii) remove the existing steel tube gate to the South Parking Area.

25. Permanent Stabilization of North Dock. The ODOT Condemnation Compensation of \$626,500 includes \$201,500 for the permanent stabilization of the North Dock after its partial severance by ODOT (the "Partial Severance"). Not later than one (1) year from the Partial Severance, Licensee shall complete such permanent stabilization in a good and workmanlike manner consistent with industry best practices for the same and in compliance with all applicable laws and regulations ("Permanent Stabilization Work"). After Partial Severance has occurred, Licensee shall submit to the City: (a) a reasonably detailed scope of work for the Permanent Stabilization Work, (b) copies of all necessary permits for the Permanent Stabilization Work (collectively, the "Pre-Work Requirements"). Upon completion of the Permanent Stabilization Work, Licensee shall submit to the City a certificate signed by Licensee and Ken's Flotation Services, Inc. and addressed to the City in a form reasonably acceptable to the City certifying that: (i) the Permanent Stabilization Work has been completed in accordance with this Section 25 (specifically including the satisfaction of the Pre-Work Requirements) and (ii) all amounts owing to Ken's Flotation Services, Inc. to perform the Permanent Stabilization Work have been paid and unconditionally releasing and waiving any lien rights that Ken's Flotation Services, Inc. may have in connection with the Permanent Stabilization Work ((i) and (ii) immediately above, and (a) and (b) above, collectively, the "Permanent Stabilization Work Conditions"). Licensee acknowledges that as of Execution Date: (y) Licensee has not satisfied the Permanent Stabilization Work Conditions, specifically, Licensee did not satisfy the Pre-Work Requirements and (z) to the extent that any permits or other approvals required by the City (acting in its capacity as a municipal government, collectively, "City Approvals") were necessary for compliance with all applicable laws and regulations, Licensee did not inquire as to necessity for City Approvals or apply for any City Approvals to perform the Permanent Stabilization Work. Licensee shall have the obligation to promptly after the Execution Date seek a determination from the City (acting in its capacity as a municipal government) if any City Approvals were necessary to legally perform the Permanent Stabilization Work and if such City Approvals were required, to obtain (to the extent obtaining them after the fact is consistent with applicable law) the City Approvals or cure the failure to obtain in advance (to the extent curing the failure to obtain in advance is consistent with applicable law).

26. Permitted Uses. For avoidance of doubt and subject to Section 27 below, Licensee agrees and acknowledges that Licensee may only use the License Areas for only the following purposes: (i) moorage slips for up to 3 floating homes pursuant to Section 7. E and Section 28 herein, (ii) moorage for Ken's Flotation Services, Inc. facilities, (iii) to provide access to and parking for (subject to the parking limitations set forth herein) the moorage agreement between Clackamas County and Licensee related to Licensee's own property interests, (iv) a concession or similar agreement with Northwest River Guides LLC d/b/a/ ENRG Kayaking; (v) the operation of a public boat facility pursuant to Section 7. F) above, and (vi) the rental of individual moorage slips on the North Dock and South Dock.

27. Master Plan Obligation On or before July 28, 2023, Licensee shall at its own cost submit a complete application for comprehensive city master plan approval for the marina (the "Master Plan Application"). If the City acting in its capacity as a city: (i) denies the Master Plan Application, (ii) imposes conditions of approval ("Approval Conditions") that Licensee cannot or

is unwilling to comply with, (iii) does not allow floating home use at the marina, or (iv) does not allow an industrial use at the marina, then Licensee shall have the right to terminate this License upon written notice to the City given no later than thirty (30) days after the City's final decision as to the Master Plan Application. If there are Approval Conditions and Licensee accepts the same, Licensee shall promptly (but no later than sixty (60) days after the City's final decision) comply with the Approval Conditions at Licensee's sole cost and expense. If Licensee fails to timely exercise its termination right, then Licensee shall be deemed to have accepted the Approval Conditions. Licensee agrees that Licensee shall have no claim against the City under this Agreement for the City's exercise of its authority as a city to interpret, apply and/or enforce its land use ordinances and decisions specifically including any determination made as to the Master Plan Application. Licensee confirms that the City in its capacity as a city has the legal authority to enforce its land use ordinances and decisions separate and apart from any contractual agreement, including this Agreement. Licensee represents and warrants to the City that Licensee has investigated the Master Plan Application process and requirements and has discussed the same with Licensee's legal counsel such that Licensee understands the process and requirements for the Master Plan Application.

