



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, February 02, 2022 at 7:00 PM

6:00 PM - EXECUTIVE SESSION OF THE CITY COMMISSION:

The Executive Session will begin at 6:00 PM prior to the City Commission Regular Meeting and may continue immediately after the adjournment of the City Commission Regular Meeting.

- *Pursuant to ORS 192.660(2)(f): To consider information or records that are exempt by law from public inspection.*
- *Pursuant to ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

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@orc.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- *Email recorderteam@orc.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.](#) Appointment of Citizen Involvement Committee (CIC) Members

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog

with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

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

[7a.](#) Professional Service Agreement/Fiber Optic Feasibility Study with Magellan Advisors

[7b.](#) OLCC: Liquor License Application – Thapa Liquor Inc. (dba 365 Liquor & Beverage), 524 Main Street, Unit 1, Oregon City

8. PUBLIC HEARINGS

[8a.](#) Request for Continuance - AP 21-00006 Appeals of the November 30, 2021, Historic Review Board Approval with Conditions of Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

9. GENERAL BUSINESS

[9a.](#) Resolution No. 22-02 Adopting the Oregon City Sidewalk Replacement Assistance Program

[9b.](#) Resolution No. 22-03, Modifying the Public Works Engineering Fee Schedule, and Amending Resolution No. 21-05

[9c.](#) Resolution No. 22-06, Calling for Completion of the Regional Mobility Pricing Project Prior to a Decision on Tolling I-205 and for Construction of the Abernethy Bridge Project with Other Funds

[9d.](#) Resolution No. 22-07, Submitting a Measure Amending Sections 7, 8, and 9a of the Oregon City Charter to Eliminate Numbering of Positions on City Commission to the Electors of Oregon City

[9e.](#) Resolution No. 22-08, Submitting a Measure Amending Sections 7 and 9 of the Oregon City Charter to Remove Term Limits for the City Commissioner and Mayor Positions to the Electors of Oregon City

[9f.](#) Resolution No. 22-09, Submitting a Measure Amending Section 20 of the Oregon City Charter to Authorize City Commission, rather than the Mayor, to Appoint Planning Commission and Historic Review Board Members to the Electors of Oregon City

10. COMMUNICATIONS

City Manager

[a.](#) City Commissioners' Duties as Mandatory Reporters

[b.](#) HotSpot Parking Meter Update

Commissioners

Mayor

11. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

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

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

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



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 02/02/2022

SUBJECT:

Appointment of Citizen Involvement Committee (CIC) Members

STAFF RECOMMENDATION:

Mayoral appointment of the following volunteers to the Citizen Involvement Committee (CIC) for a two-year term of January 1, 2022 - December 31, 2023:

Canemah Neighborhood Association

Dennis Anderson

Linda Baysinger

Caufield Neighborhood Association

John Kies

Robert Malchow

Elyville Neighborhood Association

Dorothy Dahlsrud

Karla Laws

Gaffney Lane Neighborhood Association

Ray Atkinson

Hazel Grove-Westling Farm Neighborhood Association

Currently Inactive

Hillendale Neighborhood Association

None

McLoughlin Neighborhood Association

Denise Beasley

Park Place Neighborhood Association

Bob LaSalle

Steve VanHaverbeke

Rivercrest Neighborhood Association
None

South End Neighborhood Association
Currently Inactive

Tower Vista Neighborhood Association
None

Two Rivers Neighborhood Association
None



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Tony Konkol, City Manager

Agenda Date: 02/02/2022

SUBJECT:

Professional Service Agreement/Fiber Optic Feasibility Study with Magellan Advisors

STAFF RECOMMENDATION:

Approve the proposed professional service contract with Magellan Advisors to conduct a fiber optic feasibility study to establish a public/private partnership with a fiber optic vendor to improve the overall quality and reliability of fiber optic connectivity to the community.

EXECUTIVE SUMMARY:

In 2021, the Oregon City Commission adopted its biennial goals and budget for 2021 – 2022. One of the goals that the City Commission adopted was to invest in current and future capital needs for safe, sustainable infrastructure and City Services. The staff was authorized to work with a consultant to determine the feasibility of a public/private partnership to improve overall quality and reliability of fiber optic connectivity to the community. After a competitive bid process involving five broadband consultants, Magellan Advisors was the only consultant that actually responded to the proposal.

BACKGROUND:

During the Summer of 2021, the Oregon City Commission developed its biennial goals and budget for 2021 – 2023. One of the goals adopted called for Investment in current and future capital needs for safe, sustainable infrastructure and City Services. The strategy it identified was to assess the communication infrastructure and equipment to improve overall quality and reliability of service to the community.

In addition, the City Commission authorized the staff to work with a consultant to determine the feasibility of a public/private partnership to improve overall quality and reliability of fiber optic connectivity to the community. The assessment will include:

- Conducting a feasibility study to assess the communication infrastructure needed and its marketability of the service.

- Devise a strategy to establish community-wide fiber optic connectivity to homes and businesses throughout Oregon City.
- If feasible, develop a Request for Proposals and solicitation for partners.

The Oregon City Commission allocated \$200,000 to support a Broadband Consulting Feasibility Study.

The economic development department developed a request for proposals (“RFP”) and distributed it to five broadband consultants. Although two expressed an interest in responding to the RFP, only one actually submitted a proposal. Magellan Advisors.

Magellan Advisors is the leading broadband development firm working with municipalities in the United States, with a client base of more than 400 cities domestically. The scope of work in the Magellan’s proposal will involve the following activities:

- Stakeholder Outreach
- Market Analysis/Document Current Infrastructure
- Conceptual Network Design
- Development of RFI and Solicitation to Partners
- Work Compilation and Approval Process Support
- Final Deliverables

Although the original price point for conducting the work was \$173,900, economic development staff negotiated a lower cost of \$132,650. The work will be conducted within approximately five to six months.

OPTIONS:

1. Approve the proposed professional service contract with Magellan Advisors to conduct a fiber optic feasibility study to establish a public/private partnership with a fiber optic vendor to improve the overall quality and reliability of fiber optic connectivity to the community.
2. Do not approve the proposed professional service agreement with Magellan Advisors.

BUDGET IMPACT:

Amount: \$132,650

FY(s): 2022-23

Funding Source(s): American Rescue Plan Act (ARPA)

CITY OF OREGON CITY PERSONAL SERVICES AGREEMENT

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and Magellan Advisors ("Consultant").

RECITALS

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

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

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from February 22, 2022, until August 22, 2022, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. The Consultant will invoice approximately five to six monthly installments, including reimbursement for travel expenses incurred. Total compensation and travel combined not to exceed \$132,650.00.

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

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

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

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

To the City:

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: City Manager

To Consultant:

Magellan Advisors, LLC
450 Alton Road, #1402
Miami Beach, FL 33139

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

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

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

CITY OF OREGON CITY

Magellan Advisors, LLC

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

By: _____
John Honker
Title: Executive Vice President

DATED: _____, 20____.

DATED: _____, 20____.

By: _____
James N. Graham, CEcD
Title: Economic Development Manager

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney



RFP for Broadband Consulting Service and Feasibility Study

Prepared for:
Ann Griffin
Economic Development Coordinator

Prepared by:
John Honker
Magellan Advisors
jhonker@magellan-advisors.com
786-208-8952
www.magellan-advisors.com



TABLE OF CONTENTS

COVER LETTER	3
REFERENCES	6
OREGON CITY'S PROJECT TEAM.....	11
SCOPE OF WORK	13
PROJECT TIMELINE.....	17
PRICING	18

COVER LETTER

November 19, 2021

Ann Griffin, Economic Development Coordinator

Dear Ms. Griffin,

Magellan Advisors is pleased to submit our response to the City of Oregon City's Broadband Consulting Services and Fiber Optic Network Feasibility Study RFP. Our mission is to provide a single source solution to innovative cities that believe in broadband's ability to transform communities. Magellan provides a full spectrum of services to our municipal clients, because we know that they need guidance on all stages of broadband planning and development, as well as strategies on how to fund, deploy, launch, operate and provide the best levels of services to their citizens and businesses.

Over our 17 years in business, we've worked with over 400 municipalities, with over 1 million miles of municipal fiber designed and 50 municipal fiber networks built and active today. We've developed many public-private partnerships that have created great success in communities nationwide. This experience has shaped the way we serve our clients' needs. It's led us to develop a consultative and collaborative approach, ensuring that your community is engaged, and their needs are well-defined.

We understand that the City's goal is to expand access and affordability of broadband services to its community through a public-private partnership. We are prepared to assist the City through the entire process with the goal of solidifying a deal with a competitive broadband provider (or providers). We have assisted over 100 cities develop partnerships to expand choice and modernize broadband services in their communities. We understand the process, the providers and the market dynamics that are important in achieving successful partnerships between municipalities and providers. Our local experience with the Cities of Hillsboro and Sherwood is a crucial component of this project to ensure the City and potential partners understand the construction environment, costs and demographics in the Portland region.

Our goal is to partner with you throughout the entire process of improving broadband in Oregon City, while ensuring you make the best decisions for your community's future. If you have any questions or we can be of assistance in any way, please feel free to contact me with any questions or comments. You can reach me directly at 786-208-8952 or jhonker@magellan-advisors.com.

Sincerely,



John Honker, President & CEO,

MUNICIPALITIES

The fastest, most innovative fiber and broadband networks, purpose-built for your community's unique needs.

[Get in touch](#)

Magellan Advisors is the leading broadband development firm for cities. We specialize in planning, designing and building next-generation broadband networks for communities that need faster, more reliable high-speed internet. With over 17 years in business and over 400 municipal clients, Magellan is the most experienced firm for cities that want to enhance economic development, education, healthcare and the quality of life of their communities through world-class broadband.

We maintain experts across all aspects of broadband, from feasibility studies, financial planning and grant development, to engineering design, project and construction management, to operations and management of live broadband networks. We've led the planning, funding, construction and management of over 50 fiber broadband networks passing over 1 million households and connecting more than 1,000 schools, hospitals, government offices and community organizations and totaling \$1 billion in investments.

Magellan has helped more communities successfully plan, implement and manage broadband networks than any other firm in the market. There is no substitute for experience and Magellan's services have transformed communities into more competitive places to live work and play.

Magellan is trusted by over 400 municipalities and utilities to plan, engineer and build their broadband & smart city networks

400

MUNIS, UTILITIES
& CO-OPS

50

FIBER & WIRELESS
NETWORKS

900

THOUSAND HOMES
WITH FIBER

750

MILLION IN
NEW INVESTMENTS

Community Focused Fiber & Broadband Solutions



Broadband Planning

Feasibility studies, fiber master plans and business plans that give you real-world guidance and results you can count on when deploying fiber and broadband.



Grants & Funding

Funding strategy, grant writing and compliance for all major federal and state fiber and broadband grant programs.



Design Engineering

Cutting edge fiber and broadband engineering to connect more sites, more devices and more customers at the speed of light.



Turnkey Implementation

A single, trusted partner to manage your entire network implementation, with over 50 fiber and broadband deployed networks across the US.



Launch & Startup Support

From network integration, to billing, to customer service to tech support, we provide you with the most experienced resources to manage your fiber and broadband networks.



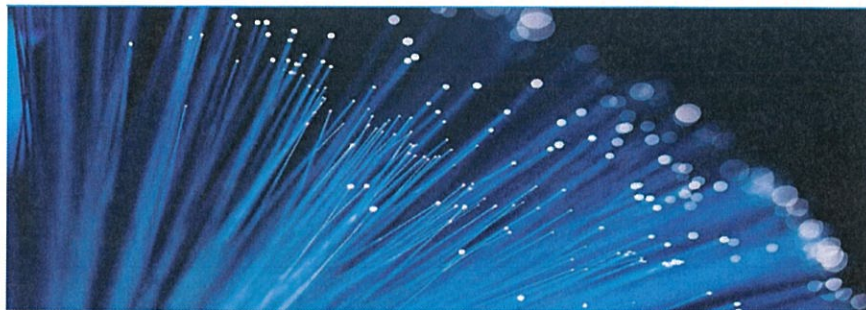
Retail ISP Services

LightSpeed, powered by Magellan Advisors serves your community with fast, reliable and affordable internet services, built on a culture of delivering superior service.



REFERENCES

FIBER DESIGN & CONSTRUCTION REFERENCE: CITY OF HILLSBORO, OR



CONTACT

Greg Mont
Information Services Director
P: 503.681.5401
E: greg.mont@hillsboro-oregon.gov

"The partnership between the City and HSD is all about what's best for our community. We have a long history of working together to best serve our students and families, and this is another opportunity for us to do the right thing and make our schools and our community stronger."

-Mike Scott, Hillsboro Schools District Superintendent

CHALLENGE

The City of Hillsboro and Hillsboro School District envisioned a joint partnership for a community owned fiber network to support schools' connectivity needs and enable a platform for world-class broadband. In 2017, the City and School district signed an agreement to co-build the network. The next step was to identify a partner that understood municipal fiber projects and could manage the complex engineering process at hand, creating two networks from one.

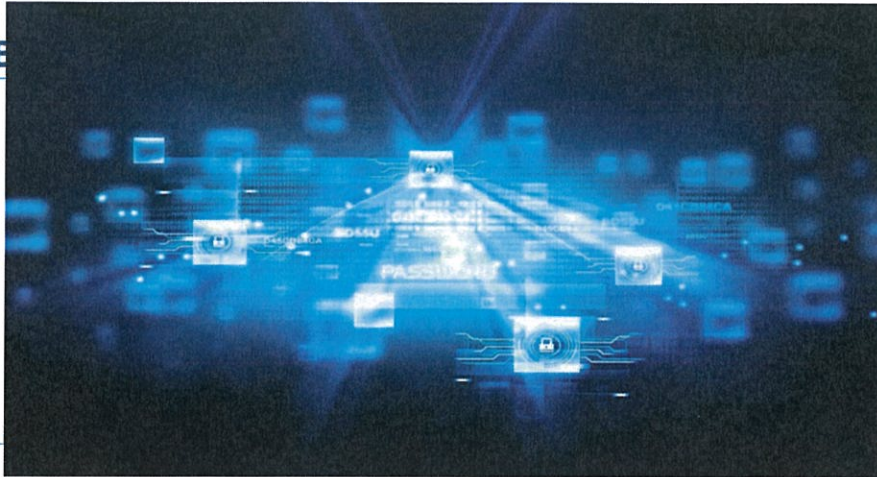
MAGELLAN'S SOLUTION

The City of Hillsboro hired Magellan in 2017 to develop a citywide fiber backbone and fiber to the home broadband network. Magellan approached the design by working with School District staff to determine their most important needs – high bandwidth, reliability and redundancy across all schools. Through the planning process, Magellan designed a highly redundant, multi-ring fiber backbone to connect 34 schools with dark fiber.

Concurrently, Magellan engineered an optimal fiber to the home architecture using the backbone network as a launchpad for broadband. Our design furnished the City with a blueprint for broadband across 44,000 homes and businesses. We provided detailed fielding, utility assessment, permitting, make-ready, prints, costing and as-builts for each phase of construction. The design delivers 1 and 10 gigabit capabilities natively in the network. To enable seamless deployment of the network, the City also selected Magellan to manage construction, given our deep experience constructing municipal fiber and our collaborative approach with the City's internal departments.

OUR CLIENT'S SUCCESS

Today, 34 schools are connected to the network, providing nearly unlimited bandwidth to support their current and future needs, while reducing its operating budgets by \$200,000 annually. The fiber backbone and the first phase of fiber to the home construction have been completed to enable the City to launch its gigabit internet services to the first homes in Hillsboro.



CITY OF SHERWOOD, OR

CONTACT

Brad Crawford
Information Technology Director
P: 503.625.4203
E: crawfordb@sherwoodoregon.gov

CHALLENGE

Formed in the early 2000s, Sherwood Broadband provides internet and private network services to businesses located in the City of Sherwood. Our fiber-based network encompasses much of the City of Sherwood and major portions of the Portland Metro area, with over 100 miles of fiber. Demand for faster, more reliable internet services expressed by the citizens drove the City to expand its existing broadband network. The City needed a partner that understood how to design and build fiber to the home networks and had strong local Oregon experience.

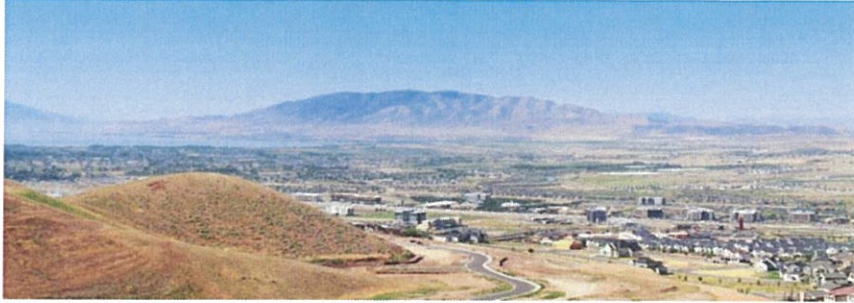
MAGELLAN'S SOLUTION

The City hired Magellan to develop a citywide fiber to the home design, financial forecast and implementation plan to reach all households with new fiber-based internet services. Magellan spent significant time planning the technical integration with the City's existing fiber network to ensure a seamless expansion to the remaining community. Magellan engaged with the City's departments throughout the engineering process, which included interfacing with the City engineering, permitting, public works, utilities and IT. Through this process, Magellan was able to design the fiber to the home networks to meet the City's construction standards while ensuring understanding and alignment among the City's internal departments, which will lead to a more efficient construction project that minimizes impact to the community.

OUR CLIENT'S SUCCESS

Today, the engineering design has been completed for fiber to the home across the entire City. Magellan recently completed construction procurements for the City which are being submitted to for bid in Q3 of 2021. The City's goals were to design and build the network as quickly as possible. Magellan met these goals by having the entire engineering design completed and ready for construction in less than 6 months.

FIBER DESIGN & FEASIBILITY ANALYSIS: CITY OF LEHI CITY, UT



CONTACT

Jason Walker
City Administrator
P: 801.916.7648.
E: jwalker@lehi-utah.gov

CHALLENGE

Lehi City is a family friendly, safe and active community of approximately 65,000 residents and 25 square miles. Lehi's proximity to Salt Lake City and Provo, as well as its location along I-15 has made Lehi one of the fastest growing communities in the Western United States. Since 1990, the City has more than quadrupled its population. With this growth have come the obvious challenges of keeping pace with such rapid change. Lehi City has focused on broadband as one area that needs to scale with its rapid population growth and the City wanted to evaluate what role it could play in ensuring citizens and businesses had access to high-speed internet. The City needed an experienced partner to help leadership assess the feasible options to deploy an open-access, multi-provider broadband network that would serve the citizens and businesses of Lehi.

MAGELLAN'S SOLUTION

Magellan leveraged its deep experience working with municipal electric utilities to develop an in-depth design and cost estimates for buildout of a Citywide fiber to the home network, covering approximately 25,000 premises within the City. Magellan's design gave the City detailed costing for all aspects of the network and guidance on a number of options to operate the network. To determine community demand for the network, Magellan conducted a statistically valid, predictive survey estimated the number of homes and businesses that would sign up for service. Magellan ran many financial scenarios in the project to inform the City of both the positive and negative outcomes that could be realized by building the network. Finally, Magellan's analysis determined several feasible options for deployment. Magellan worked with the City leadership team to educate them on the pros, cons, risks and rewards of each, guiding the City to the most appropriate model for its community.

OUR CLIENT'S SUCCESS

Today, the City is moving towards the next steps in its broadband implementation to determine the right technologies, recruit ISPs, educate the public and develop its organizational structure. Magellan continues to work with Lehi to support all of its needs as the City begins the process of moving forward with its broadband network.

KEY CLIENTS AND PROJECTS

	STATE	FEASIBILITY STUDY	FIBER MASTER PLAN	BROADBAND BUSINESS PLAN	GRANT DEVELOPMENT	BROADBAND POLICY	ENGINEERING DESIGN	PERMITTING	PROCUREMENT	CONSTRUCTION MANAGEMENT	INSPECTIONS & CLOSE-OUT	STARTUP & LAUNCH	OPERATIONS & MANAGEMENT	SALES & MARKETING	BROADBAND EXPANSION
Salt River Project	AZ	•	•				•								
Rock Falls Utilities	IL	•			•		•		•	•		•		•	
City of Mont Belvieu	TX	•	•	•	•		•	•	•	•		•	•	•	•
City of Dayton	TX	•		•	•		•		•						
City of New Braunfels	TX	•					•								
Waverly Utilities	IO	•			•		•		•	•		•		•	
Newport Utilities	TN	•	•	•	•		•	•	•	•	•	•	•	•	•
Johnson City Energy Authority	TN	•	•	•	•		•		•					•	
Tennessee Valley Authority	TN	•					•								
Indianola Municipal Utilities	IO	•		•	•		•								
Hudson Utilities	OH	•	•		•		•		•					•	
Jefferson Public Utility District	OR	•	•	•	•		•								
City of Jupiter	FL	•			•		•		•	•		•		•	
City of Palm Coast	FL	•			•		•		•	•		•		•	
City of Hamilton	OH	•	•		•		•		•			•			
City of Portsmouth	VA	•	•				•	•	•	•	•	•			
City of Rancho Cucamonga	CA	•	•				•	•	•	•		•			
City of Boulder	CO	•	•				•	•	•	•		•			
City of Clermont	FL	•			•		•	•	•	•		•		•	
City of Hillsboro	OR	•			•		•	•	•	•		•		•	
Glendale Water & Power	CA	•					•								
Lenoir City Utilities	TN	•	•				•								
Marshfield Utilities	WI	•			•		•								
City of Lehi Utilities	UT	•			•		•								
City of Lodi Utilities	CA	•			•		•								
Morrisville Water & Light	VT	•			•		•								
Holston Electric Cooperative	TN	•		•	•		•								
Sequachee Valley Electric	TN	•			•		•								
Appalachean Electric Cooperative	TN	•					•								
Duck River Electric Cooperative	TN	•			•		•								
Middle Tennessee Electric Cooperative	TN	•		•	•		•								

OREGON CITY'S PROJECT TEAM

Our team will provide City leadership with a comprehensive analysis of the business, technical, operational, financial, investment and regulatory aspects of deploying broadband services within the municipal environment. Given your focus on developing a public-private partnership, we will provide you with the most seasoned team of broadband consultants that have forged partnerships between cities and ISPs. This experience will ensure that the City strikes the best deal possible for its community with one or more leading ISPs.

John Honker - Executive Vice President



John is a seasoned broadband and telecom executive with 20 years' experience across public and private sectors. His first 10 years were spent with Columbus Networks planning and managing broadband networks across 20 countries in the Americas region. Under his leadership, Columbus' Internet Services grew from \$0 to \$100 million in annual revenue over seven years. As a key founder of Magellan, John has managed over 100 public and private broadband projects across the U.S. from concept to completion, helping dozens of communities' plan and deploy FTTH networks. John's role has been to guide the business, strategy and financial aspects of these projects to ensure his clients understand how to deploy FTTH networks in a fiscally responsible and cash-flow driven methodology that supports long-term financial sustainability.

Ashley Poling - Project Manager



Ashley has been a member of the Magellan Advisors team since 2014, serving in various roles including business development, marketing, project support, strategy and project management. She has been integral in supporting Magellan to source business through leading the company's request for proposal and proposal process. Ashley now supports the Executive Team in project management, client engagement and deliverable development. She has participated in over 50 broadband planning projects for local government and public utility clients. She leads stakeholder outreach sessions, develops needs analyses and state of broadband profiles for clients, assists in grant funding research and writing and leads clients in developing marketing programs for successful network launches. Ashley has a BA degree in Education with a minor in Political Science from Ohio Wesleyan University.

**Donald Denise- Senior Broadband Consultant**

Don has over 20 years' experience in municipal technology leadership and experience planning, building, and managing municipal broadband networks inside local governments. Formerly, Donald was the Information Technology Director for the City of Clermont, Florida for over 14 years. Under his leadership the City of Clermont deployed a City-wide fiber-optic backbone network for internal services, connecting all City sites to the fiber network. The network was then expanded for economic development and Don led the deployment of a public Wi-Fi system throughout the downtown and waterfront trails. He has completed the Certified Government Chief Information Officer program at Florida State University and holds a Bachelor of Science in Information Technology from the University of Phoenix. He is skilled in VMware vSphere, Storage Area Networks, MS Servers, Data Center Management, Infrastructure Management, Governance and Server Architecture.

**Mark Lane - Technical Consultant**

Mark Lane has over 30 years of experience in enterprise IT, carrier network operations, and technology consulting. While serving as CTO for Bristol Virginia Utilities OptiNet, he helped provide the strategic direction and practical implementation responsible for their fiber-to-the-premise (FTTP) network build-out and broadband service deployment for eight counties in Southwest, VA. His vision and leadership contributed to Bristol, VA being selected as an Intelligent Community Forum Top Seven Intelligent City in 2009. Mark received a bachelor's in computer science from the University of Tennessee.

**Al Kamuda - Design Team Lead**

Al Kamuda is a seasoned telecommunications and GIS professional with over 20 years' experience in telecommunications engineering, mapping, design and outside plant construction. Prior to joining Magellan, Al was the Senior Design Manager for the Central Florida region at Spectrum (Charter Communications), where he led the planning, project management and implementation of outside plant design for various company growth projects including residential, commercial, cellular backhaul and metro WIFI. His extensive experience with the telecommunications industry, CAD platforms and geospatial expertise along with his strategic forward thinking provides an extremely diverse skill set that allows him the valuable insight needed to understand the client's objectives in all aspects of telecommunications construction and design processes.

SCOPE OF WORK

Our objective is to determine low cost and effective ways for Oregon City to improve the local broadband environment for the benefit of its communities. Our approach to this project will be to first assess the existing environment so we have a clear understanding of broadband supply and demand across the community, paying close attention to any areas of underserved households and businesses in Oregon City. Next, we will identify key broadband issues and gaps that impact your residents, businesses, schools, healthcare organizations, business, and industry. We will also assess your economic and community development, smart city and IoT strategies that likely require high-speed broadband as part of their foundation. This information will be used to create a broadband needs assessment for the City to give you an understanding of the broadband services that will be required for you to fulfill your objectives. Based on this information, we will provide you with a range of options to improve the broadband environment based on the infrastructure assets, resources, and public policy tools that you have available to you. We will provide you detailed analysis of these options based on:

1. Alignment with Oregon City's vision and priorities
2. Benefits to the community
3. Total costs to the City and options for Funding including Grant/Loan
4. Long-term financial sustainability
5. Operational requirements
6. Technology risk
7. Participation of service providers
8. Competitive risk
9. Control
10. Probability of overall success

Based on these criteria and others that we may learn about from your communities, we will provide you with the most feasible options, recommendations and a roadmap that gives you step-by-step instructions and strategies to implement the most desirable option(s). We will accompany this with the documentation and data to validate this option(s) and a next-steps plan for you to consider adopting at the end of the project. As we work through the project with you, we will share our findings along the way, so you're involved in the strategy development alongside us, ensuring the strategies that we develop for you are relevant and achieve the needs of your communities.

PROJECT KICK OFF

Magellan Advisors works alongside our clients to ensure accuracy of our projects. At the onset of the project Magellan's project manager will deliver a data request to the Oregon City staff. The data request will include information from any relevant current surveys, internal plans including IT strategic plans, CIP plans and long-term city strategic plans, as well as GIS shapefiles and mapping identifying City conduit, fiber, vertical assets, utility assets, municipal building locations and any additional layers that will assist us in developing engineering plan for the City.

STAKEHOLDER OUTREACH

Magellan's formal needs assessment will include focus group and survey outreach with potential broadband users in Oregon City including City, businesses, large stakeholders and internet service providers. Magellan Advisors will perform a local survey that will provide you with a graphical and visual representation of the current market, based on the survey and data collected for the market.

Magellan proposes to hold interviews with key community and regional partner organizations to gain an understanding of current issues and future broadband needs. We find the most effective format for these interviews to be in group settings where participants are encouraged to explain their broadband needs and the impacts to their organization. Community stakeholders typically include:

- Local businesses and large employers
- City departments
- Healthcare providers
- Schools
- Libraries
- Non-profit organizations
- Residential and commercial property developers

MARKET ANALYSIS

Magellan will work with the City to identify infrastructure that is required to meet the needs of the community. Our team will thoroughly review all communications facilities and other infrastructure assets owned by both public and private organizations in Oregon City that could be utilized in a new strategy that would be developed as part of this Study. The information will allow Oregon City to assess the infrastructure that is available that will allow the City to:

- Lower the cost of broadband deployment
- Accelerate the pace of deployment
- Improve competition in your local markets

CONCEPTUAL NETWORK DESIGN

Magellan's team will develop a preliminary conceptual design for the fiber to the home network that provides a roadmap for expanding broadband in Oregon City, with gigabit and greater speeds, high-reliability and scalability for future applications. It will include:

- Fiber-to-the-Home (FTTH) Distribution/Access - will provide dense fiber distribution to homes and businesses within the City, enabling individual users to connect to the network. FTTH distribution will include outside plant fiber, distribution huts, splitter cabinets and other distribution elements to connect end users to the network for fiber-to-the-home broadband services.
- Fiber Laterals to Key Organizations - will connect community anchor organizations to the fiber backbone, providing multi-gigabit connectivity to schools, hospitals, government offices, public safety facilities, cellular towers, utilities, cooperatives and other key facilities. It will include all outside plant fiber assets and network elements to connect facilities to the network.
- Other Technologies – Magellan will explore other technologies that could be beneficial for the City's broadband expansion including satellite, 5G, GPON, ethernet, and others. Any recommended technologies will be high performance, reliable, and redundant

FINANCIAL ANALYSIS

Our financial models have been specifically developed for broadband utilities and are very similar to electric utility rate studies. Our models are widely used tools to model feasibility and financial performance for over 50 municipal broadband providers. Magellan's financial modeling tools have been utilized to plan and manage broadband network investments for over \$500 million in broadband projects nationwide. Using our financial tools, we suggest using the following process to conduct the business model analysis and make recommendations. We would propose using a 20-year period to analyze the project:

1. Develop the cost model for the network, including one-time and ongoing capital expenditures to build the network.
2. Develop the cost model for operations, including O&M, network operations, field services, staffing, billing and customer service.
3. From the market analysis and outreach, determine the customer segmentation and growth on the network, across each type of customer (business, school, hospital, etc.).
4. Determine a proposed competitive rate schedule for potential services, using pricing information from the market analysis and benchmarking information.
5. Develop financial statements, pro-formas, depreciation schedules, and cash flows.
6. Conduct comprehensive financial analysis on the project to determine overall financial sustainability using key metrics such as free cash flow, debt service coverage, operating margin, and net income.
7. Use scenario analysis to evaluate different business models and determine which are feasible for Oregon City to consider.