28. Floating Homes. There are currently three floating homes located in the South Marina Improvements. Two of the floating homes are owned and used by Licensee in connection with its operations within the Licensed Areas and Licensee's DSL lease and are not subject to any lease or other rental agreement (the "Sportcraft Floating Homes"). Licensee rents one of the three floating homes (the "Third Floating Home") to John Reinhart (the "Tenant") pursuant to a fixed term lease agreement (the "Floating Home Lease") which by its terms expires April 15, 2024 (the "Floating Home Lease Expiration Date"). Licensee shall not extend the term of the Floating Home Lease Expiration Date and shall cause the Tenant to vacate its leased premises on the earlier of: (i) the Floating Home Lease Expiration Date, or (ii) upon the termination of this Agreement in accordance with its terms. Thereafter, Licensee shall not lease the Third Floating Home and shall either remove the Third Floating Home from the Premises or leave the Third Floating Home vacant through the remainder of the License term. Licensee shall only use the Sportcraft Floating Homes in connection with its operations within the Licensed Area and for avoidance of doubt shall not lease or rent the Sportcraft Floating Homes. Not later than forty-five (45) days after the Execution Date, Licensee shall obtain a written certificate in the form attached as Exhibit F from Tenant.

29. ENRG, Ken's Flotation Services, Inc. and Clackamas County Sheriff. Not later than thirty (30) days after the Execution Date, Licensee shall obtain a written certificate or other agreement from ENRG and Ken's Flotation Services, Inc. in the form attached as Exhibit H hereto and Clackamas County in the form attached as Exhibit G hereto (the "Clackamas County Certificate Obligation") confirming that such parties' rights to use portions of this Licensed Areas are subject to the terms and conditions of this Agreement including the termination of this Agreement on its stated expiration date (i.e. November 30, 2024) or earlier termination pursuant to the terms of this Agreement, including as a result of Licensee's default of this Agreement or Licensee's termination of this Agreement under Section 27 above. For avoidance of doubt, the failure to timely provide the fully signed certificate or other agreement required by this Section 29 shall be an immediate and incurable default under this Agreement.

30. Indemnity. Licensee agrees to defend, indemnify and hold the City harmless from and against all claims, costs (including reasonable attorney fees), liabilities or damages (collectively, "Claims") arising from or related to Licensee or its agent's, sublicensee's, or customer's use of the Licensed Areas during the term of this Agreement and during the period July 1, 2020 through and including the Execution Date, except to the extent caused by Oregon's City's sole and gross negligence.

31. Time is of the Essence. Time is of the essence of Licensee's obligations under this Agreement.

32. Right of Entry. Oregon City shall have the right at any time to enter the Licensed Areas to inspect the License Area and Licensee's and its Sub-Licensees operations.

33. Licensee's Liability for Sublicensee's Compliance. For avoidance of doubt, Licensee acknowledges that it is responsible for the compliance by all of its Current Sublicensees as to all of Licensee's obligations under this Agreement.

34. City's Reserved Rights. Other than and only to the extent of the express rights granted to Licensee under this Agreement, Licensee acknowledges that the City reserves for itself the right to use, grant use rights, impose regulations, and otherwise deal with the City property in whatsoever way the City determines in its sole and absolute discretion and Licensee shall have no claim against the City with respect to the same.

35. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Execution of this Agreement by electronic means intended to preserve the original pictorial appearance of this Agreement or by industry standard electronic signature software shall have the same legal force and effect as execution by original signatures.

[This space left blank intentionally – Signature Page follows]

IN WITNESS WHEREOF, the parties execute this Agreement as of the latest date shown below (the "Execution Date") as of the Effective Date.

THE CITY OF OREGON CITY,
an Oregon municipal corporation
By and through its City Officials

SPORTCRAFT LANDING, INC.
an Oregon corporation

By _____
Denyse McGriff, Mayor

By Eric Dye
Eric Dye, President

By _____
Tony Konkol, City Manager

By Eric Dye
Eric Dye, Secretary

Execution Date: March __, 2023

Execution Date: March 2, 2023



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: 03/15/2023

SUBJECT:

I-205 Toll Project Environmental Assessment Comment Period Extension Request

STAFF RECOMMENDATION:

Staff requests that City Commission review and provide feedback on the I-205 Toll Project Environmental Assessment Comment Period Extension Request

EXECUTIVE SUMMARY:

The Oregon Department of Transportation (ODOT) has released the National Environmental Policy Act Environmental Assessment (EA) for the I-205 Toll Project. The EA consists of nearly 3,000 pages of analysis and detailed information about the I-205 Toll Project proposal. ODOT has granted a 45-day public comment period which staff feel is insufficient time to conduct the required review and coordinate a meaningful response. Therefore, staff is requesting approval for a letter to ODOT and Federal Highway Administration (FHWA) requesting an additional 45 days to extend the public comment period to a total of 90 days.

BACKGROUND:

The Oregon Department of Transportation (ODOT) has released the Environmental Assessment (EA) for the I-205 Toll Project. The EA documents consist of a 192-page summary report, with 18 appendices (2,801 pages) of detailed technical information on a variety of topics that include transportation, air quality, energy and greenhouse gases, economics, noise, social resources and communities, environmental justice, land use, geology and soils, hazardous materials, historic and archeological resources, vegetation and wildlife, project cumulative impacts, and project engagement.

ODOT originally granted a 45-day public comment period which staff feel is insufficient time to conduct the required review and coordinate a meaningful response. On March 2, ODOT shared that they would be extending the comment period to 60 days, with a close date of April 21, 2023 at 4pm. Staff is requesting approval for a letter to ODOT

and Federal Highway Administration (FHWA) requesting an additional 30 days to extend the public comment period to a total of 90 days.

The current deadline for submitting comments is April 7, 2023 at 4:00pm. With the 15-day extension, staff will return on April 19, 2023 with a Draft I-205 Toll Project EA comment letter for review and approval.

Following are opportunities for the community to learn more about the project and options for submitting comments, details regarding each of these are found at the webpage below:

- Webinars: March 14, 6:00-7:30pm and March 16, 12:00-1:30pm
- Information Tables:
 - March 14, 12pm – Fred Meyer, 1839 Molalla Avenue
 - March 31, 3pm – Grocery Outlet, 878 Molalla Avenue
 - April 4, 3pm – Pioneer Community Center, 615 5th Street
 - April 5, 10am – Tualatin Public Library, 18878 SW Martinazzi Avenue
 - April 6, 12pm – Gladstone Senior Center, 1050 Portland Avenue
- Virtual & In Person Public Hearing: April 4, 3:00-6:00pm
- Submit Comments: Comments can be submitted via on-line form, email, voicemail or mail.

More information on the I-205 Toll Project EA, supporting documents and opportunities to participate in the EA can be found at <https://www.oregon.gov/odot/tolling/Pages/I-205-Tolling.aspx>

OPTIONS:

1. Authorize staff to finalize this draft and send the I-205 Toll Project EA Comment Period Extension Request letter as written.
2. Provide staff specific direction on changes needed to finalize the I-205 Toll Project EA Comment Period Extension Request letter and send along once amended.
3. Make the determination that an Oregon City letter is not something the City Commission is willing to authorize.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source(s):



March 15, 2023

Sent Via Electronic Mail

Mandy Putney
Oregon Department of Transportation
CC: Keith Lynch, FHWA
Kris Strickler, ODOT

Dear Ms. Putney:

We are aware that the public comment period for the I-205 Toll Project Environmental Assessment (EA) began on February 21, 2023. **After initial review of the materials, which include a 192-page Environmental Assessment and 2,801 pages of Appendices, we do not feel that the 45-day public comment period that ODOT is offering is sufficient.** We also feel that the additional 15 days of review time ODOT recently provided is insufficient.

The EA includes nearly 3,000 pages of information on a comprehensive array of topics that must be reviewed and analyzed before comments can be developed. Comments will then need to be presented, discussed, and coordinated through our City Commission.