FUNDING OPPORTUNITIES

Magellan will utilize our knowledge of the ARPA program and how these funds are used to fund construction projects to support connectivity expansion in communities. We will be able to identify all eligible households, small businesses, and nonprofit organizations that can be listed for ARPA funds. Magellan will combine this eligibility with any government services that have experienced a reduction in revenue so that a maximum amount of ARPA funding for the City will be available if needed. All broadband solutions will meet or exceed ARPA guidelines.

Based on the financial analysis, we will be able to provide the following information to the City to determine the best vehicles and organizational structures to be used for the project. Some of the areas we will analyze include:

- State and federal grant programs
- Public/private contribution models
- Total amount of funding needed for the project
- Capital versus operational funding needed for the project
- Funding term, identifying short-term and long-term portions of funding
- Optimizing public and private funding sources

DEVELOPMENT OF RFI AND SOLICITATION TO PARTNERS

Magellan will work with Oregon City to solicit any needed RFI documentation to potential partners for telecommunication services. Magellan will work with the City to determine the best strategy for broadband providers that will provide services on the network, including analysis of many dimensions including:

- Technical
- Operational
- Financial capabilities
- Service quality and reputation
- Track record of successful implementation
- Sales and marketing capabilities
- Understanding of the City's goals
- Willingness to compete with other ISPs on the network
- Negotiation of wholesale rates for service

WORK COMPILATION AND APPROVAL PROCESS SUPPORT

Magellan will provide a leadership-oriented summary of the feasibility study along with all data collected in the project, such as infrastructure maps, existing provider areas and survey data. This executive summary style of report provides leadership with the most relevant information needed to make informed decisions on how to expand broadband in Oregon City, without volumes of technical jargon. It will be developed from the City Council perspective, focused on:

1. Why the City should play a role in broadband

2. Defining the local broadband issues
3. Identifying the best solutions to overcoming these challenges
4. What benefits will be achieved with these solutions
5. What role the City would play in these solutions
6. What next steps the City should take if it agrees with these solutions

PROJECT TIMELINE

Task/Description	Month				
	1	2	3	4	5
Stakeholder Outreach					
Market Analysis / Document Current Infrastructure					
Conceptual Network Design					
Development of RFI and Solicitation to Partners					
Work Compilation and Approval Process Support					
Final Deliverables					

PRICING

The total cost to the City of Oregon City for the Broadband Consulting Feasibility Study Project is **\$127,650** and includes all work to be completed by Magellan as stated in this proposal. Magellan will bill in 5 monthly equal increments over the term of the project. Travel and incidental expenses will be billed as incurred at a not to exceed rate of \$5,000. Invoices are payable on net 30 terms from the date of invoice.

Task/Description	Hours	Cost
Stakeholder Outreach	90	\$16,650
Market Analysis / Document Current Infrastructure	100	\$18,500
Conceptual Network Design	185	\$34,225
Development of RFI and Solicitation to Partners	175	\$32,375
Work Compilation and Approval Process Support	60	\$11,100
Final Deliverables	80	\$14,800
Total for Magellan's Services		\$127,650
Travel		\$5,000
Total Not-to-Exceed		\$132,650

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7a.

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

2. Payment.

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

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

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

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

3. Independent Consultant Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

5. No Third-Party Beneficiaries. City and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7a.

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

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

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

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

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

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

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

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

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

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

7. Subconsultants and Assignment.

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

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

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

10. Compliance With Applicable Law.

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

Page 2 of 5

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7a.

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

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

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

13. Indemnity and Insurance.

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

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

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

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

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

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

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

Item 7a.

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

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

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

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

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

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

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

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

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

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

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

24. Arbitration.

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

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

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

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

Item 7a.

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

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

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

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

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

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

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



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: 02/02/2022

SUBJECT:

OLCC: Liquor License Application – Thapa Liquor Inc. (dba 365 Liquor & Beverage), 524 Main Street, Unit 1, Oregon City

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the OLCC Application for Thapa Liquor Inc. (dba 365 Liquor & Beverage), 524 Main Street, Unit 1, Oregon City

EXECUTIVE SUMMARY:

The attached application is for an OLCC Limited On-Premises, Commercial license for Thapa Liquor Inc.

BACKGROUND:

The Oregon City Police Department ran a background check on Dinesh Thapa, 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 Thapa Liquor Inc.
2. Deny the OLCC Application for Thapa Liquor Inc.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source(s):



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

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

License Applied For:		CITY AND COUNTY USE ONLY	
☐ Brewery 1 st Location		Date application received and/or date stamp:	
Brewery Additional location (2 nd) ☐ (3 rd) ☐			
☐ Brewery-Public House (BPH) 1 st location		Name of City or County:	
BPH Additional location (2 nd) ☐ (3 rd) ☐			
☐ Distillery		Recommends this license be:	
☐ Full On-Premises, Commercial			
☐ Full On-Premises, Caterer		☐ Granted ☐ Denied	
☐ Full On-Premises, Passenger Carrier			
☐ Full On-Premises, Other Public Location		By: _____	
☐ Full On-Premises, For Profit Private Club			
☐ Full On-Premises, Nonprofit Private Club		Date: _____	
☐ Grower Sales Privilege (GSP) 1 st location			
GSP Additional location (2 nd) ☐ (3 rd) ☐		OLCC USE ONLY	
☒ Limited On-Premises Not limited			
☒ Off-Premises Correct one		Date application received: <u>12-5-21</u>	
☐ Warehouse		Date application accepted: <u>12-5-21</u>	
☐ Wholesale Malt Beverage & Wine		License Action(s): <u>N/O</u>	
☐ Winery 1 st Location			
Winery Additional location (2 nd) ☐ (3 rd) ☐			
(4 th) ☐ (5 th) ☐			

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

Thapa liquor inc

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)		
365 liquor & beverage		
4. Business Address (Number and Street Address of the Location that will have the liquor license)		
524 main st unit 1		
City	County	Zip Code
Oregon city	Clackamas	97045

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



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) 365 liquor & beverage			
6. Does the business address currently have an OLCC liquor license? ☐ YES ☒ NO			
7. Does the business address currently have an OLCC marijuana license? ☐ YES ☒ NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in <u>OAR 845-004-0065[1].</u>) 524 main st unit 1			
City Oregon city	State Oregon	Zip Code 97045	
9. Phone Number of the Business Location 9712182677		10. Email Contact for this Application and for the Business Dipesh23t@gmail.com	
11. Contact Person for this Application Dinesh thapa		Phone Number 9712182677	
Contact Person's Mailing Address (if different) 28360 sw mcgraw ave	City Wilsonville	State OR	Zip Code 97045

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

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

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

I affirm that I have read 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 unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

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

Dinesh thapa

12/15/21

App. #1: (PRINT NAME)

App. #1: (SIGNATURE)

App. #1: Signature Date

Atty. Bar Information (if applicable)

App. #2: (PRINT NAME)

App. #2: (SIGNATURE)

App. #2: Signature Date

Atty. Bar Information (if applicable)

App. #3: (PRINT NAME)

App. #3: (SIGNATURE)

App. #3: Signature Date

Atty. Bar Information (if applicable)

App. #4: (PRINT NAME)

App. #4: (SIGNATURE)

App. #4: Signature Date

Atty. Bar Information (if applicable)



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 2/2/22
From: Aquilla Hurd-Ravich, AICP, Community Development Director

SUBJECT:

Request for Continuance - AP 21-00006 Appeals of the November 30, 2021, Historic Review Board Approval with Conditions of Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

STAFF RECOMMENDATION:

Staff recommends that the City Commission choose one of the options identified in the supplemental staff report which are restated in the options section below.

EXECUTIVE SUMMARY:

The Historic Review Board (HRB) recently approved in part and denied in part, a Type III application filed by the owner's representative, Bogdon Smolinets (Applicant or Appellant) , for exterior modifications to a previously approved new live/work building in the McLoughlin Conservation District (HR 20-01). The HRB approval authorized a change in the window configuration, the final foundation height as well as an ADA ramp providing access to the commercial studio through a side door. The HRB denied the request to extend the ADA ramp around to the back of the structure to serve the third floor of the residence.

The Applicant has appealed HRB's decision, identifying a single issue for the Commission's consideration:

"The Historic Review Board decision does not meet the owner's family medical care needs, also the applicable Federal ADA standards, and Federal ADA Law. ADA Act 42 USC §12182 et seq (ADA) mobility impairments requiring the use of a wheelchair."

Although requirements of the Americans with Disabilities Act (ADA) do apply to structures that are subject to historic resource protections, the ADA does not exempt owners from complying with historic resource requirements, to the extent possible. In other words, every effort must be made to accommodate this ramp while, at the same time, not damaging or destroying the integrity of the District.

The HRB found that the design of the proposed rear ramp elongated the structure so that it no longer reflected a Foursquare-inspired design when viewed from the side. The HRB found that the side view was highly visible from 5th Ave and that the Applicant failed to provide the necessary evidence to show that screening through landscaping was possible. Given the significant impact on the historic resource, the HRB concluded that the Applicant had failed to show that the proposed ramp design was the only financially feasible alternative.

The City Commission's review is limited solely to the record developed before the HRB; neither the Appellant nor any other party may offer any additional evidence with respect to design compatibility, mitigation, or the feasibility of other alternatives. The parties are limited to only making arguments regarding the identified issue.

BACKGROUND:

Please review the "AP 21-00006 Supplemental Staff Report" prepared by Senior Planner Christina Robertson-Gardiner and City Attorney Carrie Richter, the Historic Review Board Staff Report and Notice of Decision, and the attached record for this application.

OPTIONS:

The options before the City Commission on this Appeal include:

- Option 1: Affirm the HRB decision with additional findings responding to the argument presented on appeal, perhaps including additional mitigation conditions.
- Option 2: Remand the matter to the HRB to consider evidence regarding alternative ADA accommodations including, but not limited to: internal chair lifts or residential-scaled elevator, other internal or external configurations, and further material and design study of the ramp so as to reduce the massing and/or reinforce the Foursquare style and/or provide greater detail on the proposed side elevation landscaping for the HRB to conclude that the visual impact will be mitigated. This option will require extending or waiving the 120-day limit.
- Option 3: Revise the HRB approval to allow the rear ramp with additional conditions of approval that might provide adequate screening through landscaping or other mitigation.



OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

January 26, 2022

To: Honorable Mayor Lyle-Smith and City Commission

From: Christina Robertson-Gardiner AICP, Senior Planner
Carrie Richter, Deputy City Attorney

Re: Supplemental Staff Report – 5th Avenue Live/Work ADA Ramp

File #s: AP 21-00006 Appeals of the November 30, 2021, Historic Review Board Approval with conditions of Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

Executive Summary:

The Historic Review Board (HRB) recently approved in part and denied in part, a Type III application filed by the owner's representative, Bogdon Smolinets (Applicant or Appellant), for exterior modifications to a previously approved new live/work building in the McLoughlin Conservation District (HR 20-01). The HRB approval authorized a change in the window configuration, the final foundation height as well as an ADA ramp providing access to the commercial studio through a side door. The HRB denied the request to extend the ADA ramp around to the back of the structure to serve the third floor of the residence.

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The HRB found that the design of the proposed rear ramp elongated the structure so that it no longer reflected a Foursquare-inspired design when viewed from the side. The HRB found that the side view was highly visible from 5th Ave and that the Applicant failed to provide the necessary evidence to show that screening through landscaping was possible. Given the significant impact on the historic resource, the HRB concluded that the Applicant had failed to show that the proposed ramp design was the only financially feasible alternative.

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- Option 3: Revise the HRB approval to allow the rear ramp with additional conditions of approval that might provide adequate screening through landscaping or other mitigation.

Overview of Proposal

The following overview is limited to the single issue raised in the Appeal above. Other alterations included in the record and discussed by the HRB or in the staff report were not raised in the Appeal, are not discussed in this memo, and are not before the City Commission for consideration. Excerpts of relevant plans, drawings and photos are attached in an annotated Exhibit and are referenced throughout the memo. The full Historic Review Board record is attached to the City Commission agenda and is part of the Record for the Commission's consideration.

This structure, originally approved by the Historic Review Board in 2020 as file HR 20-01, was approved as a live/work building that allocated a commercial area in the front half of the ground floor area and a 10-bedroom residence on the second and third floors of the structure. The main entry for the commercial space is located in the center of the ground floor porch accessed from 5th Street. The residential portion of the building is on the second and third floors and is accessed through an internal stairwell from the side door on the south elevation.

Subsequently, the proposed development was reviewed for compliance with the Geohazard Overlay District through GLUA 20-0024: GEO 20-0002 SP 20-0052. The site is cross-sloped with elevation dropping from the rear and top front of the site. The geohazard review and HR 20-01 Conditions of Approval directed the application to minimize cuts and fills, which resulted in an exposed foundation approximately 4 feet taller at the south side door entrance at the finished grade on the downhill side elevation than reflected in the plans approved by the HRB in HR 20-01.

The Applicant's original plans assumed that residential access would occur at grade through the south side door (*Exhibit A, Figure 3*). With a better understanding of the site conditions, coupled with the need to provide greater accessibility, the Applicant's building permit plan set package included an ADA ramp, located at the low point of the slope, providing access to the side and rear doors, which were now much higher above grade than originally anticipated. The ADA ramp was not approved during the Building Permit review as it was not consistent with HR 20-01.

Traditional Foursquare and larger Bungalow-styled buildings that utilize a full foundation have a foundation line/top of the floor that is around 3 ½ feet above grade, typically to be in line with a front porch at the elevation of the interior floors, depending on the specifics of the site. In this instance, as originally proposed, the interior floor height was a little lower, around 2-tall at the closest point at the front corner, and sloped up to an at-grade side entrance with a retaining wall. Traditionally, the side door would be accessed from a 3-5 step side porch. However, the Applicant has requested an ADA access ramp rather than a step-served side porch to allow for elderly family members better access to the upper stories. The commercial space is accessed from the front porch entrance and is ADA accessible. In addition to serving the side door, the Applicant proposes to extend the side-serving ramp around the back of the house to access the residential living area on the second floor.

September 28, 2021 Historic Review Board Meeting

The Applicant's original submittal included an ADA ramp that hugged the side and rear of the building with stairs leading up to the rear door (*Exhibit A, Figure 5*). The plans did not reflect any wheelchair accommodation along these rear stairs. The ramp was designed with lap siding to match the house with railings attached on the inside to minimize the massing and reduce its appearance as a separate building element. After hearing testimony from interested parties, the HRB expressed concerns that the proposed slope was too extreme and the external stairs would not satisfy ADA standards. As a result, the hearing was continued and the Applicant was asked to verify compliance with the ADA.

October 26, 2021 Historic Review Board Meeting

The Applicant submitted a revised plan for consideration by the HRB at its October 26, 2021 meeting. Reducing the slope of the ramp and removing the stairs to satisfy the ADA significantly increased the length of the ramp, thereby requiring the incorporation of switchbacks to reach the third floor. This switchback enclosed ramp was sided with horizontal siding, thereby appearing to extend the overall length of the structure by an additional 19 feet. The revised drawing was submitted to staff eight days before the October 26, 2021 hearing and one day before the agenda and staff report analysis was posted online (October 19, 2021). Therefore, staff did not have the opportunity to provide any detailed evaluation of the proposal.

At its meeting on October 26, 2021, the HRB indicated that they had outstanding questions about the design of the full rear access ramp and felt that there was missing information from the application. The HRB continued the file to November 30, 2021, and asked the Applicant to provide the HRB with the following information:

1. *Revised landscape plan with additional mitigation plantings.*
2. *Revision to site plan and elevation that show the ADA ramp starting beyond the front porch (per condition of approval)*
3. *Provide a site plan ADA option that does not have rear porch.*
4. *Provide a revised final rear elevation that details the rear ADA ramp.*
5. *Provide revised findings that show how you are mitigating the impact of the additional massing of the rear ADA ramp and porch.*
6. *Provide findings showing how the rear deck is compatible and can be mitigated.*
7. *Analysis of why an interior ADA option is not feasible, why does the ADA option need to be commercial grade?*
8. *Additional site photos of the side and rear elevation (to and from) -at least six photos*
9. *Updated lot coverage analysis- with revised ADA ramp and rear porch.*

November 30, 2021 Historic Review Board Meeting

On November 15, 2021 the Applicant responded by submitting a response to the Historic Review Board questions, a revised site plan, revised elevation drawings including rendered landscape screening on the side and rear elevations, site photos, and the unrevised September 7, 2012 Landscape Plan. (*Exhibit A, Figures 7-13*). The site photos also showed an unpermitted CMU retaining wall along the side yard that did not meet the material requirements of HR 20-01.¹

At its hearing on November 30, 2021, the HRB reviewed the additional material. At the hearing, the Applicant focused largely on the mathematical calculations dictating the overall ramp length, arguing that these demands alone justified the ramp location and design. The Applicant's representative testified that the proposed ramp offered "the most cost-effective solution." When asked about the

¹ CMU is an unpermitted material for retaining walls within the conservation district. Therefore, this wall will need be removed and replaced with a more appropriate material and the Appellant has not challenged this requirement.

consideration of internal alternatives, the Applicant responded that "the cost of installing a commercial elevator would be over a hundred thousand dollars." With respect to mitigation, the Applicant's representative testified that the ramp is at the rear of the structure and would not be visible from the Street.

Historic Review Board Deliberations and Decision

In deliberation, the HRB discussed the fixed nature of the ramp requirements and saw no indication that materials or design detailing necessary to achieve compatibility, or other mitigation were considered. They questioned why the Applicant did not consider employing any form of internal accommodation such as a residential styled ADA chair or lift. Therefore, the HRB concluded that the Applicant failed to provide analysis to show that the larger ramp, as designed, was necessary. Without necessity and/or sufficient mitigation, the Board found that the Applicant failed to demonstrate that the proposed design would contribute to the character of the District. Lengthening the overall form by an additional 19' compromised the boxy, square form that is an essential element of the Foursquare style. HR 20-01 authorized a somewhat longer footprint than a classic foursquare square with a 70' 3" length of the building to 47' width (without garage) through an iterative design process over many meetings. The Board also found that the Applicant did not address the applicable design standards, OCMC 17.40.060.G criteria, and did not offer any detailed explanation for why other less character impacting alternatives such as a residential elevator or chair lift using the existing internal staircase were not feasible.

The HRB went on to find that they were not confident that the Applicant could install the mitigation plantings as shown in the November elevation drawings (*Exhibit A, Figures 7&8*), especially along the side property line when much of this area would now be occupied by an ADA ramp, as well as the newly installed retaining wall, without an updated landscape plan to provide additional clarity to this potential conflict.

The HRB agreed that, without the necessary information, it could not approve the full length, expanded ramp as proposed. They found that the more conservative approach of a reduced ADA ramp to the side door conditionally could meet the Guidelines for New Construction and OCMC 17.40.060(G) *construction of new structures in a historic or conservation district*. The HRB acknowledged that the Design Guidelines prohibit "buildings with excessive mass for the style chosen or neighborhood in which located." P 40.

The Historic Review Board voted to 4 to 0 to approve the application with conditions that allowed a shorter ADA ramp to the side door of the south elevation with conditions of approval acknowledging that the rear ramp could be accommodated through a subsequent review. These conditions included:

2. The Historic Review Board does not approve the rear access ADA ramp as submitted. If the Applicant wishes to further pursue this option, they should submit for a separate HRB review under a new application. (P)

3. The Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be found to be compatible with the massing and design of the approved structure and sufficiently mitigated; therefore, the following requirements apply:

- a. The ADA ramp shall be revised to access the side door only.*
- b. The Applicant shall provide a plan to backfill the remainder of the side yard with rockery walls to the extent practicable and appropriate for a geohazard area and provide mitigation planting with the same type of plants proposed in the submitted landscape plan. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.*

- c. *The smaller ADA ramp shall utilize the proposed enclosed lap siding design or a simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters.*
- d. *The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.*
- e. *The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.*
- f. *The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.*
- g. *No exposed pressure-treated wood is allowed.*
- h. *All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.*
- i. *The HRB encourages the Applicant to work with the Building Division to design an internal ADA access to the upper floors. (B,P)*

Response to Issues Raised in the Appeal

Restated again for ease of reference, the Notice of Appeal identified the following issue:

"The Historic Review Board decision does not meet the owner's family medical care needs, also the applicable Federal ADA standards, and Federal ADA Law. ADA Act 42 USC §12182 et seq (ADA) mobility impairments requiring the use of a wheelchair."

The Americans with Disabilities Act (ADA) laws are lengthy and cover a wide range of accessibility issues both within and outside of the land use context. The need to accommodate a wheelchair is a disability recognized under the ADA. Short of identifying a need for wheelchair access, the Appellant does not explain how or why he believes that the HRB erred by approving a limited ramp, consistent with the original assumed primary residential access through the side door. Although the ADA does generally call for "full and equal" access, the extent of the access obligation is highly dependent on the facts of the case as well as the legal standards at issue. It is not enough to merely cite to a wide-ranging series of civil rights laws as a basis for Appeal because these laws do not necessarily require summary approval of the rear access ramp in the configuration and design that the Appellant has requested. Therefore, this report provides a broad overarching explanation of ADA requirements framing how the City Commission might consider the issues on Appeal.

Broadly stated, the ADA prohibits discrimination against any individual "on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation." 42 USC §12182(a). Although private residential living by an owner is not a "place of public accommodation" subject to the ADA like commercial structures, the courts have found that land use permit decisions fall squarely within the type of public activities covered by the ADA. Thus, the City has an obligation to ensure equal access in order to satisfy the ADA.

That said, in enacting the ADA, Congress also recognized the national interest in preserving significant historic structures by imposing requirements that allow operators of such structures to become ADA compliant without threatening the historic significance of such structures. 42 USC §12204(C) and 28 CFR §405. "Qualified" buildings or facilities are those buildings and facilities "that are eligible for listing in the National Register of Historic Places, or such properties designated as historic under a statute of the appropriate state or local government body."

Although this situation is slightly different because the proposed alteration does not affect a historic structure, the alteration to the existing structure will occur within the "qualifying" McLoughlin Conservation District and the proposed alteration is subject to historic overlay review requirements as set forth in OCMC Chapter 17.40. By subjecting new construction (and modifications to the same) within the McLoughlin Conservation District to an additional historic overlay review, the City provides: "the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people." OCMC 17.40.010. Courts have recognized that the desire to preserve particular objectives through historic protections applied to special areas is a valid government concern under the ADA.

One of the ways that the special historic character of the McLoughlin District is preserved is by requiring that all new infill be designed to reflect prevalent historic building styles so as to reinforce the historic context. The Guidelines note: "Use of other styles dilutes and distracts from the historic context of the district." P 7. The existing structure approved in 2020 was designed in the Foursquare style. As the HRB found, one of the hallmarks of the Foursquare style is the basic square, boxy design where the front width is comparable with the length. Lengthening the building by an additional 19' at the rear makes the building nearly twice as long as it is wide. The Design Guidelines prohibit "buildings with excessive mass for the style chosen or neighborhood in which located." P 40. The HRB concluded that this additional structure length, without mitigation, failed to reinforce the context of the conservation district, in violation of the Guidelines and, in turn, OCMC 17.40.060.(G).

The Appellant disputed that the ramp would have any visual impact as it would be located to the rear and would not be visible to the public driving by on 5th Ave. The HRB disagreed finding that the additional building length would be highly visible from the side elevation. Although the Design Guidelines do discuss locating garages, patios, or parking to the rear, they do not expressly exempt areas that are not visible from the public ways from compliance. The HRB also concluded that the record did not provide sufficient evidence to indicate that screening in the form of additional landscaping could be accommodated taking into account the width the ramp and retaining wall.

The Appellant's invocation of the ADA occurred for the first time in this Appeal, after the evidentiary record was closed. To make a claim under the ADA, an applicant must do more than just allege a qualifying disability subject to protection under the ADA as the Appellant has done here. A party must show that what is proposed is necessary to achieve some therapeutic purpose or because of financial ability. The Appellant's only proffered explanation for this ramp design was that it was the "most cost-effective" solution and that "installing a commercial elevator would cost over one hundred thousand dollars." The Appellant did not show is that the proposed ramp – its style and detailing – was the only financially viable option available. There was no evidence to indicate that other alternatives, such as a chair lift, a residential elevator, or the incorporation of different material or ramp design that might complement rather than, as the HRB found, compromise the Foursquare style, were considered.

During its deliberation, the HRB acknowledged that a number of other solutions might be available that would achieve the Appellant's accessibility objectives without requiring a fundamental alteration to the City's historic preservation standards. Whether those alternatives are financially feasible is not clear from the record. Rather, the record reflects that the historic overlay requirements of OCMC 17.40.060 and the ADA are not necessarily at odds with one another given the facts presented. Should the City Commission agree with the HRB that the proposed rear ramp would violate the historic overlay standards, it may deny this Appeal and affirm the HRB decision authorizing a more limited ramp.

That said, the ADA is also fairly stringent in requiring accessibility where it is requested, so long as the historic attributes of the resource are not lost. Providing for greater accessibility through the use of an

exterior ramp is quite common for historic buildings. The US Department of the Interior National Park Service, Cultural Resources Division has promulgated a Preservation Brief dealing specifically with accessibility, which is attached here and may provide a suitable reference for how the City might interpret its historic standards with respect to the ADA. (This Preservation Brief was cross-referenced in the staff report before the HRB and may be considered by the Commission.) Although the Preservation Brief is focused on increasing accessibility for historic structures, in order to "identify and evaluate accessibility options within a preservation context," the Brief recommends identifying a solution that "provide the greatest amount of accessibility without threatening or destroying those materials and features that make a property significant." P 2. This "threaten or destroy" threshold appears to set a fairly high bar when considering new construction as opposed to a contributing structure that is historic in its own right or, in the district context, the overall historic character of the surroundings. As a new structure that is not surrounded by any contributing buildings located at the edge of the district, the City Commission might determine that the ramp can be approved without "threatening or destroying" the overall character of the District. This finding could be limited in direct response to the ADA, thereby avoiding any precedent-setting concerns. Perhaps further mitigation could be accomplished by requiring planting of certain tree heights and species for screening coupled with long-term maintenance obligations to ensure their success.

Another alternative would be to remand the matter back to the HRB with instructions to explore and consider the financial and design viability of other alternatives, including but not limited to, a residential elevator, a chair lift, or material/design alternatives that would have less impact on the Foursquare design. The Commission could urge the Applicant to secure counsel from an expert qualified architect or designer in historic preservation and accessibility options who could help to inform the effort. Proceeding with this approach would require agreement by the Applicant to extend or, better yet, waive the 120-day limit in order to identify the most appropriate accessibility solution.

The following is a list of alternatives that the Commission might ask that the Applicant analyze for HRB consideration on remand:

1. An interior ADA access from the ground floor through the garage, interior stairway, or other means.
2. A noncommercial interior chair lift or residential elevator.
3. A chair lift accommodation along exterior stairs that hugged the building.
4. An ADA-complaint design relying on the existing uphill topography on the left or southeast side elevation.
5. The use of materials and design that create a lighter, airier appearance, such as painted metal.
6. Consider whether the removal or reduction in the length of the rear porch would reduce the massing of the ADA ramp
7. Utilizing a taller retaining wall (assuming that it is made of appropriate materials) toward the rear along the side to provide some level of initial screening that can be further subsidized with plantings
8. Provide a revised landscape plan that incorporates the proposed replacement retaining wall and mitigation planting to ensure that the selected plant types are appropriate for the location.

Conclusion

The City Commission's review is limited to a single issue: a request to allow the proposed extended rear ramp to serve the 2nd-story residence under the ADA. The impact of the ADA is a new issue raised for the first time in this Appeal and therefore requires the Commission to reweigh the evidence to determine if

the Appellant has shown that the proposed ramp adequately responds to and protects the significance of the McLoughlin Conservation District as the only viable alternative.

If the answer to this question is "no:"

- The Commission could affirm the HRB's decision approving in part and denying in part the Applicant's request.
- The Commission could remand the decision back to the HRB but only if the Appellant is willing to extend or waive the 120-day limit accordingly; or
- If the Appellant is not willing to engage in further proceedings before the HRB or extend the 120-day limit, the Commission may uphold the HRB's decision finding that the Appellant failed to respond to the historic overlay requirements or necessity under the ADA and deny the appeal.

If the answer to this question is "yes" i.e. the application is sufficient or the historic significance of the area would allow the proposed design, this ramp may be approved, perhaps with revised conditions of approval.

Exhibits

- A. Annotated excerpts of relevant plans, drawings and photos
- B. Preservation Brief 32: Making Historic Properties Accessible



Supplemental Staff Report – 5th Avenue Live/Work ADA Ramp

File #s: AP 21-00006 Appeals of the November 30, 2021, Historic Review Board Approval with conditions of Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

Exhibit a. Annotated excerpts of relevant plans, drawings and photos



Figure 1 Vicinity Map (Conservation district shown in purple)



Figure 2- Aerial phot and topography- arrow showing cross- slope



RIGHT ELEVATION / NORTH-WEST

3/16" = 1'-0"

Figure 3- approved original HR 20-01 right elevation (downhill side)- at grad side entrance.



Figure 4 Existing condition of exposed foundation- September 21, 2021

The existing condition of the foundation can be seen in the photo taken on September 21, 2021. It shows a floor height of approximately 2- feet above the proposed final grade at the front corner and approximately 4 feet at the side entrance (please note that the existing gravel is not the final grade).



Figure 5- Initial ramp approach reviewed at the September 26, 2021 Historic Review board meeting.