We acknowledge there have been previous engagement points, but the feedback from local agency involvement is not clearly documented or traceable within the current EA, the ODOT updates to these documents have not been documented in a way that is conveniently traceable, and it will be necessary for our staff to go through each document carefully to determine how, or if, our concerns were addressed, and proper mitigation provided.

We also recognize that for Oregon City many of the project goals and objectives, as suggested by ODOT, have either not been met or as asserted are not supportable. ODOT has also elected to put off needed micro model simulations that would otherwise validate mitigation needs and highlight realities due to tolling diversion through the Oregon City areas of potential impact. One other document not included in the EA but critical to the ODOT plans for mitigation is the recent I-205 Tolling financial analysis, and we consider our full understanding of this document together with the EA as also critical to being able to provide meaningful feedback on the EA. Analysis and confirmation of these interest areas will be time consuming, adding needed review time.

This project will significantly impact the surrounding local circulation system and our communities, pushing congestion from the freeways into our neighborhoods. This proposal will cause significant negative impacts to our communities which we recognize is not mitigation as proposed in this EA, and these shortcomings are not taken lightly.

Therefore, on behalf of the people we serve, and as a participating agency for the I-205 Toll Project Environmental Assessment, we formally request, at a minimum, an additional 45 days be added to the original 45-day public comment period for the I-205 Toll Project Environmental Assessment which will result in a minimum of a 90-day public comment period. This extension

will allow more time for the technical review and some level of public engagement around our EA comments.

Thank you for your consideration.

Sincerely,

Denyse C. McGriff
Mayor



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Recorder Jakob Wiley

Agenda Date: 03/15/2023

SUBJECT:

First Reading of Ordinance No. 23-1003, Revising the City Code to Allow Additional Members to be Appointed to the Youth Advisory Committee (YAC)

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance No. 23-1003

EXECUTIVE SUMMARY:

The Mayor recommends appointment of more than nine members to the YAC in its first cycle due to the strength of their applications and interviews. The current version of the YAC's ordinance limits the membership to nine members. This ordinance would change the City Code to remove the limit and allow for more than nine members to be appointed.

BACKGROUND:

Ordinance No. 22-1006 created the YAC, and Section 2.62.020 states that the YAC "...shall consist of nine members..." and one non-voting city commission representative. This ordinance would change the code to add the words "at least" to result in "shall consist of at least nine members," permitting Mayor to appoint additional members.

OPTIONS:

1. Approve the first reading of Ordinance No. 23-1003.
2. Do not approve the first reading of Ordinance No. 23-1003 and provide staff with further direction.

ORDINANCE NO. 23-1003

AN ORDINANCE OF THE CITY OF OREGON CITY REVISING THE CITY CODE TO ALLOW ADDITIONAL MEMBERS TO BE APPOINTED TO THE YOUTH ADVISORY COMMITTEE

WHEREAS, The City Commission created the Youth Advisory Committee (YAC) under Ordinance No. 22-1006; and

WHEREAS, Staff has proceeded to advertise and recruit for its first members; and

WHEREAS, The current version of the Oregon City Municipal Code (OCMC) 2.62.020 limits the membership to nine members; and

WHEREAS, The City Commission wishes to increase the potential number of applicants potentially appointed to the YAC.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. OCMC 2.62.020 is amended to add the words “at least” before the words “nine youth members” as shown as underlined text in Exhibit A to this ordinance.

Read for the first time at a regular meeting of the City Commission held on the 15th day of March 2023, and the City Commission finally enacted the foregoing ordinance this 5th day of April 2023.

DENYSE C. MCGRUFF
Mayor

Attested to this 5th day of April 2023,

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney

Ordinance No. 23-1003 – Exhibit A

Chapter 2.62 – Youth Advisory Commission

2.62.010 – Created.

There is created a youth advisory commission for the City of Oregon City having the duties and responsibilities provided in this chapter.

2.62.015 – Purpose.

The Oregon City youth advisory commission is created to provide local students a voice in their municipal government, build an understanding of governance and leadership and to provide opportunities to engage and serve the community. The youth advisory commission shall be guided by the belief that local involvement at a young age is crucial to ensuring a well-informed and engaged citizenry in the future and to provide an opportunity for members to become equipped with the knowledge and leadership skills necessary to become active contributors in the community now and in the future.

2.62.020 – Membership.

The youth advisory commission shall consist of at least nine youth members and one non-voting city commissioner to be appointed by the Mayor:

- A. Members of the youth advisory commission shall be high school students at the time of swearing in and shall reside within the city limits of Oregon City.
- B. Any vacancy shall be filled by the mayor, at their sole discretion, for the unexpired portion of the vacated term.
- C. The term of service shall be considered from September through June and there are no term limits.
- D. Appointed youth advisory commission members may be re-appointed for a second term without an interview at the discretion of the mayor. A youth advisory commission member must participate in a recommitment interview with the mayor after serving two consecutive terms.
- E. The chairperson, vice chairperson and all new members shall be sworn in by the youth advisory commission city commissioner at the first regular meeting of the term.

2.62.030 – Election of officers.

The youth advisory commission, at the beginning of each term, shall elect a chairperson and vice chairperson, who shall hold the positions for one term of service. The chairperson and the vice chairperson shall be a junior or senior in high school.

2.62.040 – Chairperson

The chairperson is responsible for running the youth advisory commission meetings, assigning tasks and working with the staff to set the upcoming agendas.

2.62.050 – Vice Chairperson.

The vice chairperson is responsible for taking meeting minutes and providing financial updates as applicable.

2.62.060 – Quorum and Meetings.

- A. A majority of appointed members shall constitute a quorum.
- B. If a quorum is present, all matters shall be decided by a vote of the majority present.
- C. The youth advisory commission shall meet once a month.
- D. All meetings shall be open to the public and public meeting laws shall apply.

2.62.070 – Youth Advisory Committee Member Responsibilities.

- A. Review and prepare strategies addressing issues of interest to students in the greater Oregon City community, including topics such as drug and alcohol abuse, bullying and driver safety or any other topic determined to be of importance by the youth advisory commission.
- B. Members shall participate in an annual goal-setting retreat at the beginning of each term.
- C. Members shall be responsible for completing tasks and projects as assigned.
- D. Members of the youth advisory commission shall attend at least three community service events per session.
- E. The youth advisory commission shall organize a minimum of one student town hall to hear from their peers and engage the larger Oregon City youth community.
- F. The youth advisory commission shall prepare an annual report at the end of the term to present to the city commission detailing the accomplishments, challenges, areas for improvement and goals for the future.

2.62.080 – Code of Conduct and Expectations

Members of the youth advisory commission shall be held to the highest standards of citizenship, scholarship and participation.

- A. Members may have no more than one unexcused absence or no more than two excused absences from youth advisory commission meetings. An absence shall be considered excused provided advanced notice of 24 hours is provided to the chairperson and staff liaison or is determined to be excused by the chairperson and staff liaison.
- B. Absences may be made up for by attending a City of Oregon City commission, advisory board or committee meeting within 30 days of the absence.
- C. Members shall remain in good standing at their school by maintaining passing grades and abiding by the school code of conduct.

- D. Violations of the code of conduct and expectations of this section shall be reviewed by the member, chairperson, vice chairperson, city commission member, staff liaison and the mayor with a goal of improving the performance and participation of the member.
- E. The mayor shall have the sole discretion to determine if a member shall be removed from the youth advisory commission.

2.62.090 – Expenditures

The youth advisory commission shall have no authority to make any expenditure on behalf of the city or to obligate the city for payment of any sums of money unless the city manager or city commission, as appropriate, authorizes such expenditure.



CITY OF OREGON CITY

Staff Report

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

To: Oregon City Arts Commission
From: Tony Konkol, City Manager

Agenda Date: March 15, 2023

SUBJECT:

Oregon City Arts Commission Grant Program

STAFF RECOMMENDATION:

Review and approve the Oregon City Arts Commission Grant Program

EXECUTIVE SUMMARY:

The Oregon City Arts Commission would like to allocate funds from its 2022-2023 budget to establish a grant program that will support the arts community in Oregon City. At their March 2, 2023 meeting, members of the Arts Commission reviewed and approved the Program Guidelines for the Arts Commission Grant program. As proposed, grants would be offered in two categories: an Arts Commission Small Grant, from \$250 - \$2,499, and an Arts Commission Large Grant, from \$2,500 - \$10,000.