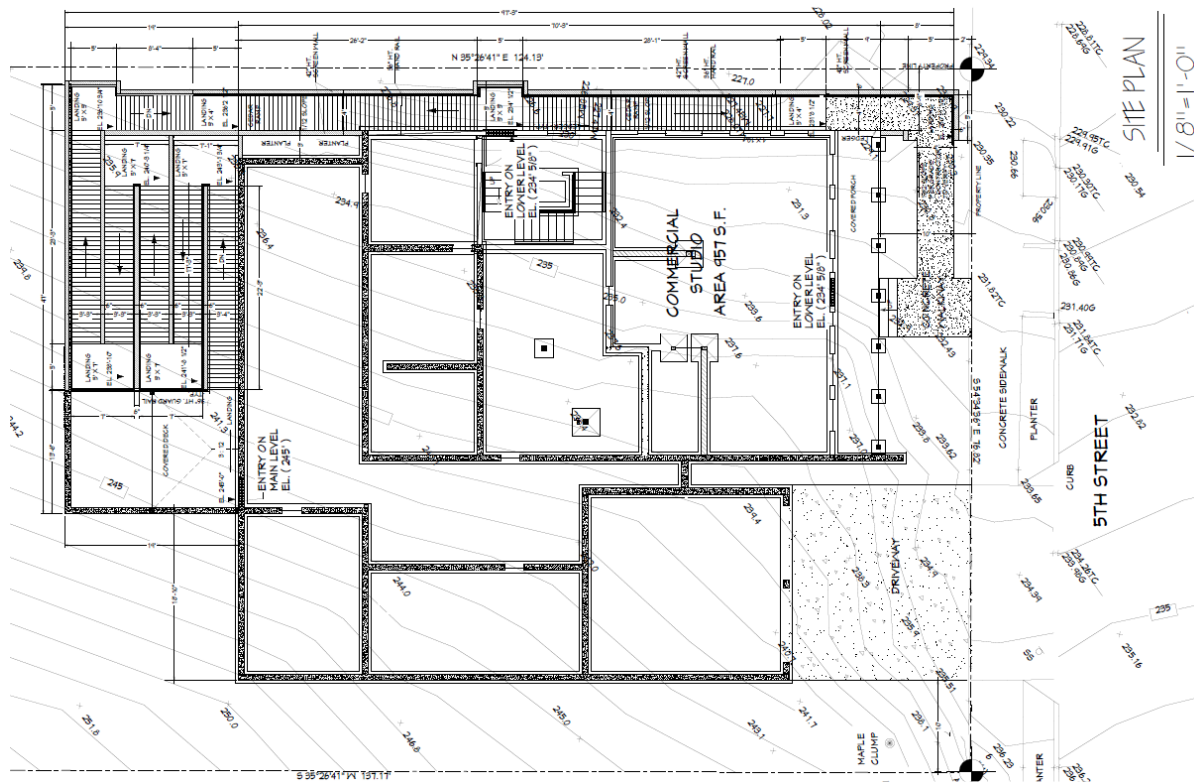
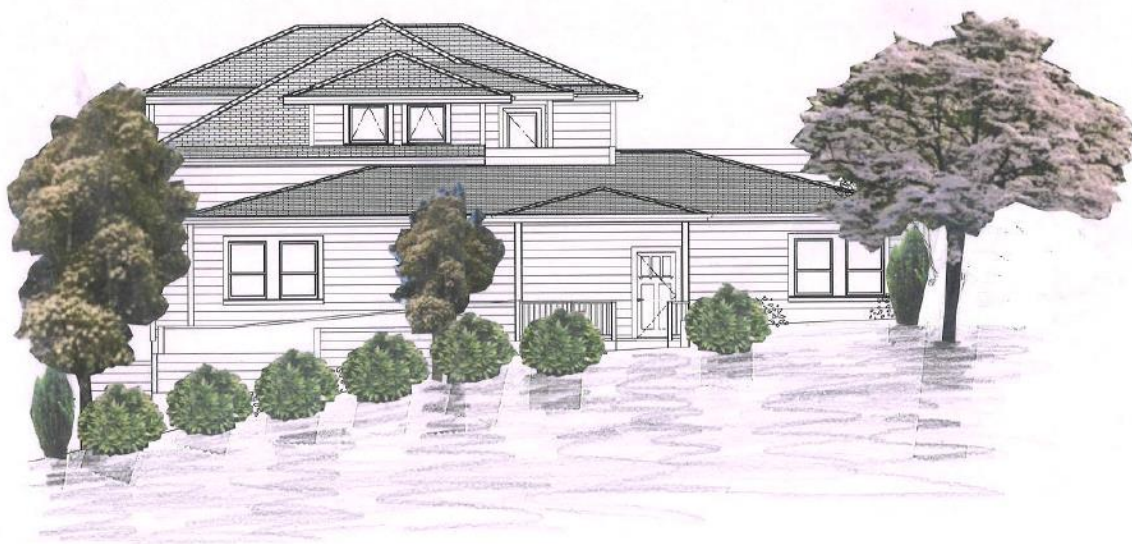


Figure 6- Nov 15, 2021 revised site plan showing latest full ADA ramp approach accounting for site contours for November 30, 2021 Historic Review Board meeting which does not include any proposed landscaping.



REAR ELEVATION

1/8"=1'-0"

Figure 7- Revised rear elevation drawing showing latest full ADA ramp approach (submitted 11.15.21)



Figure 8- Revised side elevation drawing showing latest full ADA ramp approach (submitted 11.15.21)

Revised Site Plan

Figure 9- Revised side elevation drawing showing latest full ADA ramp approach (submitted 11.15.21)



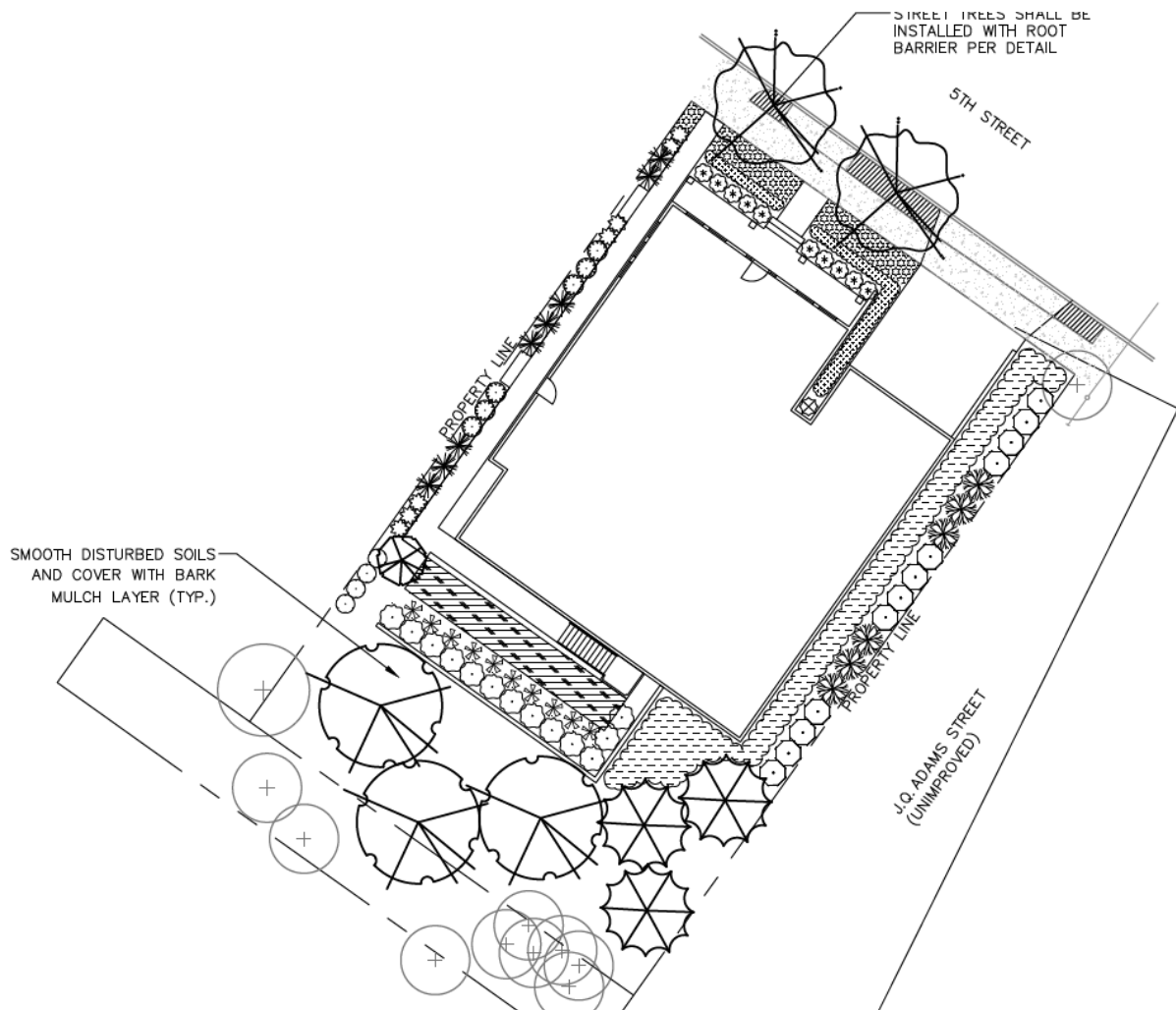
Figure 10- Rear elevation photo (submitted 11.15.21)



Figure 11- Side and rear elevation photo (submitted 11.15.21)- showing unpermitted retaining wall



Figure 12- Side elevation photo (submitted 11.15.21) showing unpermitted retaining wall



PLANT LIST:					
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING	
STREET TREES					
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown	
MITIGATION TREES					
	3	CORNUS NUTALLII Pacific Dogwood	2" cal.	As Shown	
	3	TSUGA HETEROPHYLLA Western Hemlock	6' ht.	As Shown	
	1	ACER JAPONICUM 'ACONITIFOLIUM' Full Moon Maple	6' ht.	As Shown	
SHRUBS					
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.	
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.	
	1	TAXUS MEDIA 'STONEHENGE' Stonehenge Yew	5 gal.	3' o.c.	
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.	
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.	
	32	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.	
	13	AUCUBA JAPONICA 'MR. GOLDSTRIKE' Mr. Goldstrike Aucuba	5 gal.	4' o.c.	
	35	MAHONIA REPENS Creeping Mahonia	1 gal.	3' o.c.	
	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.	
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.	
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.	
GROUND COVER					
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.	
	63	EPIMEDIUM PERRALCHICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.	
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.	

Figure 13- Landscape Plan dated
9.7.2021- resubmitted on 11.15.21

GENERAL NOTES:

1. Contractor is to verify all plant quantities.
2. Adjust plantings in the field as necessary.
3. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
4. All plants are to be fully foliated, well branched and true to form.
5. Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
6. Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.

32 PRESERVATION BRIEFS

Making Historic Properties Accessible

Thomas C. Jester and Sharon C. Park, AIA



U.S. Department of the Interior
National Park Service
Cultural Resources
Heritage Preservation Services

Historically, most buildings and landscapes were not designed to be readily accessible for people with disabilities. In recent years, however, emphasis has been placed on preserving historically significant properties, and on making these properties—and the activities within them—more accessible to people with disabilities. With the passage of the Americans with Disabilities Act in 1990, access to properties open to the public is now a civil right.

This Preservation Brief introduces the complex issue of providing accessibility at historic properties, and underscores the need to balance accessibility and historic preservation. It provides guidance on making historic properties accessible while preserving their historic character; the Brief also provides examples to show that independent physical accessibility at historic properties can be achieved with careful planning, consultation, and sensitive design. While the Brief focuses primarily on making buildings and their sites accessible, it also includes a section on historic landscapes. The Brief will assist historic property owners, design professionals, and administrators in evaluating their historic properties so that the highest level of accessibility can be provided while minimizing changes to historic materials and features. Because many projects encompassing accessibility work are complex, it is advisable to consult with experts in the fields of historic preservation and accessibility before proceeding with permanent physical changes to historic properties.

Modifications to historic properties to increase accessibility may be as simple as a small, inexpensive ramp to overcome one entrance step, or may involve changes to exterior and interior features. The Brief does not provide a detailed explanation of local or State accessibility laws as they vary from jurisdiction to jurisdiction. A concise explanation of several federal accessibility laws is included on page 13.

Planning Accessibility Modifications

Historic properties are distinguished by features, materials, spaces, and spatial relationships that contribute to their historic character. Often these elements, such as steep terrain, monumental steps, narrow or heavy doors, decorative ornamental hardware, and narrow pathways and corridors, pose barriers to persons with disabilities, particularly to wheelchair users (See Figure 1).

A three-step approach is recommended to identify and implement accessibility modifications that will protect the integrity and historic character of historic properties:

- 1) Review the historical significance of the property and identify character-defining features;
- 2) Assess the property's existing and required level of accessibility; and
- 3) Evaluate accessibility options within a preservation context.

1) Review the Historical Significance of the Property

If the property has been designated as historic (properties that are listed in, or eligible for listing in the National Register of Historic Places, or designated under State or local law), the property's nomination file should be reviewed to learn about its significance. Local preservation commissions and State Historic Preservation Offices can usually provide

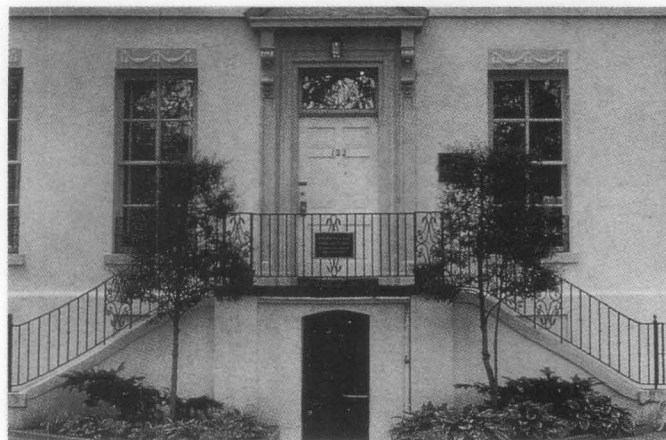
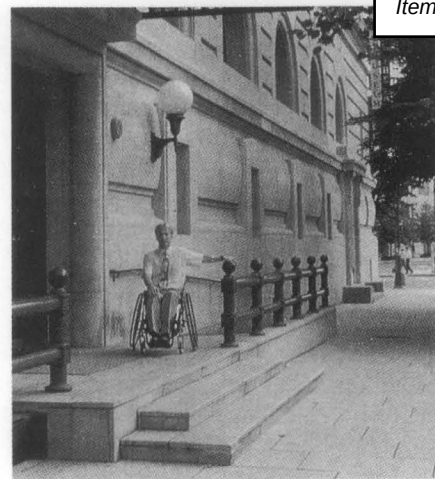


Figure 1. It is important to identify the materials, features, and spaces that should be preserved when planning accessibility modifications. These may include stairs, railings, doors, and door surrounds. Photo: National Park Service files.

copies of the nomination file and are also resources for additional information and assistance. Review of the written documentation should always be supplemented with a physical investigation to identify which character-defining features and spaces must be protected whenever any changes are anticipated. If the level of documentation for a property's significance is limited, it may be necessary to have a preservation professional identify specific historic features, materials, and spaces that should be protected.

For most historic properties, the construction materials, the form and style of the property, the principal elevations, the major architectural or landscape features, and the principal public spaces constitute some of the elements that should be preserved. Every effort should be made to minimize damage to the materials and features that convey a property's historical significance when making modifications for accessibility. Very small or highly significant properties that have never been altered may be extremely difficult to modify.

Secondary spaces and finishes and features that may be less important to the historic character should also be identified; these may generally be altered without jeopardizing the historical significance of a property. Non-significant spaces, secondary pathways, later additions, previously altered areas, utilitarian spaces, and service areas can usually be modified without threatening or destroying a property's historical significance.

2) Assess the Property's Existing and Required Level of Accessibility

A building survey or assessment will provide a thorough evaluation of a property's accessibility. Most surveys identify accessibility barriers in the following areas: building and site entrances; surface textures, widths and slopes of walkways; parking; grade changes; size, weight and configuration of doorways; interior corridors and path of travel restrictions; elevators; and public toilets and amenities (See Figure 2). Simple audits can be completed by property owners using readily available checklists (See Further Reading). Accessibility specialists can be hired to assess barriers in more complex properties, especially those with multiple buildings, steep terrain, or interpretive programs. Persons with disabilities can be particularly helpful in assessing specific barriers.

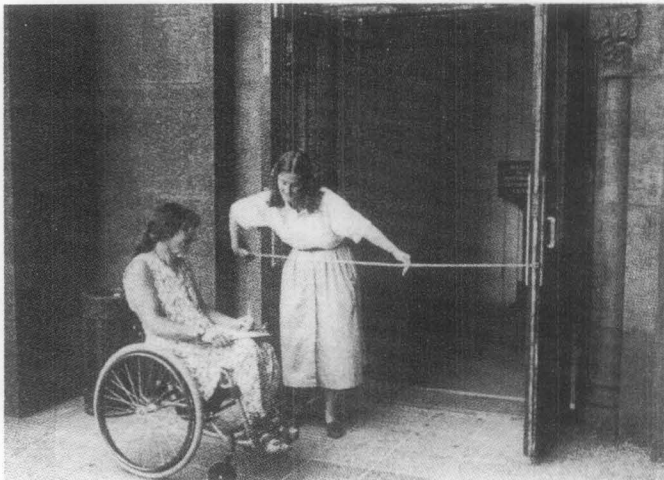


Figure 2. Surveys of historic properties can identify accessibility barriers. Persons with disabilities and accessibility consultants should participate whenever possible. Photo: Thomas Jester.

All applicable accessibility requirements—local codes and federal laws—should be reviewed carefully before undertaking any accessibility modification. Since many States and localities have their own accessibility regulations and codes (each with their own requirements for dimensions and technical requirements), owners should use the most stringent accessibility requirements when implementing modifications. The Americans with Disability Act Accessibility Guidelines (ADAAG) is the document that should be consulted when complying with the Americans with Disabilities Act (ADA) requirements.

3) Identify and Evaluate Accessibility Options within a Preservation Context

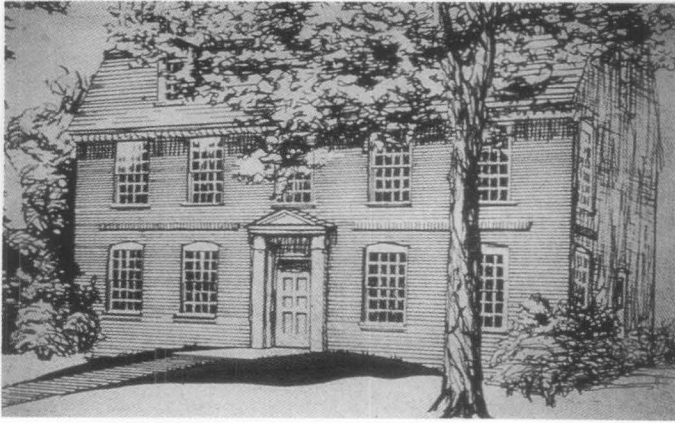
Once a property's significant materials and features have been identified, and existing and required levels of accessibility have been established, solutions can be developed (See Figure 3). Solutions should provide the greatest amount of accessibility without threatening or destroying those materials and features that make a property significant. Modifications may usually be phased over time as funds are available, and interim solutions can be considered until more permanent solutions are implemented. A team comprised of persons with disabilities, accessibility and historic preservation professionals, and building inspectors should be consulted as accessibility solutions are developed.

Modifications to improve accessibility should generally be based on the following priorities:

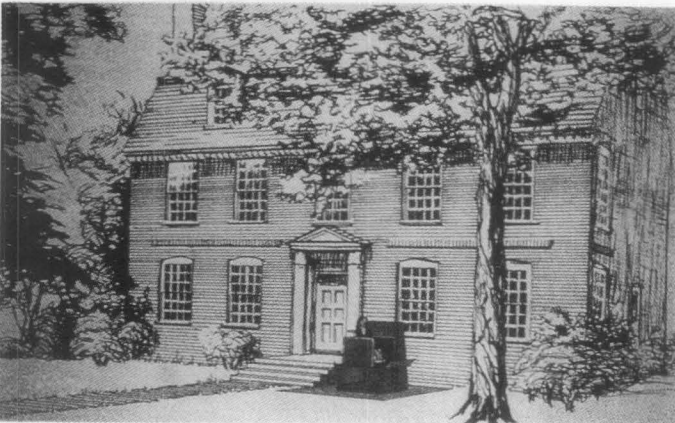
- 1) Making the main or a prominent public entrance and primary public spaces accessible, including a path to the entrance;
- 2) Providing access to goods, services, and programs;
- 3) Providing accessible restroom facilities; and,
- 4) Creating access to amenities and secondary spaces.

All proposed changes should be evaluated for conformance with the Secretary of the Interior's "Standards for the Treatment of Historic Properties," which were created for property owners to guide preservation work. These Standards stress the importance of retaining and protecting the materials and features that convey a property's historical significance. Thus, when new features are incorporated for accessibility, historic materials and features should be retained whenever possible. Accessibility modifications should be in scale with the historic property, visually compatible, and, whenever possible, reversible. Reversible means that if the new feature were removed at a later date, the essential form and integrity of the property would be unimpaired. The design of new features should also be differentiated from the design of the historic property so that the evolution of the property is evident. See *Making Historic Buildings Accessible* on page 9.

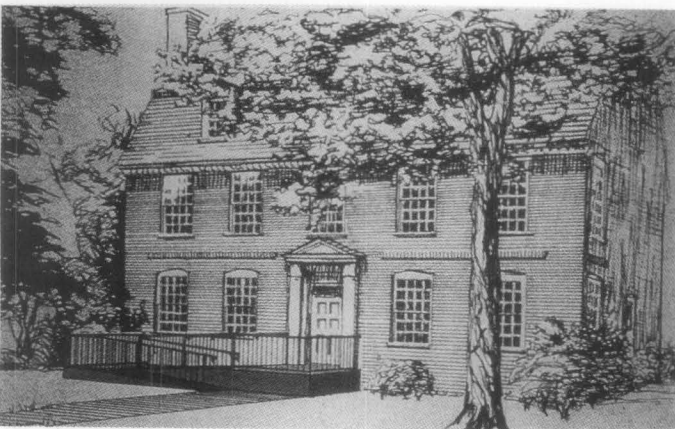
In general, when historic properties are altered, they should be made as accessible as possible. However, if an owner or a project team believes that certain modifications would threaten or destroy the significance of the property, the State Historic Preservation Officer should be consulted to determine whether or not any special accessibility provisions may be used. Special accessibility provisions for historic properties will vary depending on the applicable accessibility requirements.



A.



B.



C.

Figure 3. Before implementing accessibility modifications, owners should consider the potential effect on their historic property. At the Derby House in Salem, Massachusetts, several solutions to make the entrance accessible were considered, including regrading (a); a lift (b); and a ramp (c). The solution, an entrance on a secondary elevation, preserves the building's architectural significance and is convenient to designated parking. Drawings: National Park Service Files..

In some cases, programmatic access may be the only option for extremely small or unaltered historic properties, such as a two-story house museum with no internal elevator. Programmatic access for historic properties refers to alternative methods of providing services, information, and experiences when physical access cannot be provided. It

may mean offering an audio-visual program showing an inaccessible upper floor of a historic house museum, providing interpretive panels from a vista at an inaccessible terraced garden, or creating a tactile model of a historic monument for people with visual impairments.

Accessibility Solutions

The goal in selecting appropriate solutions for specific historic properties is to provide a high level of accessibility without compromising significant features or the overall character of the property. The following sections describe accessibility solutions and offer guidance on specific historic property components, namely the building site, entrances, interiors, landscapes, amenities, and new additions. Several solutions are discussed in each section, referencing dimensions and technical requirements from the ADA's accessibility guidelines, ADAAG. State and local requirements, however, may differ from the ADA requirements. Before making any modification owners should be aware of all applicable accessibility requirements.

The Building Site

An accessible route from a parking lot, sidewalk, and public street to the entrance of a historic building or facility is essential. An accessible route, to the maximum extent possible, should be the circulation route used by the general public. Critical elements of accessible routes are their widths, slopes, cross slopes, and surface texture. Each of these route elements must be appropriately designed so that the route can be used by everyone, including people with disabilities. The distance between the arrival and destination points should also be as short as possible. Sites containing designed landscapes should be carefully evaluated before making accessibility modifications. Historic landscapes are described in greater detail on pages 10 and 11.

Providing Convenient Parking. If parking is provided, it should be as convenient as possible for people with disabilities. Specially designated parking can often be created to improve accessibility (See Figure 4). Modifications to parking configurations and pathways should not alter significant landscape features.

Creating an Accessible Route. The route or path through a site to a historic building's entrance should be wide enough, generally at least 3 feet (91 cm), to accommodate visitors

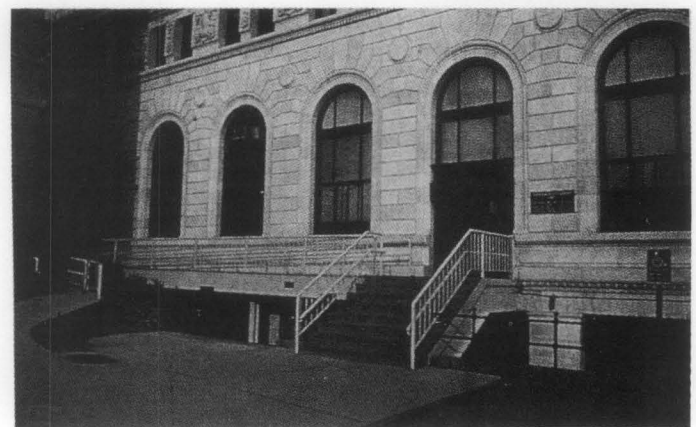


Figure 4. Parking designated for people with disabilities is provided near an accessible entrance to the Springfield Library in Springfield, Massachusetts. Photo: William Smith.

with disabilities and must be appropriately graded with a stable, firm, and slip-resistant surface. Existing paths should be modified to meet these requirements whenever possible as long as doing so would not threaten or destroy significant materials and features.

Existing surfaces can often be stabilized by providing a new base and resetting the paving materials, or by modifying the path surface. In some situations it may be appropriate to create a new path through an inaccessible area. At large properties, it may be possible to regrade a slope to less than 1:20 (5%), or to introduce one or more carefully planned ramps. Clear directional signs should mark the path from arrival to destination.

Entrances

Whenever possible, access to historic buildings should be through a primary public entrance. In historic buildings, if this cannot be achieved without permanent damage to character-defining features, at least one entrance used by the public should be made accessible. If the accessible entrance is not the primary public entrance, directional signs should direct visitors to the accessible entrance (See Figure 5). A rear or service entrance should be avoided as the only mean of entering a building.

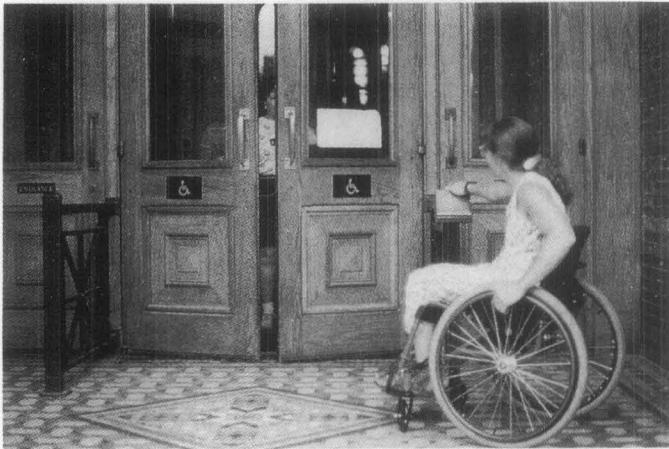


Figure 5. A universal access symbol clearly marks the Arts and Industries Building in Washington, D.C., and a push plate (right) engages the automatic door-opener. Photo: Thomas Jester.

Creating an accessible entrance usually involves overcoming a change in elevation. Steps, landings, doors, and thresholds, all part of the entrance, often pose barriers for persons with disabilities. To preserve the integrity of these features, a number of solutions are available to increase accessibility. Typical solutions include regrading, incorporating ramps, installing wheelchair lifts, creating new entrances, and modifying doors, hardware, and thresholds.

Regrading an Entrance. In some cases, when the entrance steps and landscape features are not highly significant, it may be possible to regrade to provide a smooth entrance into a building. If the existing steps are historic masonry, they should be buried, whenever possible, and not removed (See Figure 6).

Incorporating Ramps. Permanent ramps are perhaps the most common means to make an entrance accessible. As a new feature, ramps should be carefully designed and appropriately located to preserve a property's historic character (See Figure 7). Ramps should be located at public

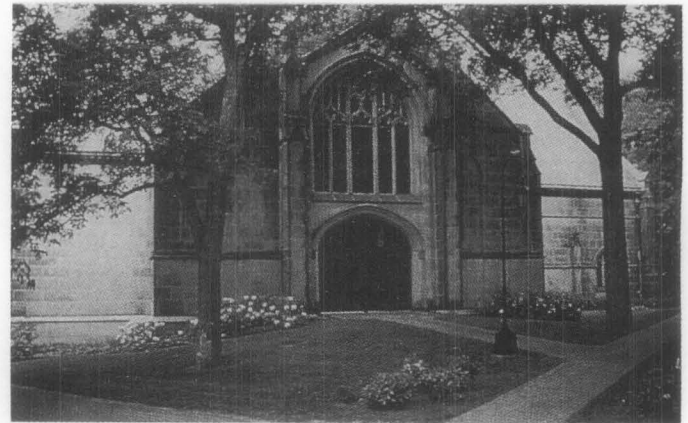


Figure 6. Entrances can be regraded to make a building accessible as long as no significant landscape features will be destroyed and as long as the building's historic character is preserved. The Houghton Chapel (a) in Wellesley, Massachusetts, was made accessible by regrading over the historic steps (b). Photos: Carol R. Johnson & Associates.



Figure 7. This ramp is convenient for visitors with disabilities and preserves the building's historic character. The design is also compatible in scale with the building. Photo: William Smith.

entrances used by everyone whenever possible, preferably where there is minimal change in grade. Ramps should also be located to minimize the loss of historic features at the connection points—porch railings, steps, and windows—and should preserve the overall historic setting and character of the property. Larger buildings may have below grade areas that can accommodate a ramp down to an entrance (See Figure 8). Below grade entrances can be considered if the ramp leads to a publicly used interior, such as an auditorium, or if the building is serviced by a public elevator. Ramps can often be incorporate

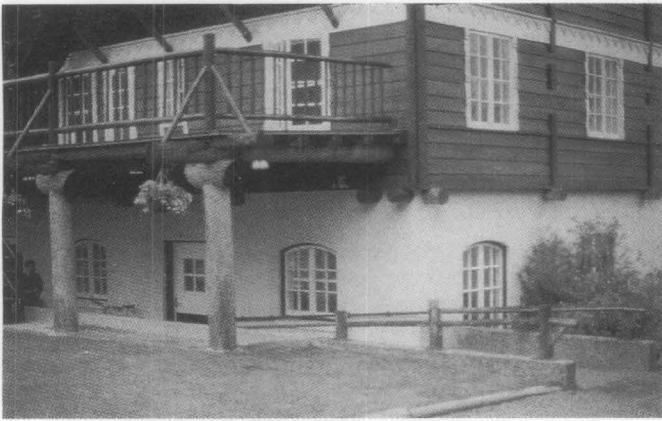


Figure 8. A new below-grade ramp provides access to Lake MacDonald Lodge in Glacier National Park. Photo: Thomas Jester

historic features, such as cheek-walls or railings, to minimize the visual effect (See Figure 9).