The proposed timeline for the program is:

Grants Announced:	March 20, 2023
Application Period:	March 20-April 28, 2023
Arts Commission First Review:	May 18, 2023
Arts Commission Final Review:	June 1, 2023
Grant Awards Announced:	June 7, 2023

PROGRAM GUIDELINES:

The Program Guidelines for the Arts Commission Grants Program as approved by the Arts Commission are highlighted below. A copy of the draft 2023 Grant Guidelines is attached for reference.

Program Name – The Oregon City Arts Commission Grant Program. The program will offer two tiers of funding: an Arts Commission Small Grant, from \$250 - \$2,499, and an Arts Commission Large Grant, from \$2,500 - \$10,000.

Eligibility – Private or public nonprofits, governments, businesses, and individual artists based in Oregon City are eligible to apply. The proposed project must be publicly accessible. Funding may be used to promote a public event, provide direct assistance to an educational program or support the creation/development of a public work of art. Applicants will be asked to describe how the proposed project supports the vision of the Oregon City Arts Commission.

In addition, the applicant or artist directly receiving funding must be in good standing with local, state and federal taxing authorities. Finally, the applicant should be under contract or agreement to deliver the project or performance. For example, if a musician would like to perform at a public event, the event organizer can submit a grant application to support the performance, or the artist involved may apply with a signed agreement from the sponsoring entity attached.

Matching Funds – Applicants for the Arts Commission Large Grant need to identify a 10% match. In-kind donations may be counted toward this match. No matching resource will be required for the Arts Commission Small Grant.

Application Process – Grant applications will be available from Monday March 20 – Friday April 28, 2023. Applicants may apply directly online, or they may submit a written application. Staff will be available for anyone who may need assistance in completing the application. A draft grant application is attached to this staff report.

Timeline – The Arts Commission will review applications and determine grant awards at their May 18 and June 1, 2023 meetings. All grant award letters and payment will be disbursed to successful applicants before June 30, 2023.

OPTIONS:

1. Review and approve the proposed Oregon City Arts Commission Grant Program
2. Review and make suggested changes to the proposed Oregon City Arts Commission Grant Program

BUDGET IMPACT:

Amount: \$35,000
 FY: FY22-FY23
 Funding Source: Oregon Transient Lodging Tax



Oregon City Arts Commission 2023 Grant Guidelines

The Oregon City City Commission approved the Oregon City Arts Commission Grant Program at its **March 15, 2023 meeting**. The current grant program is a pilot. Future funding will depend upon the review and support of the Oregon City City Commission.

Oregon City Arts Commission Vision - The Oregon City Arts Commission acknowledges the past, fosters the present and envisions a future where the arts are celebrated as a vital force that brings joy and builds community. We strive for a thriving, culturally enriched, sustainable arts ecosystem that creates connection to place, economic prosperity, and centers on diversity, equity and inclusion.

Oregon City Arts Commission Grant Program Purpose – The Oregon City Arts Commission Grant Program provides direct support to individuals and organizations based in Oregon City to support local art and artists and to strengthen Oregon City’s standing as a community that supports the arts and art-related businesses.

Grant Amount – The program will offer two tiers of funding: an Arts Commission Small Grant, from \$250 - \$2,499, and an Arts Commission Large Grant, from \$2,500 - \$10,000.

Eligibility – Organizations, businesses, and individual artists based in Oregon City are eligible to apply. The proposed project must be publicly accessible. Funding may be used to promote a public event, provide direct assistance to an educational program or support the creation/development of a public work of art. Applicants will be asked to describe how the proposed project supports the vision of the Oregon City Arts Commission.

In addition, the applicant must be in good standing with local, state and federal taxing authorities. Finally, the applicant should be under contract or agreement to deliver the project or performance (rather than paying him/her/themselves). For example, if a musician would like

to perform at a public event, the event organizer should submit a grant application to support the performance rather than the artist applying directly for a grant. All successful grant applicants, including individual artists and organizations, will receive an Agreement Letter from Oregon City, authorizing she/him/them to proceed with the grant project.