The steepest allowable slope for a ramp is usually 1:12 (8%), but gentler slopes should be used whenever possible to accommodate people with limited strength. Greater changes in elevation require larger and longer ramps to meet accessibility scoping provisions and may require an intermediate landing. Most codes allow a slightly steeper ramp for historic buildings to overcome one step.

Ramps can be faced with a variety of materials, including wood, brick, and stone. Often the type and quality of the materials determines how compatible a ramp design will be with a historic property (See Figure 10). Unpainted pressure-treated wood should not be used to construct ramps because it usually appears temporary and is not visually compatible with most historic properties. Railings



Figure 9. This ramp was created by infilling the window-well and slightly modifying the historic railing. The ramp preserves this building's historic character. Photo: Thomas Jester.

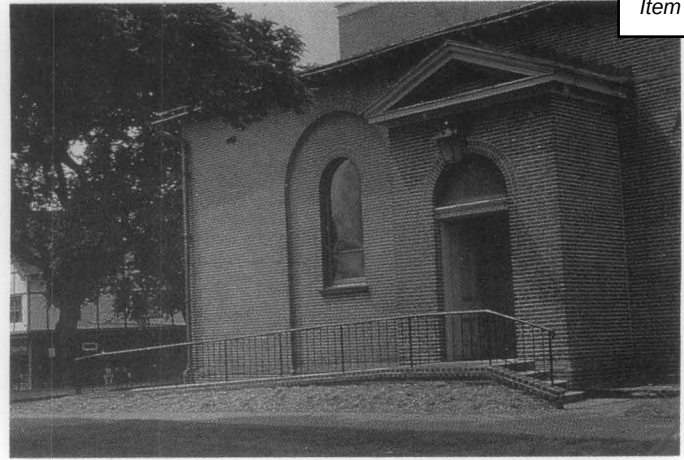


Figure 10. This brick ramp provides access to St. Anne's Episcopal Church in Annapolis, Maryland. Its design is compatible with the historic building. Photo: Charity V. Davidson.

should be simple in design, distinguishable from other historic features, and should extend one foot beyond the sloped area (See Figure 11).

Ramp landings must be large enough for wheelchair users, usually at least 5 feet by 5 feet (152.5 cm by 152.5 cm), and the top landing must be at the level of the door threshold. It may be possible to reset steps by creating a ramp to accommodate minor level changes and to meet the threshold without significantly altering a property's historic character. If a building's existing landing is not wide or deep enough to accommodate a ramp, it may be



Figure 11. Simple, contemporary railings that extend beyond the ramp slope make this ramp compatible with the industrial character of this building. Photo: Thomas Jester.

necessary to modify the entry to create a wider landing. Long ramps, such as switchbacks, require intermediate landings, and all ramps should be detailed with an appropriate edge and railing for wheelchair users and visually impaired individuals.

Temporary or portable ramps are usually constructed of light-weight materials and, thus, are rarely safe or visually compatible with historic properties. Moreover, portable ramps are often stored until needed and, therefore, do not meet accessibility requirements for independent access. Temporary and portable ramps, however, may be an acceptable interim solution to improve accessibility until a permanent solution can be implemented (See Figure 12).

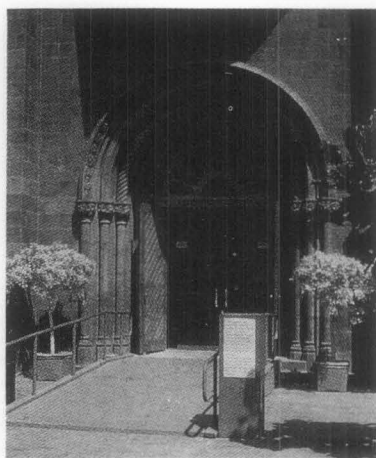


Figure 12. The Smithsonian Institution installed a temporary ramp on its visitor's center to allow adequate time to design an appropriate permanent ramp. Photo: Thomas Jester.

Installing Wheelchair Lifts. Platforms lifts and inclined stair lifts, both of which accommodate only one person, can be used to overcome changes of elevation ranging from three to 10 feet (.9 m-3 m) in height. However, many States have restrictions on the use of wheelchair lifts, so all applicable codes should be reviewed carefully before installing one.

Inclined stair lifts, which carry a wheelchair on a platform up a flight of stairs, may be employed selectively.

They tend to be visually intrusive, although they are relatively reversible. Platform lifts can be used when there is inadequate space for a ramp. However, such lifts should be installed in unobtrusive locations and under cover to minimize maintenance if at all possible (See Figure 13). A similar, but more expensive platform lift has a retracting railing that lowers into the ground, minimizing the visual effect to historic properties (See Figure 14). Mechanical lifts have drawbacks at historic properties with high public visitation because their capacity is limited, they sometimes cannot be operated independently, and they require frequent maintenance.

Considering a New Entrance. When it is not possible to modify an existing entrance, it may be possible to develop a new entrance by creating an entirely new opening in an appropriate location, or by using a secondary window for an opening. This solution should only be considered after exhausting all possibilities for modifying existing entrances (See Figure 15).

Retrofitting Doors. Historic doors generally should not be replaced, nor should door frames on the primary elevation be widened, as this may alter an important feature of a historic design. However, if a building's historic doors have been removed, there may be greater latitude in designing a compatible new entrance. Most accessibility standards require at least a 32" (82 cm) clear opening with manageable door opening pressures. The most desirable preservation solution to improve accessibility is retaining historic doors and upgrading the door pressure with one of several devices. Automatic door openers

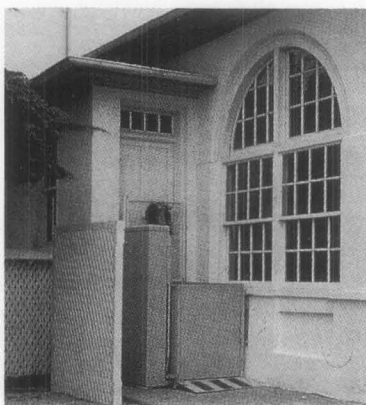


Figure 13. Platform lifts like the one used on this building require minimal space and can be removed without damaging historic materials. Shielded with lattice work, this lift is also protected by the roof eaves. Approach path should be stable, firm, and slip resistant. Photo: Sharon Park.

Readily Achievable Accessibility Modifications



Many accessibility solutions can be implemented easily and inexpensively without destroying the significance of historic properties. While it may not be possible to undertake all of the modifications listed below, each change will improve accessibility.

Sites and Entrances

- Creating a designated parking space.
- Installing ramps.
- Making curb cuts.

Interiors

- Repositioning shelves.
- Rearranging tables, displays, and furniture.
- Repositioning telephones.
- Adding raised markings on elevator control buttons.
- Installing flashing alarm lights.
- Installing offset hinges to widen doorways.
- Installing or adding accessible door hardware.
- Adding an accessible water fountain, or providing a paper cup dispenser at an inaccessible water fountain.

Restrooms

- Installing grab bars in toilet stalls.
- Rearranging toilet partitions to increase maneuvering space.
- Insulating lavatory pipes under sinks to prevent burns.
- Installing a higher toilet seat.
- Installing a full-length bathroom mirror.
- Repositioning the paper towel dispenser.



Figure 14. At the Lieutenant Governor's Mansion in Frankfort, Kentucky, a retracting lift (b) was installed to minimize the visual effect on this historic building when not in use (a). Photos: Aging Technology Incorporated.

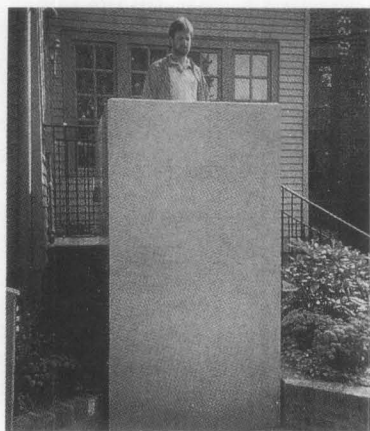
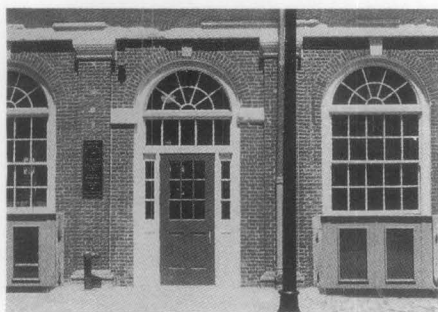


Figure 15. A new entrance to the elevator lobby replaces a window at Faneuil Hall in Boston, Massachusetts. The new entrance is appropriately differentiated from the historic design. Photo: Paul Holtz.



(operated by push buttons, mats, or electronic eyes) and power-assisted door openers can eliminate or reduce door pressures that are accessibility barriers, and make single or double-leaf doors fully operational (See Figure 16).

Adapting Door Hardware. If a door opening is within an inch or two of meeting the 32" (81 cm) clear opening requirement, it may be possible to replace the standard hinges with off-set hinges to increase the size of the door opening as much as 1 1/2" (3.8 cm). Historic hardware can be retained in place, or adapted with the addition of an automatic opener, of which there are several types. Door hardware can also be retrofitted to reduce door pressures. For example, friction hinges can be retrofitted with ball-bearing inserts, and door closers can be rethreaded to reduce the door pressure.

Altering Door Thresholds. A door threshold that exceeds the allowable height, generally 1/2" (1.3 cm), can be altered or removed with one that meets applicable accessibility



Figure 16. During the rehabilitation of the Rookery in Chicago, the original entrance was modified to create an accessible entrance. Two revolving doors were replaced with a new one flanked by new doors, one of which is operated with a push-plate door opener. Photo: Thomas Jester.

requirements. If the threshold is deemed to be significant, a bevel can be added on each side to reduce its height (See Figure 17). Another solution is to replace the threshold with one that meets applicable accessibility requirements and is visually compatible with the historic entrance.

Moving Through Historic Interiors

Persons with disabilities should have independent access to all public areas and facilities inside historic buildings. The extent to which a historic interior can be modified depends on the significance of its materials, plan, spaces, features, and finishes. Primary spaces are often more difficult to modify without changing their character. Secondary spaces may generally be changed without compromising a building's historic character. Signs should clearly mark the route to accessible restrooms, telephones, and other accessible areas.

Installing Ramps and Wheelchair Lifts. If space permits, ramps and wheelchair lifts can also be used to increase accessibility inside buildings (See Figures 18 & 19). However, some States and localities restrict interior uses of wheelchair lifts for life-safety reasons. Care should be taken to install these new features where they can be readily accessed. Ramps and wheelchair lifts are described in detail on pages 4-6.

Upgrading Elevators. Elevators are an efficient means of providing accessibility between floors. Some buildings have existing historic elevators that are not adequately accessible for persons with disabilities because of their size, location, or detailing, but they may also contribute to the historical significance of a building. Significant historic elevators can usually be upgraded to improve accessibility. Control panels can be modified with a "wand" on a cord to make the control panel accessible, and timing devices can usually be adjusted.

Retrofitting Door Knobs. Historic door knobs and other hardware may be difficult to grip and turn. In recent years, lever-handles have been developed to replace door knobs. Other lever-handle devices can be added to existing hardware. If it is not possible or appropriate to retrofit existing door knobs, doors can be left open during operating hours (unless doing so would violate life safety codes), and power-assisted door openers can be installed. It may only be necessary to retrofit specific doorknobs to create an accessible path of travel and accessible restro

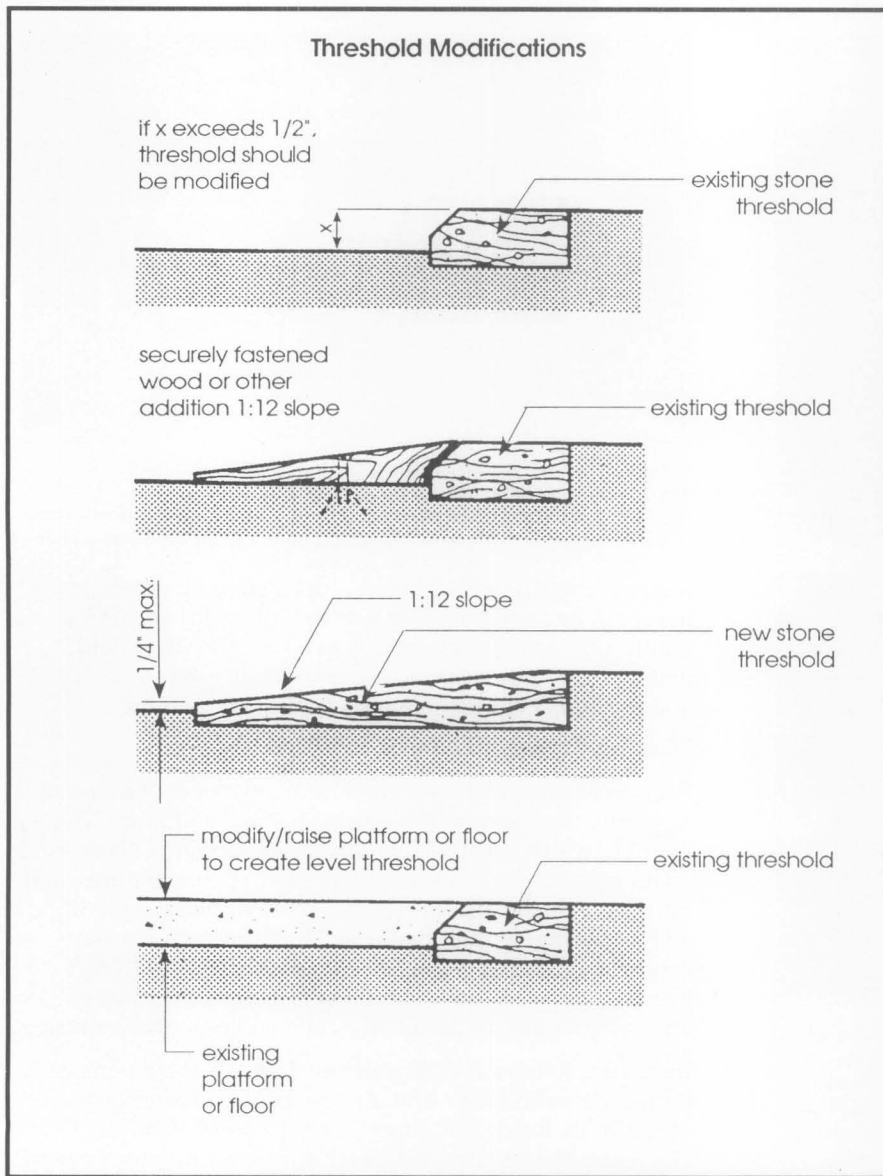


Figure 17. Thresholds that exceed allowable heights can be modified several ways to increase accessibility. Source: Uniform Federal Accessibility Standard (UFAS) Retrofit Manual.

Modifying Interior Stairs. Stairs are the primary barriers for many people with disabilities. However, there are some ways to modify stairs to assist people who are able to navigate them. It may be appropriate to add hand railings if none exist. Railings should be $1\frac{1}{4}"$ (3.8 cm) in diameter and return to the wall so straps and bags do not catch. Color-contrasting, slip-resistant strips will help people with visual impairments. Finally, beveled or closed risers are recommended unless the stairs are highly significant, because open risers catch feet (See Figure 20).

Building Amenities

Some amenities in historic buildings, such as restrooms, seating, telephones, drinking fountains, counters, may contribute to a building's historic character. They will often require modification to improve their use by persons with disabilities. In many cases, supplementing existing amenities, rather than changing or removing them, will increase access and minimize changes to historic features and materials.

Upgrading Restrooms. Restrooms may have historic fixtures such as sinks, urinals, or marble partitions that can

be retained in the process of making modifications. For example, larger restrooms can sometimes be reconfigured by relocating or combining partitions to create an accessible toilet stall. Other changes to consider are adding grab bars around toilets, covering hot water pipes under sinks with insulation to prevent burns, and providing a sink, mirror, and paper dispenser at a height suitable for wheelchair users. A unisex restroom may be created if it is technically infeasible to create two fully accessible restrooms, or if doing so would threaten or destroy the significance of the building. It is important to remember that restroom fixtures, such as sinks, urinals, and partitions, may be historic, and therefore, should be preserved whenever possible.

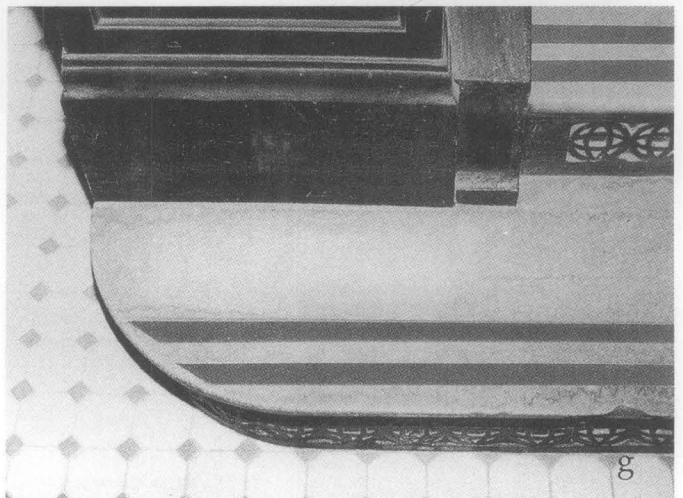
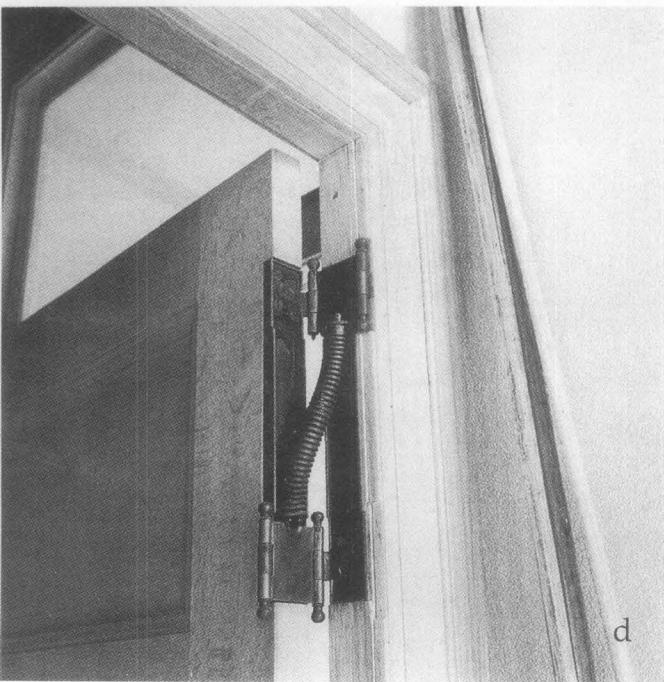
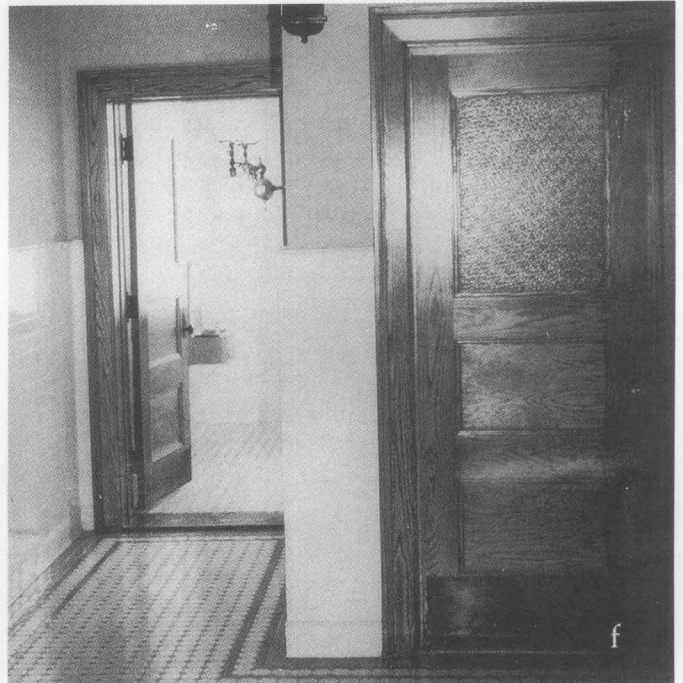
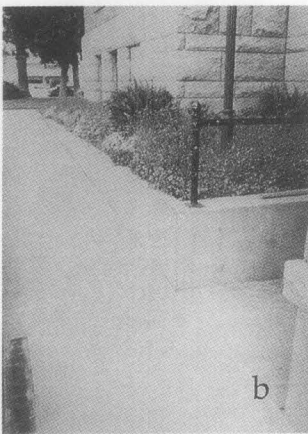
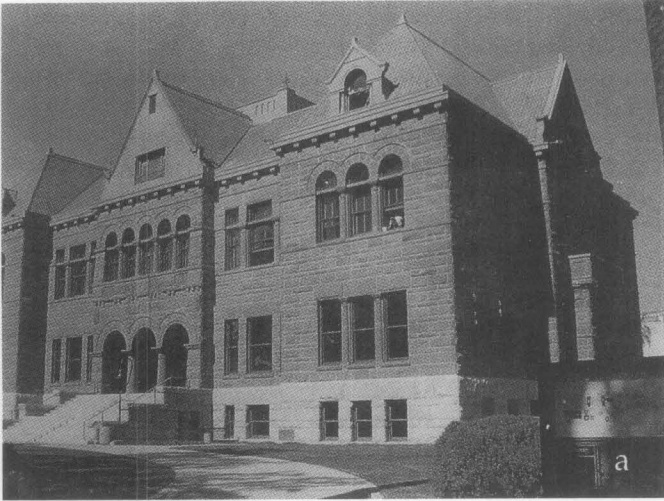
Modifying Other Amenities. Other amenities inside historic buildings may require modification. Seating in a theater, for example, can be made accessible by removing some seats in several areas (See Figure 21). New seating that is accessible can also be added at the end of existing rows, either with or without a level floor surface. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users. Historic water fountains can be retained and new, two-tiered fountains installed if space permits. If public telephones are provided, it may be necessary to install at least a Text Telephone (TT), also known as a Telecommunication Device for the Deaf (TDD) (See Figure 22). Historic service counters commonly found in banks, theaters, and hotels generally should not be altered. It is preferable to add an accessible counter on the end of a historic counter if feasible. Modified or new counters should not exceed 36" (91.5 cm) in height.



Figure 18. Symmetrical ramps at the Mayflower Hotel in Washington, D.C., provide access to the hotel's lower level. The design for the ramps respects the historic character of this landmark building. Photo: Thomas Jester.

MAKING A HISTORIC BUILDING ACCESSIBLE

Item 8a.



The Orange County Courthouse (a), located in Santa Ana, California, was rehabilitated in the late 1980s as a county museum. As part of the rehabilitation, the architect sensitively integrated numerous modifications to increase accessibility. To preserve the building's primary elevation, a new public entrance was created on the rear elevation where parking spaces are located. A ramp (b) leads to the accessible entrance that can be opened with a push-plate automatic door-opener (c). Modifications to interior features also increased accessibility. To create an accessible path of travel, offset hinges (d) were installed on doors that were narrower than 32 inches (81.3 cm). Other doors were rethreaded to reduce the door pressure. Beveling the 1" high thresholds (e) reduced their height to approximately 1/4 inch (.64 cm). The project architect also converted a storeroom into an accessible restroom (f). The original stairway, which has open grillwork, was made more accessible by applying slip-resistant pressure tape to the marble steps (g). And the original elevator was upgraded with raised markings, alarm lights, and voice floor indicators. Photos: Milford Wayne Donaldson, FAIA.

Page 62

MAKING HISTORIC LANDSCAPES ACCESSIBLE

Item 8a.

To successfully incorporate access into historic landscapes, the planning process is similar to that of other historic properties. Careful research and inventory should be undertaken to determine which materials and features convey the landscape's historical significance. As part of this evaluation, those features that are character-defining (topographical variation, vegetation, circulation, structures, furnishings, objects) should be identified. Historic finishes, details, and materials that also contribute to a landscape's significance should also be documented and evaluated prior to determining an approach to landscape accessibility. For example, aspects of the pedestrian circulation system that need to be understood include walk width, aggregate size, pavement pattern, texture, relief, and joint details. The context of the walk should be understood including its edges and surrounding area. Modifications to surface textures or widths of pathways can often be made with minimal effect on significant landscape features (a) and (b).

Additionally, areas of secondary importance such as altered paths should be identified -- especially those where the accessibility modifications will not destroy a landscape's significance. By identifying those features that are contributing or non-contributing, a sympathetic circulation experience can then be developed.

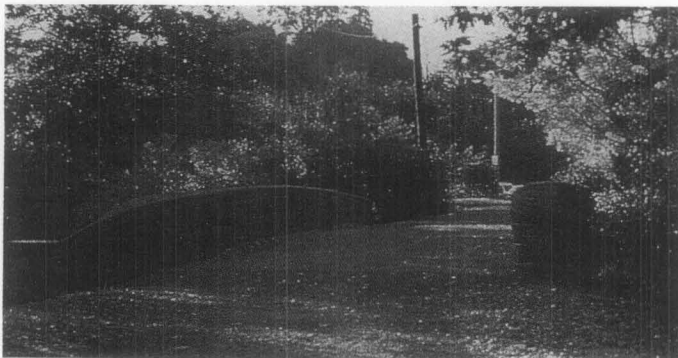
After assessing a landscape's integrity, accessibility solutions can be considered. Full access throughout a historic landscape may not always be possible. Generally, it is easier to provide accessibility to larger, more open

sites where there is a greater variety of public experiences. However, when a landscape is uniformly steep, it may only be possible to make discrete portions of a historic landscape accessible, and viewers may only be able to experience the landscape from selected vantage points along a prescribed pedestrian or vehicular access route. When defining such a route, the interpretive value of the user experience should be considered; in other words, does the route provide physical or visual access to those areas that are critical to understand the meaning of the landscape?

The following accessibility solutions address three common landscape situations: 1) structures with low integrity landscapes; 2) structures and landscapes of equal significance; and, 3) landscapes of primary significance with inaccessible terrain.

1. The Hunnewell Visitors Center at the Arnold Arboretum in Jamaica Plain, Massachusetts, was constructed in 1892. Its immediate setting has changed considerably over time (c). Since the existing landscape immediately surrounding this structure has little remaining integrity, the new accessibility solution has the latitude to integrate a broad program including site orientation, circulation, interpretation, and maintenance.

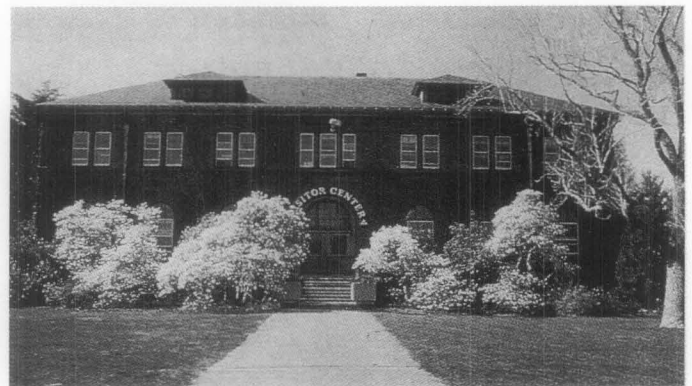
The new design, which has few ornamental plants, references the original planting design principles, with a strong emphasis on form, color, and texture. In contrast with the earlier designs, the new plantings were set away from the facade of this historic building,



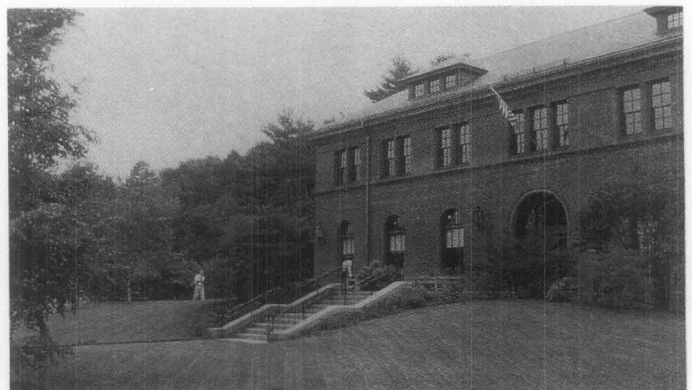
(a.) To improve accessibility in Boston's Emerald Necklace Parks, standard asphalt paving was replaced in selected areas with an imbedded aggregate surface that is more in keeping with the landscape's historic appearance. Photo: Charles Birnbaum.



(b.) The Friendly Garden at Ranchos Los Alamitos, a historic estate with designed gardens in southern California, was made accessible with limited widening of its existing approach path. Photo: Ranchos Los Alamitos Foundation.



(c.) Hunnewell Visitor's Center before rehabilitation, revealing the altered landscapes. Photo: Jennifer Jones, Carol R. Johnson and associates.



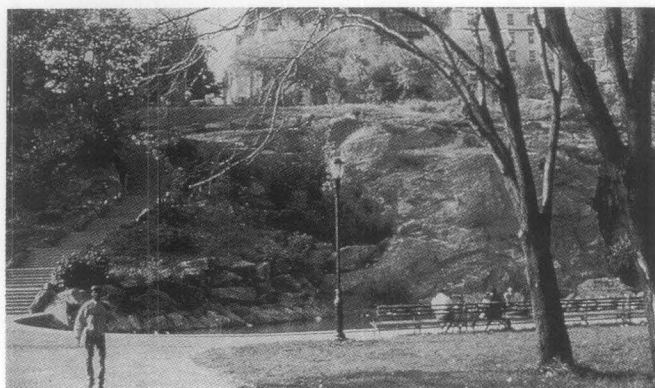
(d.) Hunnewell Visitors Center's entrance following rehabilitation, integrating an accessible path (left), platform, and new steps. Photo: Charles Birnbaum.

allowing the visitor to enjoy its architectural detail. A new walk winds up the gentle earthen berm and is vegetated with plantings that enhance the interpretive experience from the point of orientation (d). The new curvilinear walks also provide a connection to the larger arboretum landscape for everyone.