Matching Funds – The Arts Commission grant should not be the only source of project support for Large Grant projects. Applicants for the Arts Commission Large Grant project need to identify a 10% match based on total project cost. For example, if the total project cost is \$8,000, grant applicants should document a minimum of \$800 in other support. In-kind donations may be counted toward this match.

No matching resource is required for the Arts Commission Small Grant.

Public Safety and Insurance – All Oregon City Arts Commission Grant recipients are required to sign a liability waiver and release of indemnity statement. The statement will also indicate that the grant recipient has evaluated possible public safety concerns that may result from the execution of their art project and has taken the necessary steps to address them.

If the grant is to fund an art piece and/or installation, then the owner of the property where the art project is being installed shall obtain commercial liability insurance naming the City of Oregon City as an additional insured party during the period that the project is being installed and at any time that the art piece is maintained, altered and/or removed. The commercial liability insurance coverage shall be \$500,000 per incident and \$1,000,000 in aggregate, unless the act of installing the art project is deemed to be a high-risk activity, such as an installation that involves extreme weight or a height above 15 feet. High risk installations shall be insured at the \$1,00,000 per incident and \$2,000,000 in aggregate level.

If the grant is to fund a class, performance or other live event, then the event organizer shall obtain general liability insurance naming the City of Oregon City as an additional insured. Insurance for a broader event that includes a performance that is being supported by this grant may be sufficient for this purpose; however, this insurance policy should be reviewed with City staff. The general liability insurance coverage shall be \$500,000 per incident and \$1,000,000 in aggregate, unless the intended performance or act is deemed to be a high-risk activity, such as a performance involving significant height, pyrotechnics, or other element that could

potentially cause harm. High risk activities shall be insured at the \$1,00,000 per incident and \$2,000,000 in aggregate level.

Grant recipients who receive an Arts Commission Small Grant may request an exemption from the insurance requirement by writing to staff.

Application Process – Grant applications will be available from **Monday, March 20 – Friday April 28, 2023**. Applicants may apply directly online, or they may submit a written application. Staff are available to meet with anyone who may need assistance in completing the application.

The Arts Commission will review grant proposals over two meetings currently scheduled for May 18th and June 1st. Final award decisions will be made at the June 1st meeting. Grant award letters and payments will be distributed before June 30, 2023.

Oregon City Arts Commission Grant Application – Small and Large Grant Proposals

Thank you for your interest in supporting the arts in Oregon City. We welcome proposals from individuals and organizations that are based in Oregon City, for the public benefit of the Oregon City community, surrounding communities and project partners.

Grant funding is available at two levels:

The Arts Commission Small Grant - \$250 - \$2,499

The Arts Commission Large Grant - \$2,500 - \$10,000

This application may be used for both grant levels. Please indicate the requested amount of grant support in Question Four below.

- Applications are due on April 28, 2023 before 5 pm -

You may access a grant application at **FILL IN THE URL HERE**. You may also pick up a paper application at City Hall.

If you would like assistance in applying for an Arts Commission Grant, please contact Ann Griffin at agriffin@orccity.org.

Si desea ayuda para solicitar una pequeña subvención de la Comisión de las Artes, comuníquese con Ann Griffin en agriffin@orccity.org.

Purpose: The Oregon City Arts Commission exists to make the arts an essential part of every citizen's life by assisting artists and arts organizations and to promote the arts. The Arts Commission recognizes that the arts reinforce the overall quality of life in Oregon City and that they directly contribute to the vitality of the local economy.

Arts Commission Vision: The Oregon City Arts Commission acknowledges the past, fosters the present and envisions a future where the arts are celebrated as a vital force that brings joy and builds community. We strive for a thriving, culturally enriched, sustainable arts ecosystem that creates connection to place, economic prosperity, and centers on diversity, equity and inclusion.

Eligibility: The individual or organization applying for this grant must be based in Oregon City. All projects and activities funded by an Arts Commission Grant must be open and accessible to

the public. Please read the Arts Commission Grant Guidelines for more information on project eligibility.

Deadline: Grant proposals should be received by 5:00 pm Friday, April 21. Applications are available online at **FILL IN URL HERE**. A written copy of application is available at City Hall, 625 Center Street, during normal business hours.

1) **NAME.** What is the name of the organization or individual applying for this grant?