2. The Eugene O'Neill National Historic Site overlooks the San Ramon Valley, twenty-seven miles east of San Francisco, California. The thirteen-acre site includes a walled courtyard garden on the southeast side of the Tao House, which served as the O'Neill residence from 1937-44 (e). Within this courtyard are character-defining walks that are too narrow by today's accessibility standards, yet are a character-defining element of the historic design. To preserve the garden's integrity, the scale and the characteristics of the original circulation were maintained by creating a wheelchair route which, in part, utilizes reinforced turf. This route allows visitors with disabilities to experience the main courtyard as well.
3. Morningside Park in New York City, New York, designed by Frederick Olmstead, Sr., and Calvert Vaux in 1879, is sited on generally steep, rocky terrain (f). Respecting these dramatic grade changes, which are only accessible by extensive flights of stone stairs, physical access cannot be provided without destroying the park's integrity. In order to provide some accessibility, scenic overlooks were created that provide broad visual access to the park.



(e.) This view shows the new reinforced turf path at the Eugene O'Neill National Historic Site that preserved the narrow Historic Path. Photo: Patricia M. O'Donnell.



(f.) Steep terrain at Morningside Park in New York City cannot be made accessible without threatening or destroying this landscape's integrity. Photo: Quennell Rothschild Associates.



Figure 19. Inclined lifts can sometimes overcome interior changes of elevation where space is limited. This lift in Boston's Faneuil Hall created access to the floor and stage level of the State Room. Photo: Paul Holtz.

Considering a New Addition as an Accessibility Solution

Many new additions are constructed specifically to incorporate modern amenities such as elevators, restrooms, fire stairs, and new mechanical equipment. These new additions often create opportunities to incorporate access for people with disabilities. It may be possible, for example, to create an accessible entrance, path to public levels via a ramp, lift, or elevator (See Figure 23). However, a new addition has the potential to change a historic property's appearance and destroy significant building and landscape features. Thus, all new additions should be compatible with the size, scale, and proportions of historic features and materials that characterize a property (See Figure 24).

New additions should be carefully located to minimize connection points with the historic building, such that if the addition were to be removed in the future, the essential form and integrity of the building would remain intact. On the other hand, new additions should also be conveniently located near parking that is connected to an accessible route for people with disabilities. As new additions are incorporated, care should be taken to protect significant landscape features and archeological resources. Finally, the design for any new addition should be differentiated from the historic design so that the property's evolution over time is clear. New additions frequently make it possible to increase accessibility, while simultaneously reducing the level of change to historic features, materials, and spaces.

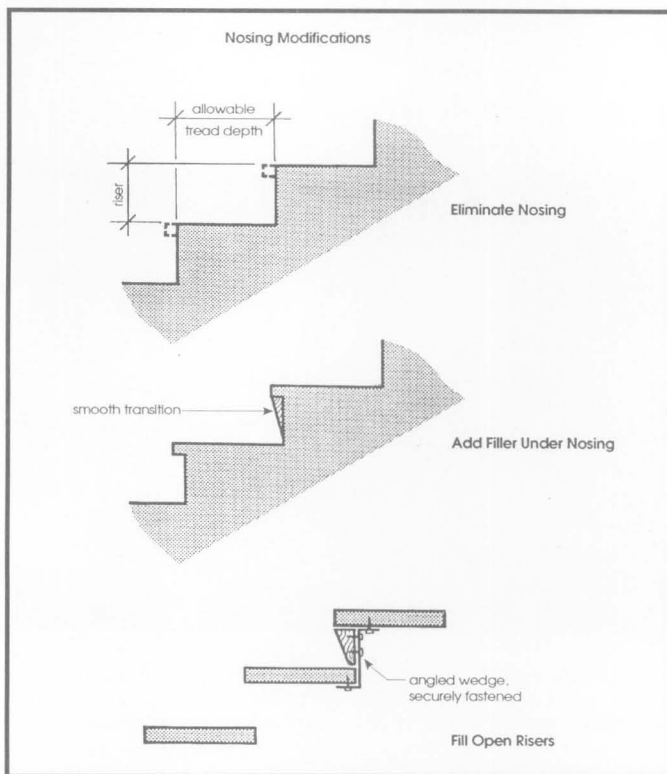


Figure 20. In certain situations it may be appropriate to modify stair nosings for persons with mobility impairments. Whenever possible, stairs should be modified by adding new materials rather than removing historic materials. Source: UFAS Retrofit Manual.

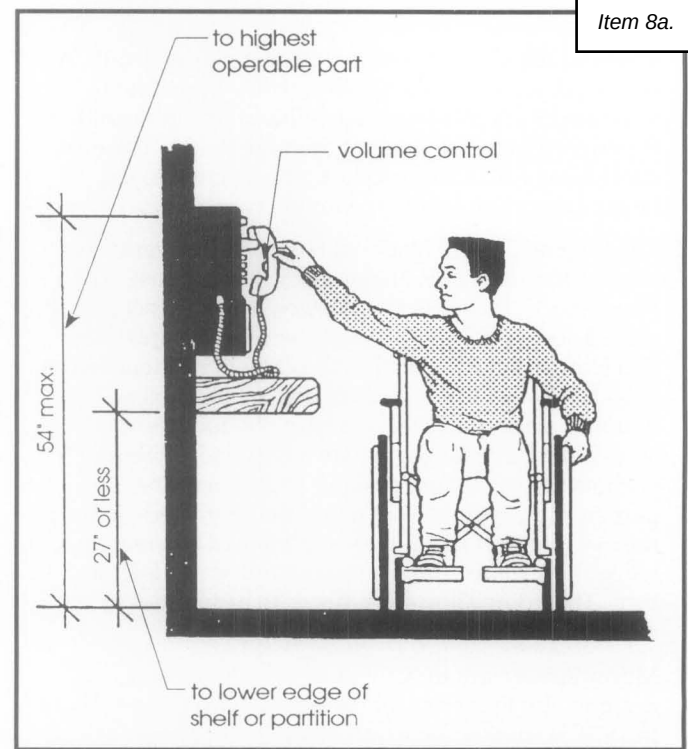
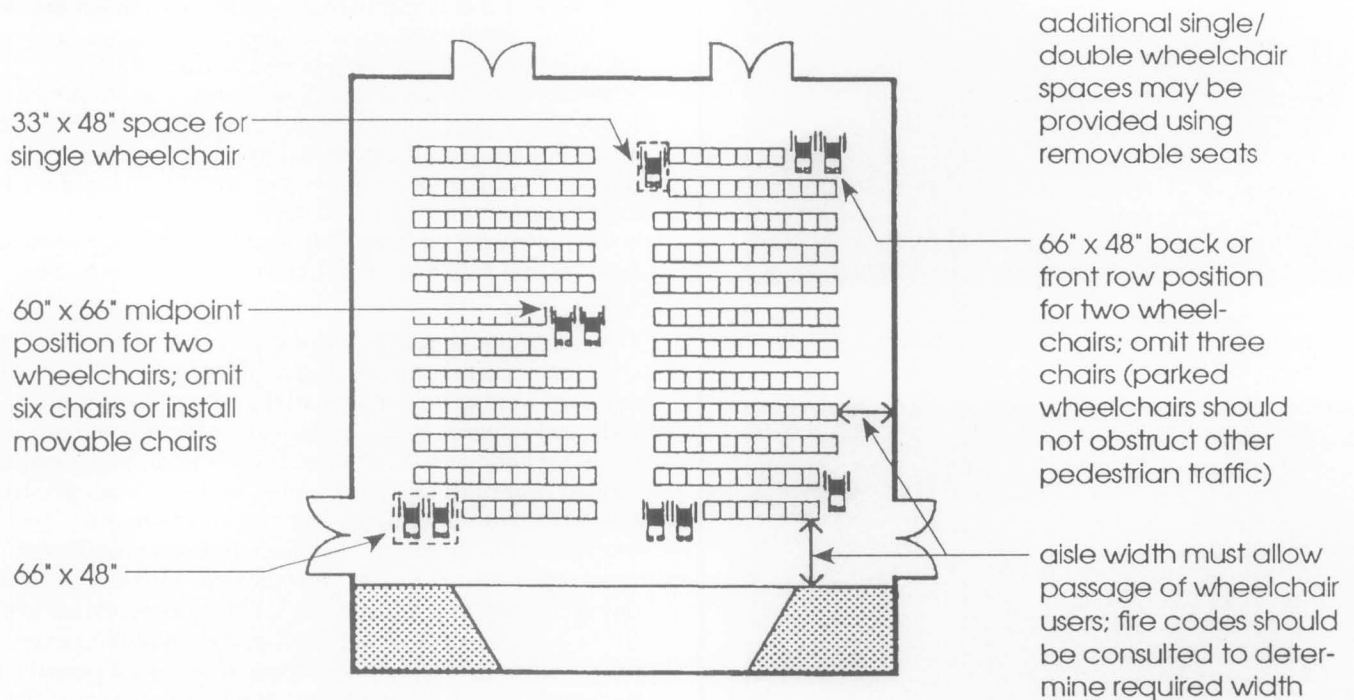


Figure 22. Amenities such as telephones should be at height that wheelchair users can reach. Changes to many amenities can be adapted with minimal effect on historic materials, features, and spaces. Source: UFAS Retrofit Manual.

Wheelchair Seating Dispersed Throughout Seating Area



Theater Style Seating

Figure 21. Seating in historic theaters and auditoriums can be changed to accommodate wheelchair users. Accessible seating areas should be connected by an accessible route from the building entrance. Source: UFAS Retrofit Manual.

Federal Accessibility Laws

Today, few building owners are exempt from providing accessibility for people with disabilities. Before making any accessibility modification, it is imperative to determine which laws and codes are applicable. In addition to local and State accessibility codes, the following federal accessibility laws are currently in effect:

Architectural Barriers Act (1968)

The Architectural Barriers Act stipulates that all buildings designed, constructed, and altered by the Federal Government, or with federal assistance, must be accessible. Changes made to federal buildings must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements.

Rehabilitation Act (1973)

The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering their building, by moving programs and activities to accessible spaces, or by making other accommodations.

Americans with Disabilities Act (1990)

Historic properties are not exempt from the Americans with Disabilities Act (ADA) requirements. To the greatest extent possible, historic buildings must be as accessible as non-historic buildings. However, it may not be possible for some historic properties to meet the general accessibility requirements.

Under Title II of the ADA, State and local governments must remove accessibility barriers either by shifting services and programs to accessible buildings, or by making alterations to existing buildings. For instance, a licensing office may be moved from a second floor to an accessible first floor space, or if this is not feasible, a mail service might be provided. However, State and local government facilities that have historic preservation as their main purpose—State-owned historic museums, historic State capitols that offer tours—must give priority to physical accessibility.

Under Title III of the ADA, owners of “public accommodations” (theaters, restaurants, retail shops, private museums) must make “readily achievable” changes; that is, changes that can be easily accomplished without much expense. This might mean installing a ramp, creating accessible parking, adding grab bars in bathrooms, or modifying door hardware. The requirement to remove barriers when it is “readily achievable” is an ongoing responsibility. When alterations, including restoration and rehabilitation work, are made, specific accessibility requirements are triggered.

Recognizing the national interest in preserving historic properties, Congress established alternative requirements for properties that cannot be made accessible without “threatening or destroying” their significance. A consultation process is outlined in the ADA’s Accessibility Guidelines for owners of historic properties who believe that making specific accessibility modifications would “threaten or destroy” the significance of their property. In these situations, after consulting with persons with disabilities and disability organizations, building owners should contact the State Historic Preservation Officer (SHPO) to determine if the special accessibility provisions for historic properties may be used. Further, if it is determined in consultation with the SHPO that compliance with the minimum requirements would also “threaten or destroy” the significance of the property, alternative methods of access, such as home delivery and audio-visual programs, may be used.

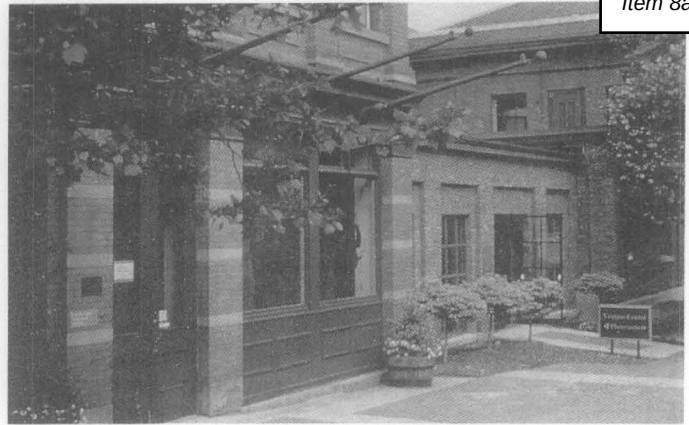


Figure 23. New additions to historic buildings can be designed to increase accessibility. A new addition links two adjacent buildings used for the Albany, New York, Visitor's Center, and incorporates an accessible entrance, restrooms, and signage. Photo: Clare Adams.

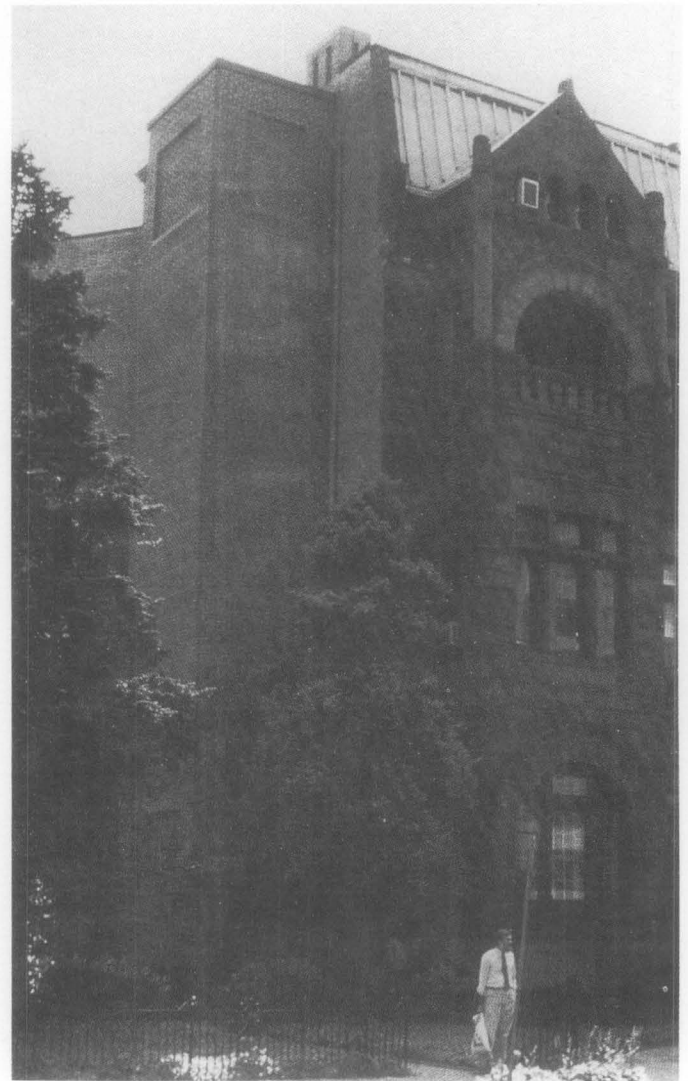


Figure 24. Creating an accessible entrance with a new elevator tower requires a compatible design. This elevator addition blends in with the historic building's materials and provides access to all public levels. Photo: Sharon Park.

Conclusion

Historic properties are irreplaceable and require special care to ensure their preservation for future generations. With the passage of the Americans with Disabilities Act, access to historic properties open to the public is a now civil right, and owners of historic properties must evaluate existing buildings and determine how they can be made more accessible. It is a challenge to evaluate properties thoroughly, to identify the applicable accessibility requirements, to explore alternatives and to implement solutions that provide independent access and are consistent with accepted historic preservation standards. Solutions for accessibility should not destroy a property's significant materials, features and spaces, but should increase accessibility as much as possible. Most historic buildings are not exempt from providing accessibility, and with careful planning, historic properties can be made more accessible, so that all citizens can enjoy our Nation's diverse heritage.



Photo: Massachusetts Historical Commission.

Acknowledgements

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Additional Reading

- Ballantyne, Duncan S. and Harold Russell Associates, Inc. *Accommodation of Disabled Visitors at Historic Sites in the National Park System*. Washington, D.C.: Park Historic Architecture Division, National Park Service, U.S. Department of the Interior, 1983.
- Goldman, Nancy. Ed. *Readily Achievable Checklist: A Survey for Accessibility*. Boston: Adaptive Environments Center, 1993.
- Hayward, Judith L. and Thomas C. Jester, compilers. *Accessibility and Historic Preservation Resource Guide*. Windsor, Vermont: Historic Windsor, Inc., 1992, revised 1993.
- Jester, Thomas C. *Preserving the Past and Making it Accessible for People with Disabilities*. Washington, D.C.: Preservation Assistance Division, National Park Service, U.S. Department of the Interior, 1992.
- Parrott, Charles. *Access to Historic Buildings for the Disabled*. Washington, D.C.: U.S. Department of the Interior, 1980.
- Secretary of the Interior's Standards for the Treatment of Historic Properties*. Washington, D.C.: Preservation Assistance Division, National Park Service, U.S. Department of the Interior, 1993.
- Smith, William D. and Tara Goodwin Frier. *Access to History: A Guide to Providing Access to Historic Buildings for People with Disabilities*. Boston: Massachusetts Historical Commission, 1989.
- Standards for Accessible Design: ADA Accessibility Guidelines (ADAAG)*. Washington, D.C.: U.S. Department of Justice, 1991.

Commission; Milford Wayne Donaldson, FAIA; Paul Beatty, U.S. Architectural and Transportation Barriers Compliance Board; Mid-Atlantic Regional Office, National Park Service; Western Regional Office, National Park Service.

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[Home](#) > [How to Preserve](#) > [Preservation Briefs](#) > 32 Accessibility

Preservation Briefs

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PRESERVATION BRIEFS

32 Making Historic Properties Accessible

Thomas C. Jester and Sharon C. Park, AIA

- Planning Accessibility Modifications
- Accessibility Solutions
- Consider an Addition for Accessibility
- Making Historic Landscapes Accessible
- Federal Accessibility Laws
- Summary and References
- Reading List

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Accessible historic building.
Photo: NPS files.

Historically, most buildings and landscapes were not designed to be readily accessible for people with disabilities. In recent years, however, emphasis has been placed on preserving historically significant properties, and on making these properties- and the activities within them-more accessible to people with disabilities. With the passage of the Americans with Disabilities Act in 1990, access to properties open to the public is now a civil right.



A significant entrance may be difficult to modify. Although a special challenge, sensitive changes can almost always be made to provide access while preserving the unique historic character. Photo: NPS files.

This Preservation Brief introduces the complex issue of providing accessibility at historic properties, and underscores the need to balance accessibility and historic preservation. It provides guidance on making historic properties accessible while preserving their historic character; the Brief also provides examples to show that independent physical accessibility at historic properties can be achieved with careful planning, consultation, and sensitive design. While the Brief focuses primarily on making buildings and their sites accessible, it also includes a section on historic landscapes. The Brief will assist historic property owners, design professionals, and administrators in evaluating their historic properties so that the highest level of accessibility can be provided while minimizing changes to historic materials and features. Because many projects encompassing accessibility work are complex, it is advisable to consult with experts in the fields of historic preservation and accessibility before proceeding with permanent physical changes to historic properties.

Modifications to historic properties to increase accessibility may be as simple as a small, inexpensive ramp to overcome one entrance step, or may involve changes to exterior and interior features. The Brief does not provide a detailed explanation of local or State accessibility laws as they vary from jurisdiction to jurisdiction. A concise explanation of several federal

accessibility laws is included below.

Planning Accessibility Modifications [return to top ▲](#)

Historic properties are distinguished by features, materials, spaces, and spatial relationships that contribute to their historic character. Often these elements, such as steep terrain, monumental steps, narrow or heavy doors, decorative ornamental hardware, and narrow pathways and corridors, pose barriers to persons with disabilities, particularly to wheelchair users.

A three-step approach is recommended to identify and implement accessibility modifications that will protect the integrity and historic character of historic properties:

1. Review the historical significance of the property and identify character-defining features;
2. Assess the property's existing and required level of accessibility; and
3. Evaluate accessibility options within a preservation context.

1. Review the Historical Significance

If the property has been designated as historic (properties that are listed in, or eligible for listing in the National Register of Historic Places, or designated under State or local law), the property's nomination file should be reviewed to learn about its significance. Local preservation commissions and State Historic Preservation Offices can usually provide copies of the nomination file and are also resources for additional information and assistance. Review of the written documentation should always be supplemented with a physical investigation to identify which character defining features and spaces must be protected whenever any changes are anticipated. If the level of documentation for a property's significance is limited, it may be necessary to have a preservation professional identify specific historic features, materials, and spaces that should be protected.

For most historic properties, the construction materials, the form and style of the property, the principal elevations, the major architectural or landscape features, and the principal public spaces constitute some of the elements that should be preserved. Every effort should be made to minimize damage to the materials and features that convey a property's historical significance when making modifications for accessibility. Very small or highly significant properties that have never been altered may be extremely difficult to modify.

Secondary spaces and finishes and features that may be less important to the historic character should also be identified; these may generally be altered without jeopardizing the historical significance of a property. Nonsignificant spaces, secondary pathways, later additions, previously altered areas, utilitarian spaces, and service areas can usually be modified without threatening or destroying a property's historical significance.

2. Assess the Property's Existing and Required Level of Accessibility

A building survey or assessment will provide a thorough evaluation of a property's accessibility. Most surveys identify accessibility barriers in the following areas: building and site entrances; surface textures, widths and slopes of walkways; parking; grade changes; size, weight and configuration of doorways; interior corridors and path of travel restrictions; elevators; and public toilets and amenities. Simple audits can be completed by property owners using readily available checklists (See Further Reading). Accessibility specialists can be hired to assess barriers in more complex properties, especially those with multiple buildings, steep terrain, or interpretive programs. Persons with disabilities can be particularly helpful in assessing specific barriers.

All applicable accessibility requirements—local codes, State codes and federal laws—should be reviewed carefully before undertaking any accessibility modification. Since many States and localities have their own accessibility regulations and codes (each with their own requirements for dimensions and technical requirements), owners should use the most stringent accessibility requirements when implementing modifications. The Americans with Disability Act Accessibility Guidelines (ADAAG) is the document that should be consulted when complying with the Americans with Disabilities Act (ADA) requirements.

3. Identify and Evaluate Accessibility Options within a Preservation Context

Once a property's significant materials and features have been identified, and existing and required levels of accessibility have been established, solutions can be developed. Solutions should provide the greatest amount of accessibility without threatening or destroying those materials and features that make a property significant. Modifications may usually be phased over time as funds are available, and interim solutions can be considered until more permanent solutions are implemented. A team comprised of persons with disabilities, accessibility and historic preservation professionals, and building inspectors should be consulted as accessibility solutions are developed.

Modifications to improve accessibility should generally be based on the following priorities:

1. Making the main or a prominent public entrance and primary public spaces accessible, including a path to the entrance;



This accessibility ramp is compatible with the historic building in scale and materials. Photo: William Smith.

- 2. Providing access to goods, services, and programs;
- 3. Providing accessible restroom facilities; and,
- 4. Creating access to amenities and secondary spaces.



The ramp's scale and materials are inconsistent with the historic character of the building. Photo: NPS files.

All proposed changes should be evaluated for conformance with the Secretary of the Interior's "Standards for the Treatment of Historic Properties," which were created for property owners to guide preservation work. These Standards stress the importance of retaining and protecting the materials and features that convey a property's historical significance. Thus, when new features are incorporated for accessibility, historic materials and features should be retained whenever possible. Accessibility modifications should be in scale with the historic property, visually compatible, and, whenever possible, reversible. Reversible means that if the new feature were removed at a later date, the essential form and integrity of the property would be unimpaired. The design of new features should also be differentiated from the design of the historic property so that the evolution of the property is evident.

In general, when historic properties are altered, they should be made as accessible as possible. However, if an owner or a project team believes that certain modifications would threaten or destroy the significance of the property, the State Historic Preservation Officer should be consulted to determine whether or not any special accessibility provisions may be used. Special accessibility provisions for historic properties will vary depending on the applicable accessibility requirements.

In some cases, programmatic access may be the only option for extremely small or unaltered historic properties, such as a two-story house museum with no internal elevator. Programmatic access for historic properties refers to alternative methods of providing services, information, and experiences when physical access cannot be provided. It may mean offering an audio-visual program showing an inaccessible upper floor of a historic house museum, providing interpretive panels from a vista at an inaccessible terraced garden, or creating a tactile model of a historic monument for people with visual impairments.

Accessibility Solutions [return to top ▲](#)

The goal in selecting appropriate solutions for specific historic properties is to provide a high level of accessibility without compromising significant features or the overall character of the property. The following sections describe accessibility solutions and offer guidance on specific historic property components, namely the building site, entrances, interiors, landscapes, amenities, and new additions. Several solutions are discussed in each section, referencing dimensions and technical requirements from the ADA's accessibility guidelines, ADAAG. State and local requirements, however, may differ from the ADA requirements. Before making any modification owners should be aware of all applicable accessibility requirements.

The Building Site

An accessible route from a parking lot, sidewalk, and public street to the entrance of a historic building or facility is essential. An accessible route, to the maximum extent possible, should be the circulation route used by the general public. Critical elements of accessible routes are their widths, slopes, cross slopes, and surface texture. Each of these route elements must be appropriately designed so that the route can be used by everyone, including people with disabilities.



The significant building site is now accessible to people with disabilities (note steps in front of ramp). Photo: NPS files.

The distance between the arrival and destination points should also be as short as possible. Sites containing designed landscapes should be carefully evaluated before making accessibility modifications. Historic landscapes are described in greater detail below.

Providing Convenient Parking

If parking is provided, it should be as convenient as possible for people with disabilities. Specially designated parking can often be created to improve accessibility. Modifications to parking configurations and pathways should not alter significant landscape features.

Creating an Accessible Route

The route or path through a site to a historic building's entrance should be wide enough, generally at least 3 feet (91 cm), to accommodate visitors with disabilities and must be appropriately graded with a stable, firm, and slip-resistant surface. Existing paths should be modified to meet these requirements whenever possible as long as doing so would not threaten or destroy significant materials and features.

Existing surfaces can often be stabilized by providing a new base and resetting the paving materials, or by modifying the path surface. In some situations it may be appropriate to create a new path through an inaccessible area. At large properties, it may be

possible to regrade a slope to less than 1:20 (5%), or to introduce one or more carefully planned ramps. Clear directional signs should mark the path from arrival to destination.

Entrances



The historic threshold was made accessible with a 1/2" wood bevel. Photo: NPS files.

Whenever possible, access to historic buildings should be through a primary public entrance. In historic buildings, if this cannot be achieved without permanent damage to character-defining features, at least one entrance used by the public should be made accessible. If the accessible entrance is not the primary public entrance, directional signs should direct visitors to the accessible entrance. A rear or service entrance should be avoided as the only mean of entering a building.

Creating an accessible entrance usually involves overcoming a change in elevation. Steps, landings, doors, and thresholds, all part of the entrance, often pose barriers for persons with disabilities. To preserve the integrity of these features, a number of solutions are available to increase accessibility. Typical solutions include regrading, incorporating ramps, installing wheelchair lifts, creating new entrances, and modifying doors, hardware, and thresholds.

Regrading an Entrance

In some cases, when the entrance steps and landscape features are not highly significant, it may be possible to regrade to provide a smooth entrance into a building. If the existing steps are historic masonry, they should be buried, whenever possible, and not removed.

Incorporating Ramps

Permanent ramps are perhaps the most common means to make an entrance accessible. As a new feature, ramps should be carefully designed and appropriately located to preserve a property's historic character.

Ramps should be located at public entrances used by everyone whenever possible, preferably where there is minimal change in grade. Ramps should also be located to minimize the loss of historic features at the connection points—porch railings, steps, and windows—and should preserve the overall historic setting and character of the property. Larger buildings may have below grade areas that can accommodate a ramp down to an entrance. Below grade entrances can be considered if the ramp leads to a publicly used interior, such as an auditorium, or if the building is serviced by a public elevator. Ramps can often be incorporated behind historic features, such as cheek-walls or railings, to minimize the visual effect.



A new elevator entrance was provided next to the stairs to provide universal access to the services inside. Photo: Courtesy, GSA.

The steepest allowable slope for a ramp is usually 1:12 (8%), but gentler slopes should be used whenever possible to accommodate people with limited strength. Greater changes in elevation require larger and longer ramps to meet accessibility scoping provisions and may require an intermediate landing. Most codes allow a slightly steeper ramp for historic buildings to overcome one step.

Ramps can be faced with a variety of materials, including wood, brick, and stone. Often the type and quality of the materials determines how compatible a ramp design will be with a historic property. Unpainted pressure-treated wood should not be used to construct ramps because it usually appears temporary and is not visually compatible with most historic properties.

Railings should be simple in design, distinguishable from other historic features, and should extend one foot beyond the sloped area.

Ramp landings must be large enough for wheelchair users, usually at least 5 feet by 5 feet (152.5 cm by 152.5 cm), and the top landing must be at the level of the door threshold. It may be possible to reset steps by creating a ramp to accommodate minor level changes and to meet the threshold without significantly altering a property's historic character. If a building's existing landing is not wide or deep enough to accommodate a ramp, it may be necessary to modify the entry to create a wider landing. Long ramps, such as switchbacks, require intermediate landings, and all ramps should be detailed with an appropriate edge and railing for wheelchair users and visually impaired individuals.

Temporary or portable ramps are usually constructed of light-weight materials and, thus, are rarely safe or visually compatible with historic properties. Moreover, portable ramps are often stored until needed and, therefore, do not meet accessibility requirements for independent access. Temporary and portable ramps, however, may be an acceptable interim solution to improve accessibility until a permanent solution can be implemented.

Installing Wheelchair Lifts

Platform lifts and inclined stair lifts, both of which accommodate only one person, can be used to overcome changes of elevation ranging from three to 10 feet (.9 m-3 m) in height. However, many States have restrictions on the use of wheelchair lifts, so all applicable codes should be reviewed carefully before installing one. Inclined stair lifts, which carry a wheelchair on a platform up a flight of stairs, may be employed selectively. They tend to be visually intrusive, although they are relatively reversible. Platform

can be used when there is inadequate space for a ramp. However, such lifts should be installed in unobtrusive locations and unobtrusive cover to minimize maintenance if at all possible. A similar, but more expensive platform lift has a retracting railing that lowers the ground, minimizing the visual effect to historic properties. Mechanical lifts have drawbacks at historic properties with high public visitation because their capacity is limited, they sometimes cannot be operated independently, and they require frequent maintenance.

Considering a New Entrance

When it is not possible to modify an existing entrance, it may be possible to develop a new entrance by creating an entirely new opening in an appropriate location, or by using a secondary window for an opening. This solution should only be considered after exhausting all possibilities for modifying existing entrances.

Retrofitting Doors

Historic doors generally should not be replaced, nor should door frames on the primary elevation be widened, as this may alter an important feature of a historic design. However, if a building's historic doors have been removed, there may be greater latitude in designing a compatible new entrance. Most accessibility standards require at least a 32" (82 cm) clear opening with manageable door opening pressures. The most desirable preservation solution to improve accessibility is retaining historic doors and upgrading the door pressure with one of several devices. Automatic door openers (operated by push buttons, mats, or electronic eyes) and power-assisted door openers can eliminate or reduce door pressures that are accessibility barriers, and make single or double-leaf doors fully operational.

Adapting Door Hardware

If a door opening is within an inch or two of meeting the 32" (81 cm) clear opening requirement, it may be possible to replace the standard hinges with off-set hinges to increase the size of the door opening as much as 1 1/8" (3.8 cm). Historic hardware can be retained in place, or adapted with the addition of an automatic opener, of which there are several types. Door hardware can also be retrofitted to reduce door pressures. For example, friction hinges can be retrofitted with ball-bearing inserts, and door closers can be rethreaded to reduce the door pressure.

Altering Door Thresholds

A door threshold that exceeds the allowable height, generally 1/2" (1.3 cm), can be altered or removed with one that meets applicable accessibility requirements. If the threshold is deemed to be significant, a bevel can be added on each side to reduce its height. Another solution is to replace the threshold with one that meets applicable accessibility requirements and is visually compatible with the historic entrance.



This door handle has been retrofitted to meet ADA requirements. Photo: NPS files.

Readily Achievable Accessibility Options

Many accessibility solutions can be implemented easily and inexpensively without destroying the significance of historic properties. While it may not be possible to undertake all of the modifications listed below, each change will improve accessibility.

Sites and Entrances

- Creating a designated parking space.
- Installing ramps.
- Making curb cuts.

Interiors

- Repositioning shelves.
- Rearranging tables, displays, and furniture.
- Repositioning telephones.
- Adding raised markings on elevator control buttons.
- Installing flashing alarm lights.
- Installing offset hinges to widen doorways.
- Installing or adding accessible door hardware.
- Adding an accessible water fountain, or providing a paper cup dispenser at an inaccessible water fountain.

Restrooms

- Installing grab bars in toilet stalls.
- Rearranging toilet partitions to increase maneuvering space.

- Insulating lavatory pipes under sinks to prevent burns.
- Installing a higher toilet seat.
- Installing a full-length bathroom mirror.
- Repositioning the paper towel dispenser.



A retractable lift for this historic building foyer was created using "like" materials. Photo: NPS files.

Moving Through Historic Interiors

Persons with disabilities should have independent access to all public areas and facilities inside historic buildings. The extent to which a historic interior can be modified depends on the significance of its materials, plan, spaces, features, and finishes. Primary spaces are often more difficult to modify without changing their character. Secondary spaces may generally be changed without compromising a building's historic character. Signs should clearly mark the route to accessible restrooms, telephones, and other accessible areas.

Installing Ramps and Wheelchair Lifts

If space permits, ramps and wheelchair lifts can also be used to increase accessibility inside buildings. However, some States and localities restrict interior uses of wheelchair lifts for life-safety reasons. Care should be taken to install these new features where they can be readily accessed. Ramps and wheelchair lifts are described below.

Upgrading Elevators

Elevators are an efficient means of providing accessibility between floors. Some buildings have existing historic elevators that are not adequately accessible for persons with disabilities because of their size, location, or detailing, but they may also contribute to the historical significance of a building. Significant historic elevators can usually be upgraded to improve accessibility. Control panels can be modified with a "wand" on a cord to make the control panel accessible, and timing devices can usually be adjusted.

Retrofitting Door Knobs

Historic door knobs and other hardware may be difficult to grip and turn. In recent years, lever-handles have been developed to replace door knobs. Other lever-handle devices can be added to existing hardware. If it is not possible or appropriate to retrofit existing door knobs, doors can be left open during operating hours (unless doing so would violate life safety codes), and power-assisted door openers can be installed. It may only be necessary to retrofit specific doorknobs to create an accessible path of travel and accessible restrooms.

Modifying Interior Stairs

Stairs are the primary barriers for many people with disabilities. However, there are some ways to modify stairs to assist people who are able to navigate them. It may be appropriate to add hand railings if none exist. Railings should be 1 ½" (3.8 cm) in diameter and return to the wall so straps and bags do not catch. Color-contrasting, slip-resistant strips will help people with visual impairments. Finally, beveled or closed risers are recommended unless the stairs are highly significant, because open risers catch feet.

Building Amenities

Some amenities in historic buildings, such as restrooms, seating, telephones, drinking fountains, counters, may contribute to a building's historic character. They will often require modification to improve their use by persons with disabilities. In many cases, supplementing existing amenities, rather than changing or removing them, will increase access and minimize changes to historic features and materials.

Upgrading Restrooms

Restrooms may have historic fixtures such as sinks, urinals, or marble partitions that can be retained in the process of making modifications. For example, larger restrooms can sometimes be reconfigured by relocating or combining partitions to create an accessible toilet stall. Other changes to consider are adding grab bars around toilets, covering hot water pipes under sinks with insulation to prevent burns, and providing a sink, mirror, and paper dispenser at a height suitable for wheelchair users. A unisex restroom may be created if it is technically infeasible to create two fully accessible restrooms, or if doing so would threaten or destroy the significance of the building. It is important to remember that restroom fixtures, such as sinks, urinals, and partitions, may be historic, and therefore, should be preserved whenever possible.

Modifying Other Amenities

Other amenities inside historic buildings may require modification. Seating in a theater, for example, can be made accessible by removing some seats in several areas. New seating that is accessible can also be added at the end of existing rows, either with or without a level floor surface. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users. Historic water fountains can be retained and new, two-tiered fountains installed if space permits. If public telephones are provided, it may be necessary to install at least a Text Telephone (TT), also known as a Telecommunicator.

Device for the Deaf (TDD. Historic service counters commonly found in banks, theaters, and hotels generally should not be altered. It is preferable to add an accessible counter on the end of a historic counter if feasible. Modified or new counters should not exceed 36" (91.5 cm) in height.

Considering a New Addition as an Accessibility Solution [return to top ▲](#)

Many new additions are constructed specifically to incorporate modern amenities such as elevators, restrooms, fire stairs, and new mechanical equipment. These new additions often create opportunities to incorporate access for people with disabilities. It may be possible, for example, to create an accessible entrance, path to public levels via a ramp, lift, or elevator. However, a new addition has the potential to change a historic property's appearance and destroy significant building and landscape features. Thus, all new additions should be compatible with the size, scale, and proportions of historic features and materials that characterize a property.

New additions should be carefully located to minimize connection points with the historic building, such that if the addition were to be removed in the future, the essential form and integrity of the building would remain intact. On the other hand, new additions should also be conveniently located near parking that is connected to an accessible route for people with disabilities. As new additions are incorporated, care should be taken to protect significant landscape features and archeological resources. Finally, the design for any new addition should be differentiated from the historic design so that the property's evolution over time is clear. New additions frequently make it possible to increase accessibility, while simultaneously reducing the level of change to historic features, materials, and spaces.

Making Historic Landscapes Accessible [return to top ▲](#)

To successfully incorporate access into historic landscapes, the planning process is similar to that of other historic properties. Careful research and inventory should be undertaken to determine which materials and features convey the landscape's historical significance. As part of this evaluation, those features that are character-defining (topographical variation, vegetation, circulation, structures, furnishings, objects) should be identified. Historic finishes, details, and materials that also contribute to a landscape's significance should also be documented and evaluated prior to determining an approach to landscape accessibility. For example, aspects of the pedestrian circulation system that need to be understood include walk width, aggregate size, pavement pattern, texture, relief, and joint details. The context of the walk should be understood including its edges and surrounding area. Modifications to surface textures or widths of pathways can often be made with minimal effect on significant landscape features.

Additionally, areas of secondary importance such as altered paths should be identified-especially those where the accessibility modifications will not destroy a landscape's significance. By identifying those features that are contributing or non-contributing, a sympathetic circulation experience can then be developed.

After assessing a landscape's integrity, accessibility solutions can be considered. Full access throughout a historic landscape may not always be possible. Generally, it is easier to provide accessibility to larger, more open sites where there is a greater variety of public experiences. However, when a landscape is uniformly steep, it may only be possible to make discrete portions of a historic landscape accessible, and viewers may only be able to experience the landscape from selected vantage points along a prescribed pedestrian or vehicular access route. When defining such a route, the interpretive value of the user experience should be considered; in other words, does the route provide physical or visual access to those areas that are critical to understand the meaning of the landscape?

Federal Accessibility Laws [return to top ▲](#)



The automatic door to this museum building is a practical solution for

Today, few building owners are exempt from providing accessibility for people with disabilities. Before making any accessibility modification, it is imperative to determine which laws and codes are applicable. In addition to local and State accessibility codes, the following federal accessibility laws are currently in effect:

Architectural Barriers Act (1968)

The Architectural Barriers Act stipulates that all buildings designed, constructed, and altered by the Federal Government, or with federal assistance, must be accessible. Changes made to federal buildings must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements.

Rehabilitation Act (1973)

The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering their building, by moving programs and activities to accessible spaces, or by making other accommodations.

universal entry. Photo: NPS files.

Americans with Disabilities Act (1990)

Item 8a.

Historic properties are not exempt from the Americans with Disabilities Act (ADA) requirements. To the greatest extent possible, historic buildings must be as accessible as non-historic buildings. However, it may not be possible for some historic properties to meet the general accessibility requirements.

Under Title II of the ADA, State and local governments must remove accessibility barriers either by shifting services and programs to accessible buildings, or by making alterations to existing buildings. For instance, a licensing office may be moved from a second floor to an accessible first floor space, or if this is not feasible, a mail service might be provided. However, State and local government facilities that have historic preservation as their main purpose-State-owned historic museums, historic State capitols that offer tours-must give priority to physical accessibility.

Under Title III of the ADA, owners of "public accommodations" (theaters, restaurants, retail shops, private museums) must make "readily achievable" changes; that is, changes that can be easily accomplished without much expense. This might mean installing a ramp, creating accessible parking, adding grab bars in bathrooms, or modifying door hardware. The requirement to remove barriers when it is "readily achievable" is an ongoing responsibility. When alterations, including restoration and rehabilitation work, are made, specific accessibility requirements are triggered.

Recognizing the national interest in preserving historic properties, Congress established alternative requirements for properties that cannot be made accessible without "threatening or destroying" their significance. A consultation process is outlined in the ADA's Accessibility Guidelines for owners of historic properties who believe that making specific accessibility modifications would "threaten or destroy" the significance of their property. In these situations, after consulting with persons with disabilities and disability organizations, building owners should contact the State Historic Preservation Officer (SHPO) to determine if the special accessibility provisions for historic properties may be used. Further, if it is determined in consultation with the SHPO that compliance with the minimum requirements would also "threaten or destroy" the significance of the property, alternative methods of access, such as home delivery and audio-visual programs, may be used.

Summary and References [return to top ▲](#)

Historic properties are irreplaceable and require special care to ensure their preservation for future generations. With the passage of the Americans with Disabilities Act, access to historic properties open to the public is a now civil right, and owners of historic properties must evaluate existing buildings and determine how they can be made more accessible. It is a challenge to evaluate properties thoroughly, to identify the applicable accessibility requirements, to explore alternatives and to implement solutions that provide independent access and are consistent with accepted historic preservation standards. Solutions for accessibility should not destroy a property's significant materials, features and spaces, but should increase accessibility as much as possible. Most historic buildings are not exempt from providing accessibility, and with careful planning, historic properties can be made more accessible, so that all citizens can enjoy our Nation's diverse heritage.

Acknowledgements

Thomas C. Jester is an Architectural Historian with the Preservation Assistance Division of the National Park Service. **Sharon C. Park**, AIA, is the Senior Historical Architect with the Preservation Assistance Division, National Park Service.

The authors wish to thank Charles A. Birnbaum, ASLA, Historical Landscape Architect with the Preservation Assistance Division, National Park Service, for contributing the section on historic landscapes. The authors gratefully acknowledge the invaluable comments made by the following individuals who reviewed the draft manuscript: William Smith, Massachusetts Historical Commission; Kay Weeks, H. Ward Jandl, Michael Auer, and Charles A. Birnbaum, Preservation Assistance Division, National Park Service; Clare Adams, New York Department of Parks, Recreation and Historic Preservation; Lauren Bowlin, Maryland Historical Trust; Tom Mayes, National Trust for Historic Preservation; Elizabeth Igleheart, Maine Historic Preservation Commission; Milford Wayne Donaldson, FAIA; Paul Beatty, U.S. Architectural and Transportation Barriers Compliance Board; Mid-Atlantic Regional Office, National Park Service; Western Regional Office, National Park Service.

This publication has been prepared pursuant to the National Historic Preservation Act of 1966, as amended, which directs the Secretary of the Interior to develop and make available information concerning historic properties. Technical Preservation Services (TPS), National Park Service prepares standards, guidelines, and other educational materials on responsible historic preservation treatments for a broad public.

September 1993

Reading List [return to top ▲](#)

Ballantyne, Duncan S. and Harold Russell Associates, Inc. *Accommodation of Disabled Visitors at Historic Sites in the National Park System*. Washington, D.C.: Park Historic Architecture Division, National Park Service, U.S. Department of the Interior, 1983.

Page 75

Goldman, Nancy. Ed. *Readily Achievable Checklist: A Survey for Accessibility*. Boston: Adaptive Environments Center, 1993.

Hayward, Judith L. and Thomas C. Jester, compilers. *Accessibility and Historic Preservation Resource Guide*. Windsor, Vermont: Historic Windsor, Inc., 1992, revised 1993.

Jester, Thomas C. *Preserving the Past and Making it Accessible for People with Disabilities*. Washington, D.C.: Preservation Assistance Division, National Park Service, U.S. Department of the Interior, 1992.

Parrott, Charles. *Access to Historic Buildings for the Disabled*. Washington, D.C.: U.S. Department of the Interior, 1980.

Secretary of the Interior's Standards for the Treatment of Historic Properties. Washington, D.C.: Preservation Assistance Division, National Park Service, U.S. Department of the Interior, 1993.

Smith, William D. and Tara Goodwin Frier. *Access to History: A Guide to Providing Access to Historic Buildings for People with Disabilities*. Boston: Massachusetts Historical Commission, 1989.

Standards for Accessible Design: ADA Accessibility Guidelines (ADAAG). Washington, D.C.: U.S. Department of Justice, 1991.



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CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # AP 64UA 21-00052 (File #) HR-21-00020 DATE: 12/16/2021
NAME: Bogdan Smolnets TELEPHONE #: 503-504-6754
ADDRESS: 15730 SE Bybee DR Portland OR 97236
ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:
1020 5th Street Oregon City, OR 97045
SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 12/02/21 For File #:

The undersigned hereby appeal(s) the decision of the Historic Review Board

concerning the subject case. The decision to approve _____ deny _____ the application was made at the meeting held on November 30th.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

Historic review board decision does not meet the owners family medical care needs also the applicable Federal ADA Standards and Federal ADA law. ADA Act, 42 U.S.C § 12182 et seq. (ADA) Mobility impairments requiring the use of a wheel chair.

FILING FEE PAID: _____ DATE PAID: _____ RECEIPT NO.: _____

[Signature]
Property Owner Signature

5835 SW Hamilton St. Portland, OR 97221
Address

Property Owner Signature

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature

Address

____ Contract Purchaser

____ Lessee

____ Prospective Purchaser

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: January 26, 2022
 TO: Oregon City City Commission
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association
 RE: AP-21-00006
 1020 5th Street

As has been the case with all submittals on the subject development, the applicant has provided little to no detail to afford adequate review.

The application - in its entirety - states:

“The Historic Review Board decision does not meet the owner’s family medical care needs, also the applicable Federal ADA standards and applicable Federal ADA Law ADA Act 42 USC &12182 et seq (ADA) mobility impairment requirement use of wheelchair.”

U.S. Code Title 42—THE PUBLIC HEALTH AND WELFARE is the overarching title which encompasses Chapter 126 regarding disabilities.

§12182. Prohibition of discrimination by public accommodations

This section addresses access to public spaces and does not apply to the private residence under review.

The “family medical care needs” are not described. The applicant has not even made the effort to cite the relevant chapter of the US Code, and refers to one section that is inapplicable. No analysis or argument beyond the above citations has been provided. The applicant has repeatedly failed to consider feasible alternatives to the ramp or provide cost comparisons. Once again, the applicant’s submittal is incomplete for review.

Thank you for your consideration.



TYPE III – HISTORIC REVIEW

NOTICE OF DECISION

December 1, 2021

FILE NO.: GLUA 21-00052 / HR-21-00020
Modification of HR 20-00001

1st HEARING DATE: September 28,- 2021
7:00 p.m. – Commission Chambers, Libke Public Safety Building
1234 Linn Ave
Oregon, City, Oregon 97045

APPLICANT: Bogdan Smolinetz
NW Custom Homes Inc.
15730 SE Bybee Rd
Portland, OR 97236

OWNER: Teresa Yip
5835 SW Hamilton St
Portland, OR 97221

LOCATION: 1020 5th Street
Oregon City, OR 97045
Clackamas County Map 2-2E-31DA-10900

REQUEST: Exterior modifications to HR 20-01 including but not limited to the inclusion of an ADA ramp and change in final foundation height for a new live/work building in the McLoughlin Conservation District.

DECISION: On November 30, 2021, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted 4-0 to approve the proposal with conditions. The Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Number HR 21-20. The complete record for the Historic Review Board decision is on file at the Planning Division.

Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. The process for these land use decisions is controlled by ORS 197.763 and identified in OCMC 17.50. The decision of the Historic Review Board is appealable to the City Commission within fourteen days of the issuance of the final decision. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing. Any appeal will be based on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The City Commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Additional Findings by the Historic Review Board

During the deliberation of this application, the Board found that the applicant failed to provide an adequate alternatives analysis to demonstrate that the larger ramp that access the rear of the building was the only feasible option. The Board also found that the applicant failed to provide sufficient findings to demonstrate that the design was compatible with the district. They additionally found that the larger rear access ramp design further erodes the foursquare architectural design of the building by lengthening the massing 19 additional feet.

Conditions of Approval

HR 21-20

These conditions modify but do not replace the conditions found in HR 20-01. The applicant shall continue to reference both approvals as they finalize the building and ramp design.

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. The Applicant shall obtain all needed Building permits, any additional Geohazard Review, and Type I Site Plan and Design Review for the ADA ramp prior to construction. (B,P,DS)
2. The Historic Review Board does not approve the rear access ADA ramp as submitted. If the applicant wishes to further pursue this option, they should submit for a separate HRB review under a new application. (P)
3. The Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be found to be compatible with the massing and design of the approved structure and sufficiently mitigated, the following requirements apply:
 - a. The ADA ramp shall be revised to access the side door only.
 - b. The Applicant shall provide a plan to backfill the remainder of the side yard with rockery walls to the extent practicable and appropriate for a geohazard area and provide mitigation planting with the same type of plants proposed in the submitted landscape plan. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.
 - c. The smaller ADA ramp shall utilize the proposed enclosed lap siding design or a simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters.
 - d. The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.
 - e. The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.
 - f. The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.
 - g. No exposed pressure-treated wood is allowed.
 - h. All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.
 - i. The HRB encourages the Applicant to work with the Building Division to design an internal ADA access to the upper floors. (B,P)

3. The following windows are approved by the Historic Review Board

- **Window 7** – an additional fixed square dormer window does not change the compatibility of the elevation- approved by Staff.
- **Window set 5** – Revised the window set was lowered to match the abutting window set after the front dormer was required to be removed from the final plans per HR 20-01 (P)

4. Proposed revisions to the side elevations included in the record for this application will continue to be reviewed and approved by Staff per HR 20-01 Conditions of Approval #4. All new windows not proposed in HR 20-01 shall be 1:1 hung windows or fixed/awning/casement square windows (P)



Historic Review
REVISED
Staff Report and Recommendation
November 23, 2021

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met or met with conditions in order to be approved. The Historic Review Board may choose to adopt the findings as recommended by Staff or alter any finding as determined appropriate.

FILE NO.: GLUA 21-00052 / HR-21-00020
Modification of HR 20-00001

1st HEARING DATE: September 28,- 2021
7:00 p.m. – Commission Chambers, Libke Public Safety Building
1234 Linn Ave
Oregon, City, Oregon 97045

APPLICANT: Bogdan Smolinets
NW Custom Homes Inc.
15730 SE Bybee Rd
Portland, OR 97236

OWNER: Teresa Yip
5835 SW Hamilton St
Portland, OR 97221

LOCATION: 1020 5th Street
Oregon City, OR 97045
Clackamas County Map 2-2E-31DA-10900

REQUEST: Exterior modifications to HR 20-01 including but not limited to the inclusion of an ADA ramp and change in final foundation height for a new live/work building in the McLoughlin Conservation District.

REVIEWER: Christina Robertson-Gardiner, AICP crobertson@orccity.org

RECOMMENDATION: If the Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be sufficiently mitigated through the proposed Conditions of Approval, Staff recommends that the Historic Review Board approve the ADA ramp to the side door only and backfill the remainder of the side yard with rockery walls and mitigation planting with the same type of plants proposed in the proposed landscape plan and approve the condition for the window revisions and encourage the Applicant to pursue ADA access internal to the structure.

Staff additionally recommends Approval with conditions of all proposed window revisions on the front elevation and rebuild the unpermitted side

CMU retaining wall to meet the material conditions approval of HR 20-01 (poured concrete, rear basalt veneer, natural rockery)

CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40, and "MUC" Mixed-Use Corridor District in Chapter 17.29 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing within fourteen (14) calendar days of the notice of decision. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290(C) must officially approve the request through a vote of its general membership or Board at a duly announced meeting prior to the filing of an appeal.

Recommended Conditions

If the Historic Review Board finds that the Applicant can comply with the applicable criteria, the following conditions of Approval apply.

(P) = Verify that condition of Approval has been met with the Planning Division.

(DS) = Verify that condition of Approval has been met with the Development Services Division.

(B) = Verify that condition of Approval has been met with the Building Division.

(F) = Verify that condition of Approval has been met with Clackamas Fire Department.

1. The Applicant shall obtain all needed Building permits, any additional Geohazard Review, and Type I Site Plan and Design Review for the ADA ramp prior to construction.
2. If the HRB finds that the full ADA ramp to the rear elevation, adjacent rear porch, and revised foundation (based on 11.15.21 revised drawings) can be found to be compatible with the massing and design of the approved structure and will not adversely impact the significance of the McLoughlin Conservation District, the following requirements apply:
 - a. The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.
 - b. The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.
 - c. The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.
 - d. If directed by the Historic Review Board, the Applicant can choose to return at the next HRB meeting with a revised design that utilizes metal or wood railings with simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters instead of the proposed siding approach in an effort to reduce the massing of the larger ADA switchback design
 - e. No exposed pressure-treated wood is allowed.

- f. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.
 - g. The Applicant can work with the Building Official to revise the design of the ramp to be of a greater slope based on the building codes, which will allow a reduced massing, with the understanding that the revised ramp will not meet ADA slope standards and will be classified as a generic deck ramp.
 - h. All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.
3. If the HRB finds that the full ADA ramp to the rear elevation and revised foundation height cannot be found to be compatible with the massing and design of the approved structure and sufficiently mitigated, the following requirements apply:
 - a. The ADA ramp shall be revised to access the side door only.
 - b. The Applicant shall provide a plan to backfill the remainder of the side yard with rockery walls to the extent practicable and appropriate for a geohazard area and provide mitigation planting with the same type of plants proposed in the submitted landscape plan. Landscape plant details may change but must meet the minimum mature height and width of the approved plant types.
 - c. The smaller ADA ramp shall utilize the proposed enclosed lap siding design or a simple balusters style handrail with top and bottom rails attached perpendicularly to the balusters.
 - d. The ADA ramp structure shall start at or beyond the front porch and connect to the sidewalk via a concrete ADA path. The front portion of the ADA ramp in front of the porch shall be poured concrete.
 - e. The Applicant shall utilize foundation vent wells to allow as much backfill soil as possible adjacent to the foundation wall.
 - f. The ADA ramp elements shall be painted or paint-stained to match the body paint of the house.
 - g. No exposed pressure-treated wood is allowed.
 - h. All walls associated with the ramp shall be poured in place concrete, real basalt veneer, or natural rockery walls. The existing wall built without permits shall be revised to meet the above material standard per HR 20-01 Conditions of Approval.
 - i. The HRB encourages the Applicant to work with the Building Division to design an internal ADA access to the upper floors.
3. The following windows are approved by the Historic Review Board
 - **Window 7** – an additional fixed square dormer window does not change the compatibility of the elevation- approved by Staff.
 - **Window set 5** – Revised the window set was lowered to match the abutting window set after the front dormer was required to be removed from the final plans per HR 20-01
4. Proposed revisions to the side elevations included in the record for this application will continue to be reviewed and approved by Staff per HR 20-01 Conditions of Approval #4. All new windows not proposed in HR 20-01 shall be 1:1 hung windows or fixed/awning/casement square windows

PROJECT DESCRIPTION

The Applicant was approved under HR 20-01 to build a live/work building that contains a commercial space on the ground level front and a large, 10-bedroom dwelling in the remaining portions of the structure. The main entry for the commercial space is located in the center of the ground floor porch accessed from 5th Street. The residential entry is on the south elevation, with internal stairs leading to the main residential floor.

The project is a live/work dwelling. The City's definition of live/work is as follows:

17.04.645 - Live/work dwelling.

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

The Applicant additionally was reviewed for compliance with the Geohazard Overlay District through GLUA 20-0024: GEO 20-0002 SP 20-0052. The site is crossed sloped with elevation dropping from the rear and top front of the site. The low point of the slope is at the NW elevation. At the front lower corner of the lot at the location of the proposed ADA ramp. The geohazard review and Conditions of Approval directed the application to minimize cuts and fills, which resulted in an exposed foundation approximately 4 feet taller at the side door entrance at the finished grade on the downhill side elevation than reflected in the approved HR plans.

With a better understanding of the site conditions, the Applicant submitted an ADA ramp with the Building Permit package. The ADA ramp and retaining walls not associated with the building foundation were not part of the approval package as the Building Division needed additional information. Staff was waiting for the additional information before determining if the ramp needed to be reviewed by the HRB. The submitted ADA ramp plans incorporate the existing site conditions and detail an approach to access the side and rear of the site.

The Applicant originally planned to access the side elevation door with an at-grade side entrance and retaining wall to the rear. With the revised elevation level, the Applicant proposes to utilize an ADA ramp to access the side and rear entrance. The ADA ramp is designed with lap siding to match the house with railings attached on the inside to minimize the massing of the ramp and reduce the visual appearance of the ramp as a separate building element.

The existing condition of the foundation can be seen in the photo taken on September 21, 2021. It shows a floor height of approximately 2- feet above the proposed final grade at the front corner and approximately 4 feet at the side entrance (please note that the existing gravel is not the final grade). Traditionally, Foursquare buildings have a foundation line/top of the floor, typically around 2-4 feet above grade, to be in line with a front porch depending on the specifics of the site. In this instance, the proposed floor height was a little lower in the approved plans for HR 20-01, around 2 feet tall at the front corner, which then sloped up to an at-grade side entrance.

The Geohazard Review and Conditions of Approval directed the Applicant to minimize cuts and fills, which resulted in an exposed foundation 4 feet taller at the side entrance on the downhill side elevation than reflected in the approved HR plans, which is the lowest point of the cross sloped lot. Further cutting into the slope would have been required to meet the preliminary HRB elevation, which was not recommended in the geo review. The Applicant has also indicated that the backfill of soil will be at the top of the foundation vents as the Applicant indicated that they can build foundation wells for the vents. This has been added as a condition of Approval.

Traditionally Foursquare and larger Bungalow-styled buildings that utilize a full foundation have a foundation line/top of the floor typically around 3 ½ feet above grade to be in line with a front porch depending on the specifics of the site. In this instance, the proposed floor height was a little lower, around 2-tall at the closest point of the front, and sloped up to an at-grade side entrance with a retaining wall. Traditionally, the side door would be accessed from a 3-5 step side porch. In this instance, the Applicant has requested an ADA access ramp rather than a side porch to allow for elderly family members better access to the upper stories as the commercial space is accessed from the front porch entrance.

The Applicant has submitted two additional sets of revised drawings. All three sets are attached to the staff report. The analysis and proposed conditions of Approval are based on the most updated revised set (11.15.21)

- Applicant Submittal
- Applicant's Revised Submittal 10.5.21
- **Applicant's Revised Submittal 11.15.21**

Staff will be reviewing the following items in this application and will provide the Board with suggested Conditions of Approval.

1. ADA ramp/foundation height

2. Window revisions not covered by HR 20-0001 Condition of Approval #4 Minor changes to window location or size on the side and rear facades will be acceptable and may be approved at a staff level prior to building permit issuance.

3. Unpermitted CMU retaining wall.

Staff has also provided findings for compliance with the applicable sections of the Design Guidelines for New Construction and the approval criteria in OCMC 17.40 Historic Overlay District. If the Board believes additional findings are needed by the Applicant- they should provide that direction at the meeting.

Staff Recommendation

Staff recommends that the Historic Review Board approve the ADA ramp to the side door and backfill the remainder of the side yard with rockery walls and mitigation planting with the same type of plants proposed in the proposed landscape plan and allow the full ADA ramp if the Board can provide finding for compatibility and mitigation of the impact of the pedestrian view looking up from 5th Street. This approach provides the needed ADA access with a structure that is comparable to the massing of a traditional side porch. Staff finds that the more conservative approach of a reduced ADA ramp to the side door clearly meets the standards for New Construction, and the full Ada ramp to rear elevation can be found to be compatible as conditioned with more dictionary review by the Historic Review Board.

Allowing the larger ADA ramp is not out of the line with the discretion of the HRB and would allow greater access to the building for elderly residents and visitors and would fit the character of a more commercial building in a Commercial District. The Secretary of the Interior provides [guidance](#) on how to design compatible ADA ramps for historic structures, recognizing that access is an important component to both private and public spaces. While this proposal is new construction of a live/work building, reviewing how ADA ramps can be made to fit historic resources can provide background to the best approach for this project. As there are no specific Design Guidelines for ADA access, the Historic Review

Board should review the proposal and see if the design and mitigation measures as outlined in the Conditions of Approval can be found to be compatible with the District and provide the best option to allow access for visitors and residents.