1A) Please check if you are an individual or organization:

☐ Individual

☐ Organization

1B) What is the name of your project? _____

1C) The Arts Commission Arts Grant supports art projects in Oregon City. Where in Oregon City will this project be located/take place?

2) **CONTACT.** Please share your contact information with us.

Address _____

Phone _____

Email _____

3) **PROJECT.** Please describe the project that you would like to support with this grant.

3A) What is the timeline for your project? Please include the beginning and end dates for your work. If you are applying to support an event(s), please tell us when the event(s) will occur.

4) GRANT REQUEST.

Which grant size are you applying for (pick one):

___ The Arts Commission Small Grant - \$250 - \$2,499

___ The Arts Commission Large Grant - \$2,500 - \$10,000

4A) What dollar amount are you requesting?

5) How do you plan to promote the project?

6) Please review the Oregon City Arts Commission Vision above. How does the proposed project advance this vision?

7) **BUDGET.** Please complete the Proposed Project Budget. You should include the Arts Commission Grant as a source of income.

Large Grant Applications – Please answer Questions 8 and 9. If you are submitting a Small Grant proposal, you do not need to answer these questions.

Match Requirement for Large Grant Proposals – Large grant proposals need to document a 10% funding “match.” A match may be funds received from a different grant, funds that the applicant has already raised, or it may be an “in-kind” match. An “in-kind” match is a material or service that is donated to the project. For example, if you are painting a public mural and someone donates the paint and other supplies to the project, you may estimate the dollar value of these supplies and include that as a match.

A project with a total project budget of \$5,000 would require a 10% “match,” or \$500. Please note that the value of Volunteer Time may also be counted toward a match. For example, if you need 4 volunteers to successfully run your activity, then their time may be counted toward the match. We suggest an hourly volunteer rate of \$18/hour for general labor. For skilled volunteer

time, such as something provided by a carpenter, please use an hourly rate that is consistent with that profession.

Example: You estimate that 4 volunteers will be needed to distribute programs and collect tickets.

$(4 \text{ volunteers}) \times (3 \text{ hours}) \times \$18/\text{hour} = \$216$

8) **TEAM.** Please describe your project team. Who will be involved in implementing the project? What experience do they have with similar projects? What other relevant skills and experience does your project team have?

9) What else would you like the Oregon City Arts Commission to know when reviewing your grant proposal?

Oregon City Arts Commission Proposed Project Budget

Project Name: _____

NOTE: If you are applying for an Arts Commission Large Grant (a grant of \$2,500 or more), please remember to include information about your project match. If you have questions, please contact Ann Griffin at agriffin@orccity.org or 503-974-5517.

I. Income (Sources of Funds)

Please list your anticipated sources of support for your project. Your budget should include all funding sources, in addition to the Arts Commission Grant.

Please include an estimate of the in-kind donations that will support your project. In-kind donations include volunteer hours, donated space, donated materials and other goods and services that are given to the project at no cost. Volunteer hours may be estimated at \$18 per hour for general work, or at an hourly rate that is consistent with a given profession (skilled tradesman, etc.) Estimates are fine. You may add an additional sheet of paper as needed.

Source	Dollar Amount
Arts Commission Grant	
In-Kind Donations	Estimated Value
Total Estimated Income	

II. Expenses (Uses of Funds)

What expenses are needed for you to successfully complete the project? You may add more lines as needed.

Item	Dollar Amount (estimate)
Total Estimated Expenses	



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 03/15/2023
From: Mayor Denyse McGriff

SUBJECT:

Mayoral Appointments to the Youth Advisory Committee (YAC)

BACKGROUND:

The following Committee appointments are made for first term of the YAC

Youth Advisory Committee

- Alana Plaisance
- Alix Jenik
- Bailey Brown
- Bella Bone
- Brianna Nizic
- Cambria Rich
- Gunnar Datria
- Hannah Granderson
- Henry Cardona Gameros
- Julian Guerra Molina
- Justin Evers
- Landon Lu
- Melanie Gabriel
- Myles Kinney
- Samuel Upkes
- Commissioner Adam Marl and Mayor Denyse McGriff (liaisons)

BUDGET IMPACT:

Amount: No Budget Impact