Analysis Overview

The Historic Review Board and Staff is the review and after the fact proposal to build an ADA ramp on a recently approved infill new construction in the McLoughlin Conservation District. The subject property was approved for construction of a Live/Works unit comprised of a single-family residence with a small commercial space on the ground floor accessed from the front porch. The second and third floors comprise the dwelling unit which is accessed by stairs from a side door entrance. The site was reviewed for Geologic Hazards in the winter of 2020.

The Applicant has indicated that there will be future elderly residents that will want access to the second floor through a ramp system beyond the existing internal stairwell. There is no city requirement for ADA access for a single-family residence.

The Applicant has recently provided a request to increase the slope allowed for the ramp to reduce the size and potential switchbacks to a ramp that can access the rear of the site. An attached email from Tracy Turner, Residential Plans Examiner, provides direction to the Residential Building Code that describes the maximum slope allowed for a residential deck ramp. This revised ramp would not be considered ADA accessible but could be used by the residents of the single-family dwelling unit.

Staff initially recommended the applicant design the ADA ramp with siding to match the house (September meeting) when it was proposed as a simpler L-shaped ramp that wrapped around to the rear of the house. This recommendation was to lessen the impact the ramp has as a new element. However, with the larger switchback design, Staff's recommendation to utilize a siding approach may create a much larger massing than anticipated. The Historic Review Board and the application might want to pursue other railing designs (metal, wood) that could create an airier approach.

The crux of the Historic Review and analysis for this proposal and the burden of the Applicant is to provide adequate findings to support a large exterior ramp to allow residents to access the second floor of the house on a sloped lot.

The Historic Review Board deliberated over multiple meetings in the Spring of 2020 to address massing concerns on the proposed live-work design based on a Foursquare architectural design. The Historic Review Board allowed an attached garage, with conditions, understanding that the need to reduce cuts and fills on the site was reasonable. At no time during this analysis was the need for a ADA access was brought up as part of the design discussion. The Historic Review Board spent the majority of their deliberations discussing the large massing of the building; this included dropping the wall height, removing ornamentation, and requiring a visual separation of the garage from the main volume of the housing.

If ADA access was proposed during the initial HR 20-01 review. Staff would have recommended the Applicant look at access from the upper sloped side of the lot (JQ Adams), or pursue an internal ramping or chair lift design. Staff provided the following findings in HR 20-01 *"The Applicant has proposed the foursquare style. The hallmarks of the style include a basically square, boxy design, two-and-one-half stories high, usually with four large, boxy rooms to a floor, a center dormer, and a large front porch with wide stairs. The proposed structure is boxy with a hip roof, large eaves, and symmetrical arrangement, which resembles a foursquare."* The Applicant has not provided sufficient findings for how the larger

switchback ramp will retain the boxy foursquare feeling of the approved design. HR 20-01 allowed a somewhat longer footprint than a class square with a 70' 3" length of the building to 47' width w/o garage) The proposed rear switchback ramp looks to add 19 additional feet to the rear of the site, which further erodes the appearance of a boxy foursquare design.

Staff also encourages the Applicant to coordinate with Development Services as soon as possible to better understand if the proposed ramp design will trigger additional geohazard review and if there are alternative ramp approaches that would stay within the original Geohazard review approval GLUA 20-0024: GEO 20-0002 SP 20-0052).

To be clear, the burden for providing sufficient findings is on the Applicant for this after-the-fact ramp proposal. Staff and the Historic Review Board can assist by providing additional direction on what they believe could meet the Design Guidelines for New Construction and the criteria found in OCMC 17.40 Historic Overlay District. However, it is within the purview of the Historic Review Board to deny the request for the larger rear ADA ramp based on a concern for the massing and lack of findings. If the Board wishes to continue working with the Applicant to further refine the ramp drawings, they can provide direction and request to see the final redesigned ramp prior to final Approval. This will require the Applicant to continue the 120-day deadline, 30 additional days for December 28, 2021 or 60 days for a January 25, 2021 Historic Review Board meeting.

Staff is looking for the Historic Review Board to determine if a revision to the approved plans can be found to meet the standards for new construction in the Historic District.

- 1. If the proposed full ADA ramp is compatible with the McLoughlin Conservation District and can visually be mitigated through the proposed design and plantings and the Applicant has provided sufficient findings/drawing for meeting the Design Guidelines for New Construction for the revised elements or can be met with the proposed Conditions of Approval.**
 - a. If the Board finds that the full ADA ramp to the rear elevation cannot be sufficiently mitigated through the proposed design and plantings, Staff recommends that Historic Review Board approve the ADA ramp to the side door only and backfill the remainder of the side yard with natural rockery walls, to the extent allowed by Oregon City Development Services and mitigation planting with the same type of plants in the proposed landscape plan that will cover 100% of the exposed area and encourage the Applicant to pursue internal ADA access options for the site or provide specific direction for how they want the larger ramp to be redesigned.**
 - b. If the Board can provide direction on how a larger ramp can be redesigned, the Applicant should continue the 120 date deadline and return at a future HRB meeting for review of the final ramp design before formally approving the application.**
- 2. Does the Board supports the proposed Conditions of Approval for window revisions on the front elevation not covered by HR 20-0001?**

BACKGROUND

Site and Context

The site is located in the McLoughlin Conservation District in the Mixed-Use Corridor Zone. The property is approximately 9500 square feet and has 77 feet of frontage on 5th Avenue. It also borders unimproved JQ Adams Street, which is heavily forested and includes a pedestrian walkway

up to the Barclay Hills and Rivercrest neighborhoods. The site is crossed slope upward from 5th and to the back of the lot (see figure 2)

The property is on the edge of the McLoughlin Conservation District.



Figure 1 Vicinity Map (Conservation district shown in purple)



Figure 2-Aerial photo and topography- arrow showing cross-slope



Figure 3 Zoning Map



Figure 4 Existing condition of exposed foundation- September 21, 2021



Figure 5 Existing condition showing unpermitted CMU wall. Provided in 11.15.21 Applicant's resubmittal. The CMU wall does not meet Conditions of Approval 3 and 7 of HR 20-01 and will need to be rebuilt using poured in place concrete, basalt veneer, or natural rockery.



Figure 6 Neighboring building at 1010 5th Street; a modern commercial building with a low shed roof, roughly U-shaped. The offices are sited in the eastern portion of the building, with a small courtyard framed by the low roof on the west side. The building is primarily clad with stone veneer, but some portions have vertical groove plywood siding. The windows are fixed aluminum sash and are located primarily on the east and west sides of the building. It is not a designated structure in the Mcloughlin Conservation District. (Google Maps- taken prior to construction)

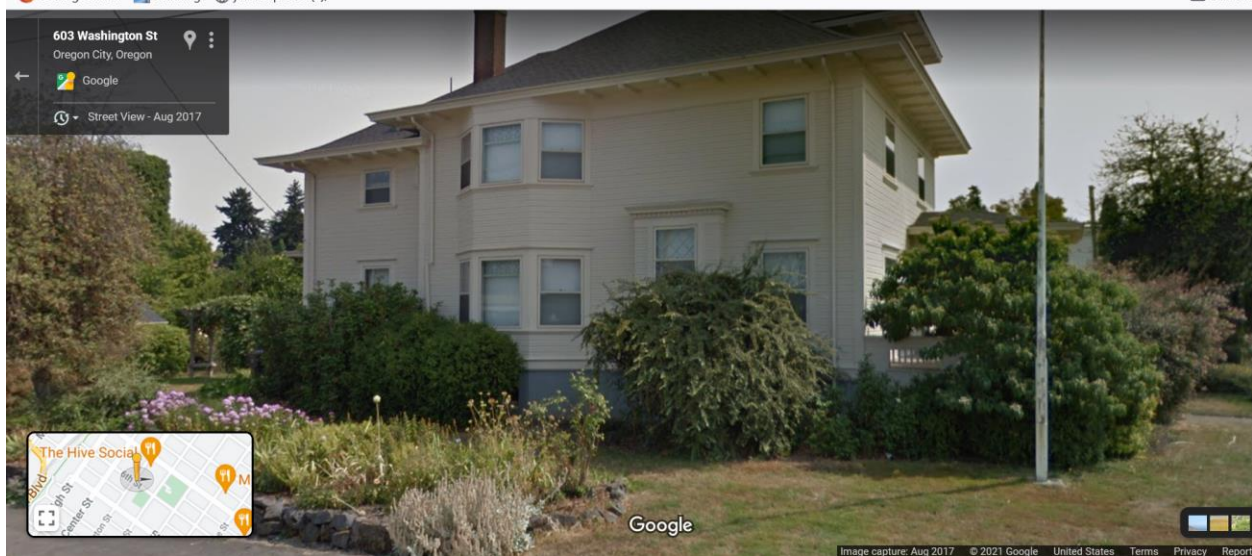


Figure 7-Stevens Crawford House, 603 6th Street. An example of a larger Foursquare/bungalow design with a foundation height of 3 ½ to 4 feet.



Figure 8 -909 Washington Street- Charles Caufield House. An example of a side porch and stair with a 3 ½ to 4-foot foundation height on a sloping site.

Comparison of Approved Site Plan (HR 20-00001 and HR 21-00020)

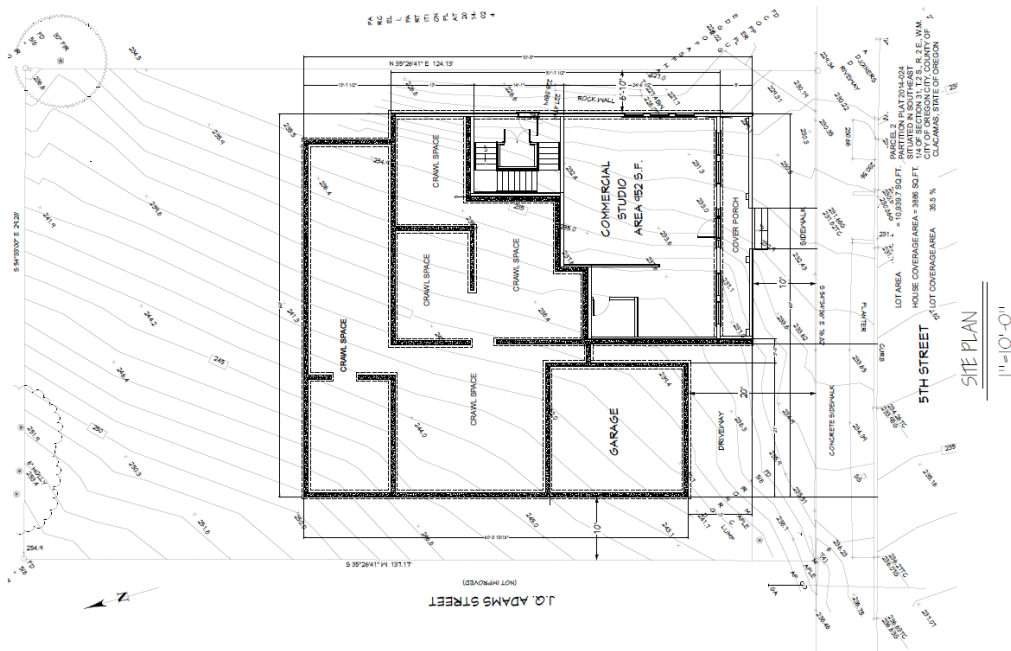


Figure 9 Approved HR 20-01 Site Plan

PLANT LIST:				
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING
STREET TREES				
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown
MITIGATION TREES				
	3	CORNUS NUTTALLII Pacific Dogwood	2" cal.	As Shown
	3	TSUGA HETEROPHYLLA Western Hemlock	6" ht.	As Shown
	1	ACER JAPONICUM 'ACONITIFOLIUM' Full Moon Maple	6" ht.	As Shown
SHRUBS				
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.
	1	TAXUS MEDIA 'STONEHENGE' Stonehenge Yew	5 gal.	3' o.c.
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.
	32	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.
	13	AUCUBA JAPONICA 'MR. GOLDSTRIKE' Mr. Goldstrike Aucuba	5 gal.	4' o.c.
	35	MAHONIA REPENS Creeping Mahonia	1 gal.	3' o.c.
	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.
GROUND COVER				
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.
	63	EPIMEDIUM PERRALCHICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.

GENERAL NOTES:

1. Contractor is to verify all plant quantities.
2. Adjust plantings in the field as necessary.
3. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
4. All plants are to be fully foliated, well branched and true to form.
5. Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
6. Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.

Figure 10 -2021 SARCOLD Landscape Plan Details

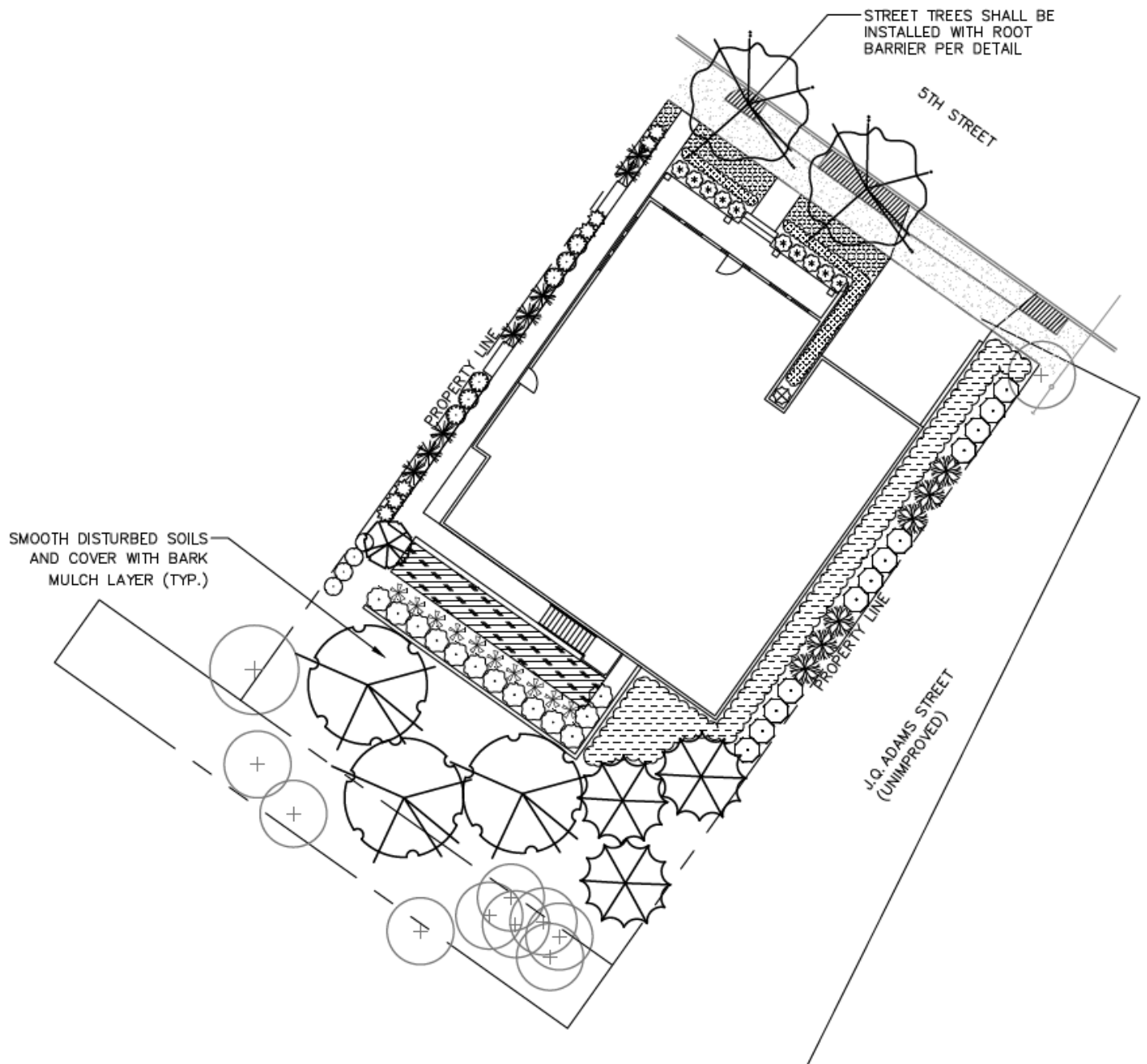


Figure 11- 2021 Proposal Landscape Plan showing ADA ramp location and side yard mitigation plants (Japanese yew, sweetbox, and fairy bush camellia). ADA setbacks to the property line look to 2 1/2 to 3 feet. **Please note the Applicant has not revised the landscape plan based on the revised switchback rear ramp design.**



Figure 12- Approved Front Elevation- HR 20-1

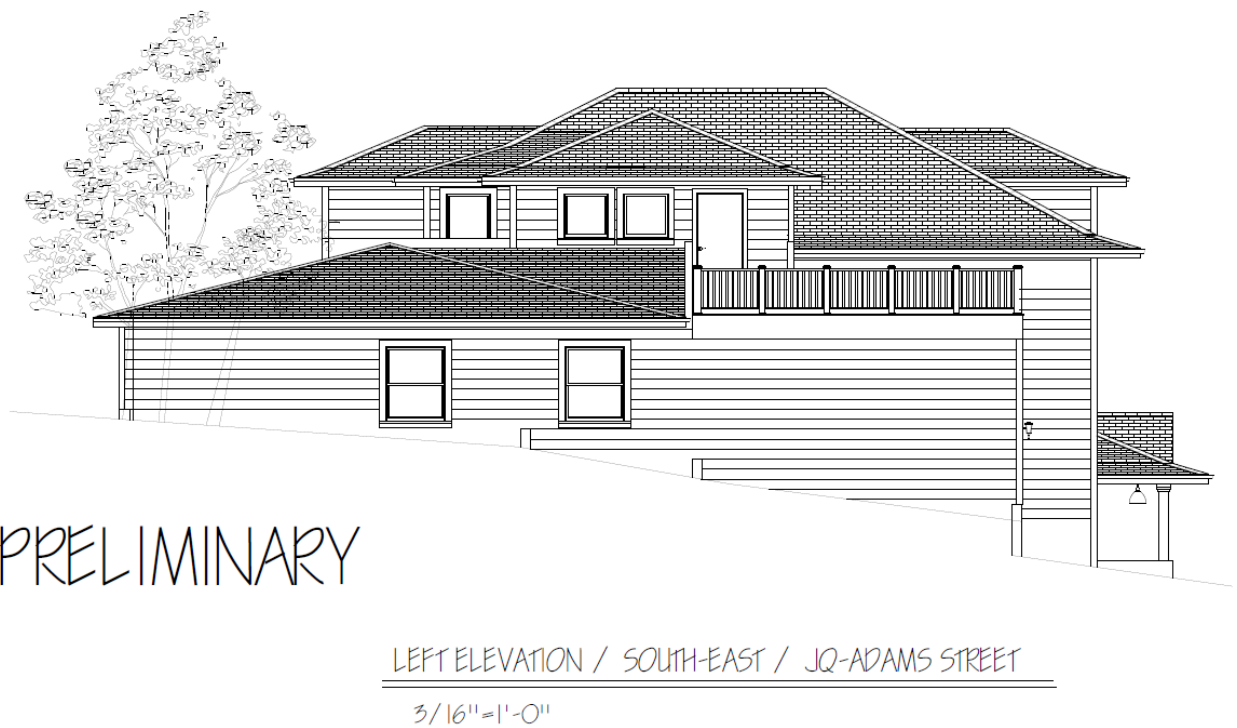


Figure 13-Approved HR 20-01 Left elevation (uphill side)



Figure 14-Approved HR 20-01 Right elevation (downhill side)

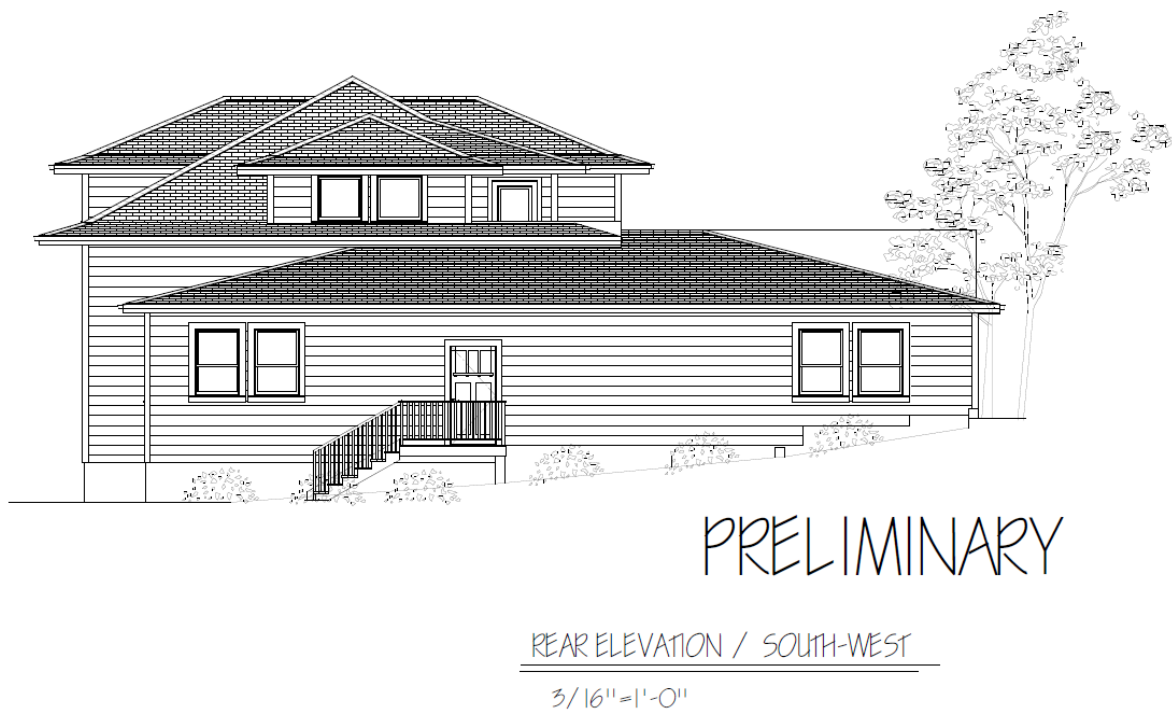


Figure 15-Approved HR 20-01 Rear elevation



Figure 16- Revised HR 21-00020 Front Elevation (indicating location of window set 5 and 7 in conditions of Approval for front elevation window alterations)



Figure 17- Revised HR 21-00020 right elevation (downhill side)

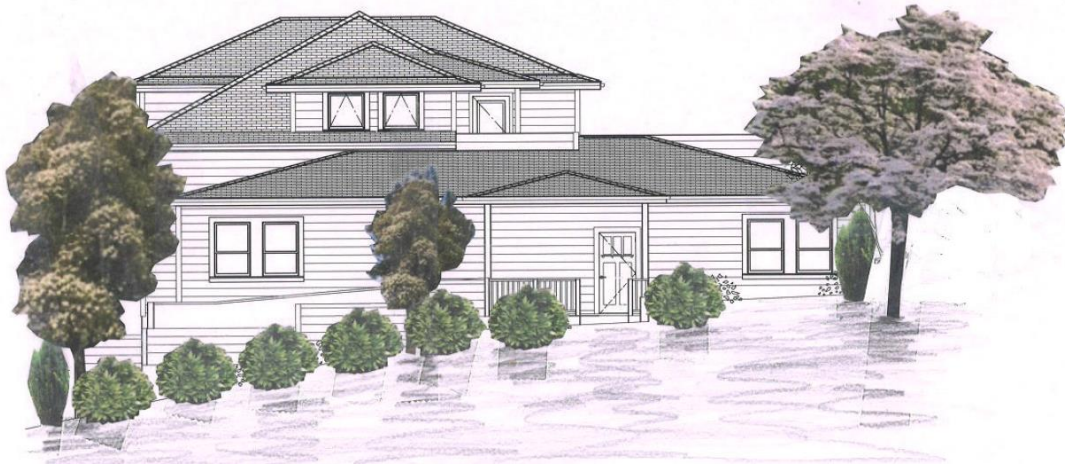


Figure 18- Revised HR 21-00020 rear elevation

Window alterations are identified by number and further discussed in the narrative and proposed Conditions of Approval.



Figure 19- Revised HR 21-00020 left elevation (uphill)

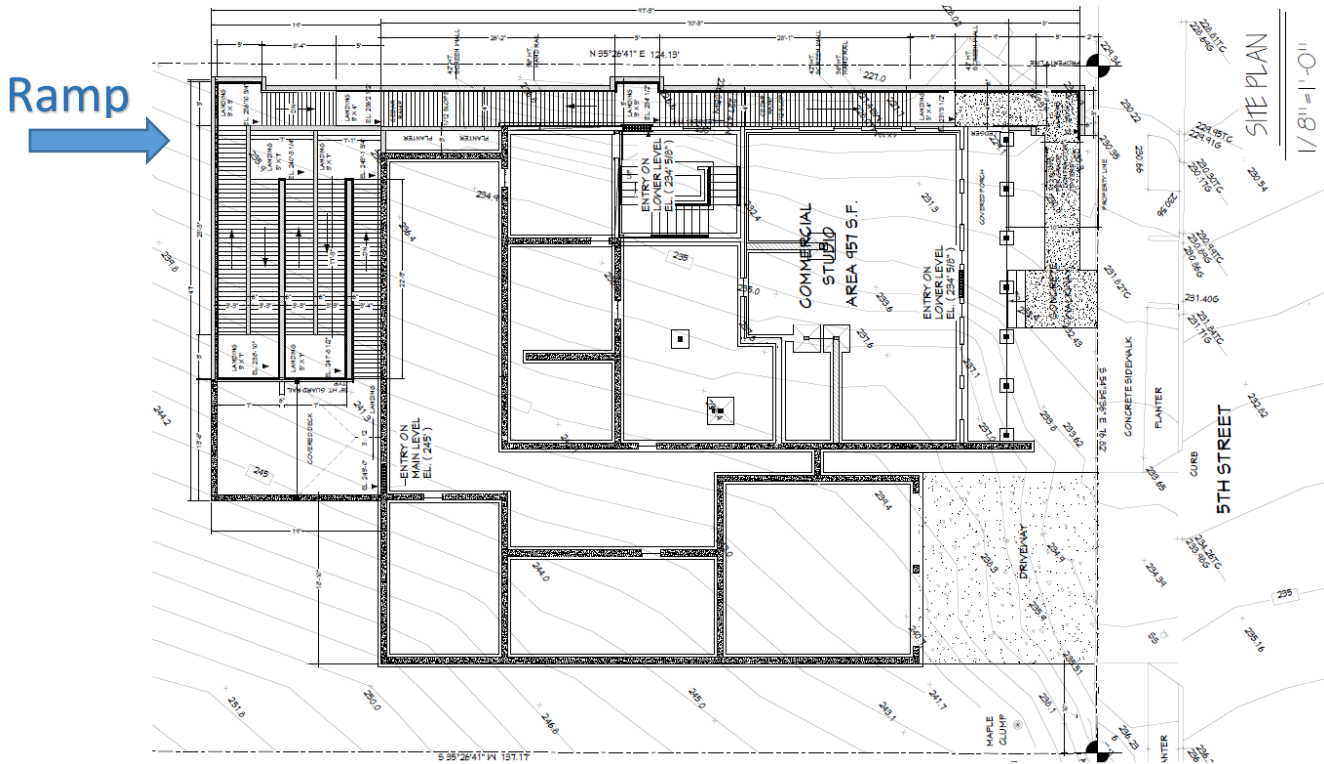


Figure 20 - Revised HR 21-00020 Site Plan

PUBLIC NOTICE AND COMMENT

A public notice was sent to neighbors within 300 feet of the subject property, posted on the City's website, emailed to a variety of stakeholders, a sign was posted onsite. The following comments were received.

McLoughlin Neighborhood Association

- *The application is incomplete. The Applicant has not addressed any criteria.*
- *The request includes a "change in final foundation height." There is no information on the change.*
- *How does the screen wall itself comply with criteria?*
- *A floor plan, not a site plan, was submitted. Provide a site plan showing dimensions of all features from the property lines, in particular the west property line.*
- *On the site plan, show how the ramp ties in at the front; show the existing sidewalk.*
- *Show the wall, its foundation, and landscaping on a vertical elevation drawing of the north elevation. Depict measurements.*
- *Address how the wall foundation and proposed landscaping will be accomplished in the small space between the building and west property line without encroaching.*

The MNA additionally provided comments at the October HRB meeting indicating that they believe the massing of the larger ramp is too impactful on the District and encouraged the Applicant to pursue internal ADA access options.

"The new revision proposes a large addition to the previously proposed ADA ramp, plus a 250-sf deck. This will create an increased negative impact visually to the surrounding community as well as environmental and safety impacts due to the sensitive geologic features of the site. More importantly, this design will have a detrimental effect on the residents and users of the facility. They would be required to navigate over 230 feet of ramp with 2 corners and 4 hairpin turns, over a 14-foot elevation gain, exposed to the elements, prior to reaching the proposed deck and rear entrance. For people lacking mobility, this is likely to result in a need for assistance or medical intervention. Additionally, ADA access is not provided to the top floor with this design."...

*"In order to reduce the significant impacts to the land, the neighbors, and facility users as discussed above, we respectfully encourage the HRB to **require** an alternate means to provide ADA access internally. There are many wheelchair lift products on the market intended to be incorporated into new buildings or retrofitted into existing buildings. Installation of a device similar to the one attached to this memo would allow ADA access to all levels of the structure, would eliminate additional impact to the exterior design, eliminate further geologic impact, and provide a shorter, protected, easier to navigate route for the vulnerable residents and users of the facility"*

Staff Response: Staff is processing the application based on what the Applicant has submitted but will also be asking the Historic Review Board if the Applicant needs to provide additional findings or plans to show compliance with the Design Guidelines.

- Given that the construction is well-underway, it appears that any input on the foundation elevation modification is moot. What are the implications of this change?
- Condition #2 of HR-20-01 requires the Applicant to minimize grading and comply with any applicable standards in the Geologic Hazard Overlay. Address how the retaining wall foundation complies.

As indicated in the project description above, the site crossed sloped with elevation dropping from the rear and top front of the site. The low point of the slope is at the NW elevation at the front lower corner of the lot at the location of the proposed ADA ramp. The geohazard review and conditions of Approval directed the application to minimize cuts and fills, which resulted in an exposed foundation 4 feet taller on the downhill side elevation than reflected in the approved HR plans. Further cutting into the slope would be required to meet the preliminary HRB elevation and is not a recommended approach.

The existing condition of the foundation can be seen in the photos taken on September 21, 2021. They show a floor height of approximately 2- feet above the proposed grade at the front corner and approximately 4 feet from the final grade at the side entrance. Traditionally, Foursquare buildings have a foundation line/top of the floor, typically around 2-4 feet above grade, to be in line with a front porch depending on the specifics of the site. In this instance, the proposed floor height was a little lower on HR 20-01, around 2 feet tall at the front corner, which then sloped up to an at the grade side entrance.

The Applicant has also indicated that the backfill of soil will be at the top of the foundation vents as the Applicant can build foundation wells for the vents. This has been added as a condition of Approval. While the change of exposed foundation on this elevation to the side door is substantial enough from the approved design to require a review by the Historic Review Board, it is not strikingly out of character for the architectural type. The exposed foundation on the side elevation past the side door could be mitigated through a couple of options that are prepared as possible Conditions of Approval for the

Historic Review Board. The Applicant will also be required to rebuild the existing unpermitted wall to meet the material conditions of Approval.

- *The maximum lot coverage appears to be exceeded; please check the calculation.*

Staff Response: The site is located in the MUC zone, which allows for an 80% lot coverage. This proposal meets that standard.

- *There are exterior changes, such as windows, from the approved plan. The narrative needs to address these changes.*

Staff Response: Staff will be reviewing window revisions not covered by HR 20-0001 Condition of Approval #4 *Minor changes to window location or size on the side and rear facades will be acceptable and may be approved at a staff level prior to building permit issuance* and will be providing recommended conditions to address any outstanding items. Some of the side windows referenced in the condition staff was requiring to be revised to be 1:1 windows outside of this process, but have added them to the conditions for clarity.

Mike Roberts- Building Official- indicated a need for Building Permits for the ADA ramp.

Tracy Turner, Residential Plans Examiner, Provided additional guidance on the Building Code for deck ramp slope not categorized as ADA ramps.

Sang Pau, Development Engineer, provided guidance on what actions trigger additional geohazard review.

REVIEW CRITERIA

17.40.060 - Exterior alteration and new construction.

- A. *Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the District unless approved by the Board and given a certificate of appropriateness.*

Applicable: This is a proposed modification to an approved New Construction in the McLoughlin Conservation District (HR 20-0001)

- B. *Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the Board prescribes.*

Complies as Proposed: The City processed the application pursuant to Chapter 17.50 of the municipal code. The Applicant provided elevation drawings, landscape plan, floor plan, and a narrative to address the specific revisions requested. Staff is processing the application based on what the Applicant has submitted but will also be asking the Historic Review Board if the Applicant needs to provide additional findings or plans to show compliance with the Design Guidelines.

C. *Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the Applicant shall provide,*

1. *A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the Applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the Applicant; and*
2. *A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the Applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the Applicant.*

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

Complies as Proposed. Oregon SHPO and the Native American tribes listed above were notified of the proposed ground disturbance in 2019. A response was received from SHPO and is in the City's files for HR 20-00001. The letter indicates the level of recommended archaeological monitoring on the site. No major change in grading is being proposed for the side ADA ramp beyond the original notice.

D. [1.] The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.

Applicable: The proposal is being reviewed by the Historic Review Board.

F. *For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the Board in reaching its decision on the certificate of appropriateness shall include the following:*

1. *The purpose of the historic conservation district as set forth in Section 17.40.010;*
The purpose of the District is:
 - A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
 - B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
 - C. Complement any National Register Historic districts designated in the city;
 - D. Stabilize and improve property values in such districts;
 - E. Foster civic pride in the beauty and noble accomplishments of the past;
 - F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
 - G. Strengthen the economy of the city;
 - H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and
 - I. Carry out the provisions of LCDC Goal 5.

Finding: Complies as Conditioned

If the Historic Review Board can determine that the revised plans provide sufficient mitigation for the design and massing of the ADA ramp and there is no adverse effect on the significance of the District and there are sufficient findings and plans to demonstrate compliance, Staff has prepared to recommend Conditions of Approval that reduce the impact the ramp has on the building and the McLoghlin Conservation District.

2. *The provisions of the city comprehensive plan;*

Goal 5.3 Historic Resources

Policy 5.3.1

Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Policy 5.3.8

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

Finding: Complies as Conditioned.

A new live/work dwelling is proposed on vacant land commercial land within the McLoughlin Conservation District. The proposed height, massing, and design of the original design was approved under HR 20-0001. The site does not abut a historic resource, nor is one adjacent to the site. Adding an ADA ramp to the building will not adversely affect the significance of the District, as conditioned, and more than the Approval of the original structure under HR 20-0001.

3. *The economic effect of the new proposed structure on the historic value of the District or historic site;*

Finding: Complies as proposed. Approving this development will add additional housing stock and commercial space in an area with currently low housing stock and increasing the housing options for people within Oregon City or looking to move to Oregon City.

4. *The effect of the proposed new structure on the historic value of the District or historic site;*

Finding: Complies as Conditioned. A new live/work dwelling is proposed on vacant land commercial land within the McLoughlin Conservation District. The proposed height, massing, and design of the original design was approved under HR 20-0001. The site does not abut a historic resource, nor is one adjacent to the site. Adding an ADA ramp to the building will not adversely affect the significants of the District and more than the Approval of the original structure under HR 20-0001.

5. *The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;*

Finding: Complies as Conditioned.

The proposed height, massing, and design of the structure as conditioned is consistent with the design guidelines appropriate within the District. See detailed findings in the design guidelines section of this staff report.

6. *Economic, social, environmental and energy consequences;*

Finding: Complies as Proposed. The addition of housing stock and commercial space in an existing neighborhood provides more needed housing and is located in an already-developed area in close proximity to goods and services.

7. Design guidelines adopted by the historic review board.

Design Guidelines for New Construction – McLoughlin Commercial

1. STYLE

Determining the appropriate style for a new infill project is an important initial step in the design process. Each historic District has different styles that were prevalent during the historic period of significance. These styles are what create the historic context. New construction shall complement one of these styles to support the historic context. Use of other styles dilutes and distracts from the historic context of the District. While there may be several styles dominant within the District, the specific choice of a style shall be compatible with adjacent properties, the block, and the neighborhood. It also must be fitting for the particular function of the building and its size.

Outside of the Seventh Street Commercial Corridor, commercial uses shall employ a residential style architecture to better integrate into the neighborhood fabric. The larger residential styles, such as Queen Anne, Vernacular [single buildings or grouped], and Foursquare, are appropriate. They create a suitable transition to adjacent residential areas and can be built relatively close together to achieve appropriate density. These styles could be utilized for any uses: retail, office or multifamily residential. The carriage building on High Street is an existing residential style structure used for commercial purposes.

Finding: Complies as Proposed. The Applicant has proposed a live/work dwelling in a mixed-use zone on 5th Street, which is outside of the main commercial corridor of the District. The guidelines call for a residential-style architecture outside of the 7th Street Corridor. The Applicant proposed a Foursquare style, which is consistent with the guidelines. The ADA ramp, as conditioned by Staff aims to minimize the ramp's appearance by utilizing lap siding to match the house siding or provide porch railing designed ADA ramp if being design to only access the side entrance.

2. SITE

Siting principles involve both how the site is used and how the building(s) is placed within the site. The specific lot location and its topography can dictate many requirements.

Commercial buildings are to face the Street squarely with their primary face and display areas in full view, to engage the pedestrian, and to be set back only slightly, if at all from the front and side lot lines. Small courtyard area may be appropriate for multifamily and certain commercial uses. Vehicle access to be on the less visible sides or rear.

SITE CHARACTERISTICS OF MCLOUGHLIN COMMERCIAL BUILDINGS

- *Rectangular footprint that largely fills the width of the lot.*
- *Oriented to Street for access, and display. No or small setback from the sidewalk along Street; may not extend all way to rear lot line.*
- *Small front or side setback is appropriate for residential uses.*
- *Central or individual ground floor customer-tenant entries. Grouped residential entry to lobby or foyer. Separate service entries.*
- *Vehicle access and storage at side or rear; may be hidden under the building.*
- *Landscape: small plantings if there are setbacks; otherwise street trees. Upper story gardens visible from the sidewalk were not used in the historic period, and are discouraged.*

I: SITE *continued*

USE OF SITE		<i>How the site is planned to be used.</i>	
ASPECT		PRINCIPLE — GOOD EXAMPLE	NOT ALLOWED
Topography Use	Site houses according to neighboring or contextual practice. At sloping sites, houses were sited at most the easily built portions of the lot and close to grade. At upsloping sites the main level was raised. At downslope sites the main level was lowered. Cross-slope sites utilized the easiest access. Residential garages may extend to front property line at up or down sloping sites. Commercial buildings requiring a larger footprint utilized level lots in close proximity to the street. Buildings may be set back to better integrate with houses where adjacent, and to facilitate grade changes.		Extensive regrading of lot to raise or lower the main level of a house. Tall walls to alter the natural topography for building siting or yard leveling purposes. Commercial buildings without the main level close in height to the public way Foundations, piers or piling more than 1 story in height above natural grade 

Finding: Complies with Conditions. The Guidelines direct development on cross slopes to utilize the easiest access and not allow foundation more than 1-story. The Guidelines also allow for a small side yard setback for commercial buildings in the Mccloughlin Conservation District. While Live/work is a bit of a hybrid of commercial and residential, Staff finds that this setback direction still applies and provides direction for smaller more commercial-scale setbacks for uses that go beyond single-family residential. The setback for the MUC-1 District is 0 feet. The Applicant has proposed a setback that appears to be between 2-3 feet. Staff finds that either ramp option (full ramp to the rear or ½ ramp to side door) meets this standard.

3. BUILDING FORM

Address the overall size, shape and bulk of the building. The architectural style used for the building defines many aspects of its appropriate form and proportions. Excessive variation in the size, shape, or configuration creates an inappropriate solution that is stylistically incorrect and not complementary to the District. The building form needs to relate to the buildings in the immediate neighborhood, and to take into account both similarities and changes on the block. The new building form shall reference the principles, proportions and scale of an historically appropriate style. Existing commercial historic buildings are now less numerous in the districts. Acceptable styles will produce new infill form based on historic character qualities of the original buildings and those found in other similar districts. This new development will then successfully relate to adjacent residential neighborhoods. The appropriate style and form of the new buildings depends upon the site and neighboring, or transitioning context.

BUILDING FORM CHARACTERISTICS OF MCLOUGHLIN COMMERCIAL BUILDINGS

- Building form and foot print primarily rectangular, possible rectangular additions or wings; possible interior light court, courtyard or areaway.
- Massing: A simple rectangular primary form encompassing the primary and visible facades. a parapet or false front that provides the height boundary of the building and hides the view of the roof. Single story with retail or service use; Two or three story with single or mixed use. Basement option
- Ground floor typically has high ceilings; retail use with office or residential use above.
- Height: Main level close to grade. Single story buildings: minimum 16 foot high parapet. First to Second floor height to be at least 12 feet unless for multifamily use, then may be 10 feet. Upper floor to floor heights at least 10 feet. Maximum Height: Per City code
- Height for Commercial Buildings using a Residential Style: First to Second floor height to be at least 10 feet. Main Floor Level Height Above Grade: 2½ feet minimum. Eave Height: 28 feet maximum. Ridge Height maximum: 40 feet.

- Residential styles, including Queen Anne, or Foursquare, are encouraged on Seventh above John Q Adams and on Center and High, and where facing or adjoining residential zoning. Alternatively, the use(s) may be embodied in a grouping of smaller buildings.
- Full width one or two story porches at front (accessed by interior stair), or rear are appropriate for residential.
- Grade level or depressed parking if accessed from rear or rear end of side and generally concealed from sidewalk by building wall, provided commercial or residential use is located along primary Street.

Finding: Complies with Conditions. The addition of an ADA ramp as conditioned does not contradict any of the Guideline elements above.

4. DESIGN COMPOSITION

Include a range of more detailed design issues that address groups of elements, individual elements, their design and how they relate to the overall composition and finish. The principles place a traditional emphasis on the design's composition as seen from the exterior, rather than as a result of interior functional planning requirements. They also outwardly convey a sense of quality craftsmanship. The design composition principles, being more detailed, and stylistically dependent, are typically developed after the previous principles are resolved. These principles also reflect historically appropriate materials, respective finishes, and unobtrusive integration of new technology.

DESIGN COMPOSITION CHARACTERISTICS OF MCLOUGHLIN COMMERCIAL BUILDINGS

- Mostly single or double store design to 100 feet in width. Wider than 100 feet requires style change.
- False front: covering front gable roof or just an extended wall; may have a parapet on each side (possibly not rear) hiding a low sloped roof.
- Streetcar Commercial: wood or masonry construction and finish; generous ground floor retail display with individual or grouped upper level double hung windows in an otherwise solid wall.
- Large ground floor storefront windows with short bulkhead wall below and very often with transom windows above; wood frames or appropriate metal. Trim at window/transom frame edges.
- Often recessed store entries; side entries typically not recessed. Separate entries for individual stores.
- Streetcar Multifamily: wood or masonry construction and finish. Less emphasis on retail display, but location of public and lobby areas adjoining the public way. Possible upper level window bays within the width and height of the primary or side façades. Possible entry projection.
- Upper Level Entry: typically a single shared entry with small lobby.
- Upper story wood framed windows designed as 'punched' openings in the otherwise solid wall, regularly spaced; individual, paired double hung design or triple units with fixed center and double hung side lights. Possible transom windows. Possible flat arch windows in masonry walls.
- Façade with modest, but defining cornice, possible belt cornice. Wood exteriors can support more detailing; masonry or plaster finished buildings with less detail and ornamentation; typically, no significant form projections or recesses except window bays or entries.
- Materials/Finish: cement plaster (stucco), brick, concrete with plaster over, horizontal board siding; fabric awnings, possible flat steel/wood building supported canopy.

Finding: Complies with Conditions. The addition of an ADA ramp as conditioned does not contradict any of the Guideline elements above. The Guidelines do not provide any specific direction on ADA ramps. Though there is some direction for porches not allowing *"Porches that are not consistent with the architectural style, without roofs (except secondary service accesses or those at grade), or those that are overly ornate for the chosen style"*. As conditioned, the design for the ADA ramp is secondary to front porch access and is designed to be compatible with the building's architecture.

Staff has provided recommended conditions for the three full windows on the uphill side elevation to be 1:1 windows as directed above and to revise or reconfirm the front center windows to be slightly shorter as depicted in the approved plans. These requirements were to occur on a staff level consistent with the Conditions of Approval but have been added to this report for clarity. Staff is specifically

requesting Approval by the Board to allow an additional dormer window on the front elevation and the lengthening of the front window set, which is outside of Staff able to approve.

17.40.065 - Historic Preservation Incentives.

A. Purpose. Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.

B. Eligibility for Historic Preservation Incentives. All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c).

C. Incentives Allowed. The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.

D. Process. The Applicant must request the incentive at the time of application to the Historic Review Board.

Finding: Not applicable. No preservation incentives are proposed.

CONCLUSION AND RECOMMENDATION

If the Board finds that the full ADA ramp to the rear elevation and revised foundation height cannot be sufficiently mitigated though the proposed Conditions of Approval, Staff recommends that the Historic Review Board approve the ADA ramp to the side door only and backfill the remainder of the side yard with rockery walls and mitigation planting with the same type of plants proposed in the proposed landscape plan and approve the condition for the window revisions.

Staff is also looking for confirmation from the Historic Review Board that the Applicant has provided sufficient findings/plans to meet the Design Guidelines for New Construction for the revised elements. If the Applicant has not, Staff recommends that the Historic Review Board provide direction for the Applicant to return at the October Historic Review Board meeting with a revised narrative and any additional plan revisions as directed by the Historic Review Board unless found to be not required if the Applicant meets the proposed conditions of Approval.

EXHIBITS

1. Vicinity Map (onfile)
2. Applicant Submittal
 - a. Applicant Submittal
 - b. Applicant's Revised Submittal 10.5.21
 - c. Applicant's Revised Submittal 11.15.21
3. Public Comment
 - a. McLoughlin Neighborhood Association
 - b. McLoughlin Neighborhood Association- Revised
 - c. Terese Yip
4. Staff Comment
 - a. Mike Roberts, Building Plans Official
 - b. Tracy Turner, Building Plans Examiner
 - c. Sang Pau, Project Engineer
5. HR 20-01
 - a. Notice of Decision
 - b. Plans (onfile)
6. Secretary of Interior Standards for Rehabilitation- Accessibility (onfile)

From: [john delson](#)
To: [Bogdan Smolinets](#); [john delson](#); [Christina Robertson-Gardiner](#); [yipt@aol.com](#)
Subject: Re: Historic Review Board direction
Date: Monday, November 15, 2021 2:55:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Teresa Yip project;
 Respond to Historical Board Committee questions:

1. Please see the revised landscape plan with additional mitigation plantings.(By others).
2. The ADA ramp cannot start beyond the front porch..The length of the ramp is dictated by topography and 1 to 12 slope which is national ADA standard. We can shorten the ramp only if the local building jurisdiction approves slope steeper than proposed 1 to 12. Please advise if slope 1 to 10 would be allowed and permitted by Oregon City building jurisdiction.
3. The rear porch is necessary and shall have no impact on any restrictions including Historical Board regulations. We propose a wood deck which is not impervious surface and shall not alter lot coverage. The only alternative is a concrete patio which of course creates additional impervious area.
4. We have created ADA ramp which is necessary for the personal and commercial usage of the proposed building. We have tried all and any possible means to mitigate the massing of the ADA ramp. Again the size of the ramp is dictated by ADA national standards and existing lot topography. The only way to shrink the ramp is to increase the slope of the ramp from 1/12 to 1/10. Please advise if such option will be appropriate and approved by the building jurisdictions.
5. The rear deck is a common feature of any residential structure. In this case we must create wood deck or concrete patio because of existing topography. Please advise if you see any other option.
6. Originally we proposed a front entry to the residential portion of the house. This option was rejected by historical board and was discouraged by the staff.The only possible entry to residential area is on the side using the staircase or on the back to the main floor (residential portion of the building) using the ADA ramp. To meet ADA requirements a commercial elevator is not possible due to enormous construction cost and the space required.
7. Additional side photos available and attached (by others).
8. Lot coverage has been increased by approximately 140 ft.² of the proposed roof over the rear deck.

Should you have any questions for the above response please email us. We thank you in advance for your understanding and cooperation in this challenging situation as we are trying to help the owners to meet the needs of their aging family.

Respectfully John Delson PE EOR.

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From: Bogdan Smolinets <nwcustomhomes@yahoo.com>
Sent: Monday, November 15, 2021 12:31:53 PM
To: john delson <john@delsonengineering.com>; Bogdan Smolinets <nwcustomhomes@yahoo.com>
Subject: FW: Historic Review Board direction

Sent from [Mail](#) for Windows

From: [Christina Robertson-Gardiner](#)
Sent: Wednesday, October 27, 2021 9:19 AM
To: [Bogdan Smolinets](#); [john delson](#)
Subject: Historic Review Board direction

John and Bogdan,

Below is the list of items requested by the Historic Review Board for the November 30, 2021 HRB meeting:

Please submit them by November 15, 2021, to allow staff time to review the items and coordinate with Building and Development Services. The new 120-day deadline is to January 30, 2022.

1. Revised landscape plan with additional mitigation plantings.
2. Revision to site plan and elevation that show the ADA ramp starting beyond the front porch (per condition of approval)
3. Provide a site plan ADA option that does not have rear porch.
3. Provide a revised final rear elevation that details the rear ADA ramp.
4. Provide revised findings that show how you are mitigating the impact of the additional massing of the rear ADA ramp and porch.
5. Provide findings showing how the rear deck is compatible and can be mitigated
6. Analysis of why an interior ADA option is not feasible, why does the ADA option need to be commercial grade?
7. Additional site photos of the side and rear elevation (to and from) -at least six photos
8. Updated lot coverage analysis- with revised ADA ramp and rear porch.

Thank you,

Christina



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orccity.org
503) 496-1564 Direct
(503) 722-3789 Main

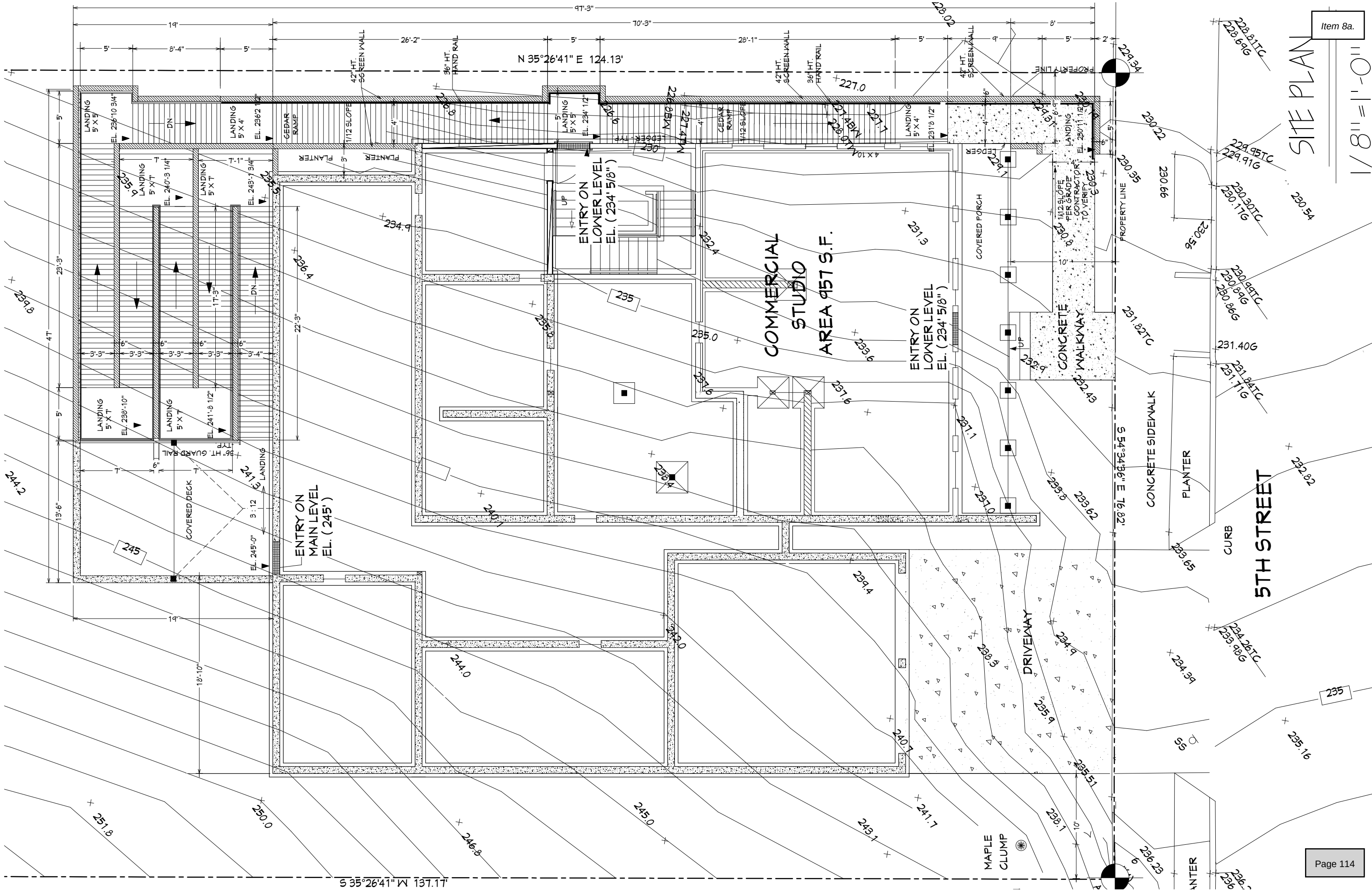
[Interactive Maps and Apps](#)

[Printable Maps](#)

[Online Submittal of Land Use Applications](#)

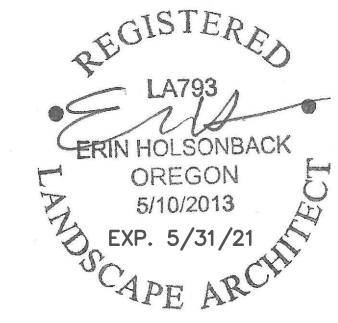
The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation [here](#).

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the



Item 8a.

1/8" = 1'-0"

[illegible]

OTTEN + ASSOCIATES
LANDSCAPE ARCHITECTURE

3933 South Kelly Avenue, Suite B • Portland, OR 97239
Phone: (503) 972-0311 • www.ottenla.com

5th STREET + J.Q. ADAMS STREET

OREGON CITY, OR 97045

LANDSCAPE PLAN

DATE 9-7-2021

SCALE

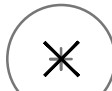
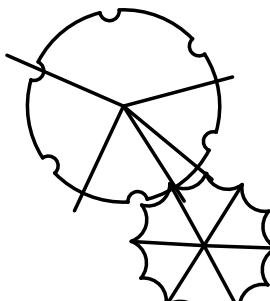
NOTED

DRAWN	CHECKED
EH	EH

SHEET NO.

L1.0

1 OF 2

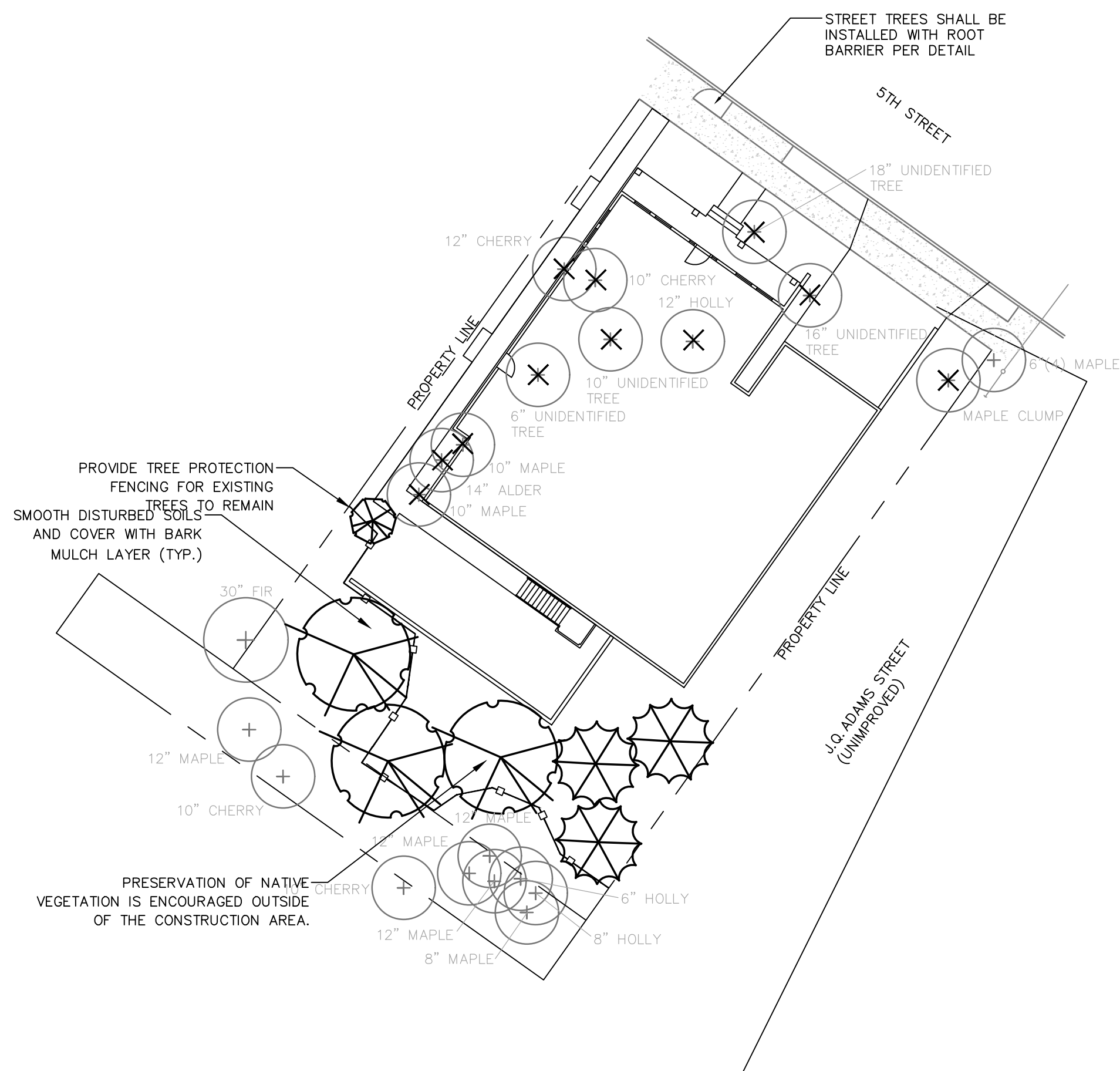
SYMBOLS LEGEND:				
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING
		EXISTING TREE TO BE REMOVED		
		EXISTING TREE TO REMAIN		
		MITIGATION TREES (See Plant List for Landscape Plan)		
		TREE PROTECTION FENCING (See Detail Sheet L2.0)		

TREE MITIGATION CALCULATIONS:

*The Site Survey shows some existing trees that do not correspond to the Arborist Report, therefore we propose to mitigate for all trees that cannot be identified or reconciled.

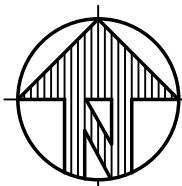
Total Existing Trees Removed within Construction Area=11
 Hazardous Tree Quantity=6
 Invasive Species Trees Quantity=1
 Quantity of Trees to be Mitigated=4 (Noted as "Unidentified")
 6-12"=2 (Requires 2 Mitigation Trees)
 13-18"=2 (Requires 4 Mitigation Trees)
 New Mitigation Trees Proposed=6

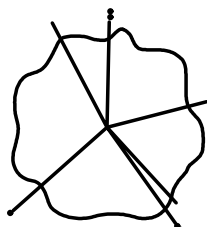
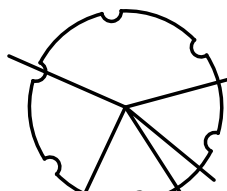
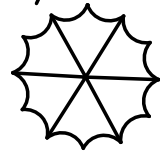
*Any non-hazardous existing trees shown on this plan to remain that are removed or damaged during construction, shall be replaced according to the requirements of Oregon City Municipal Code Table 17.41.060-1.



TREE REMOVAL + MITIGATION PLAN

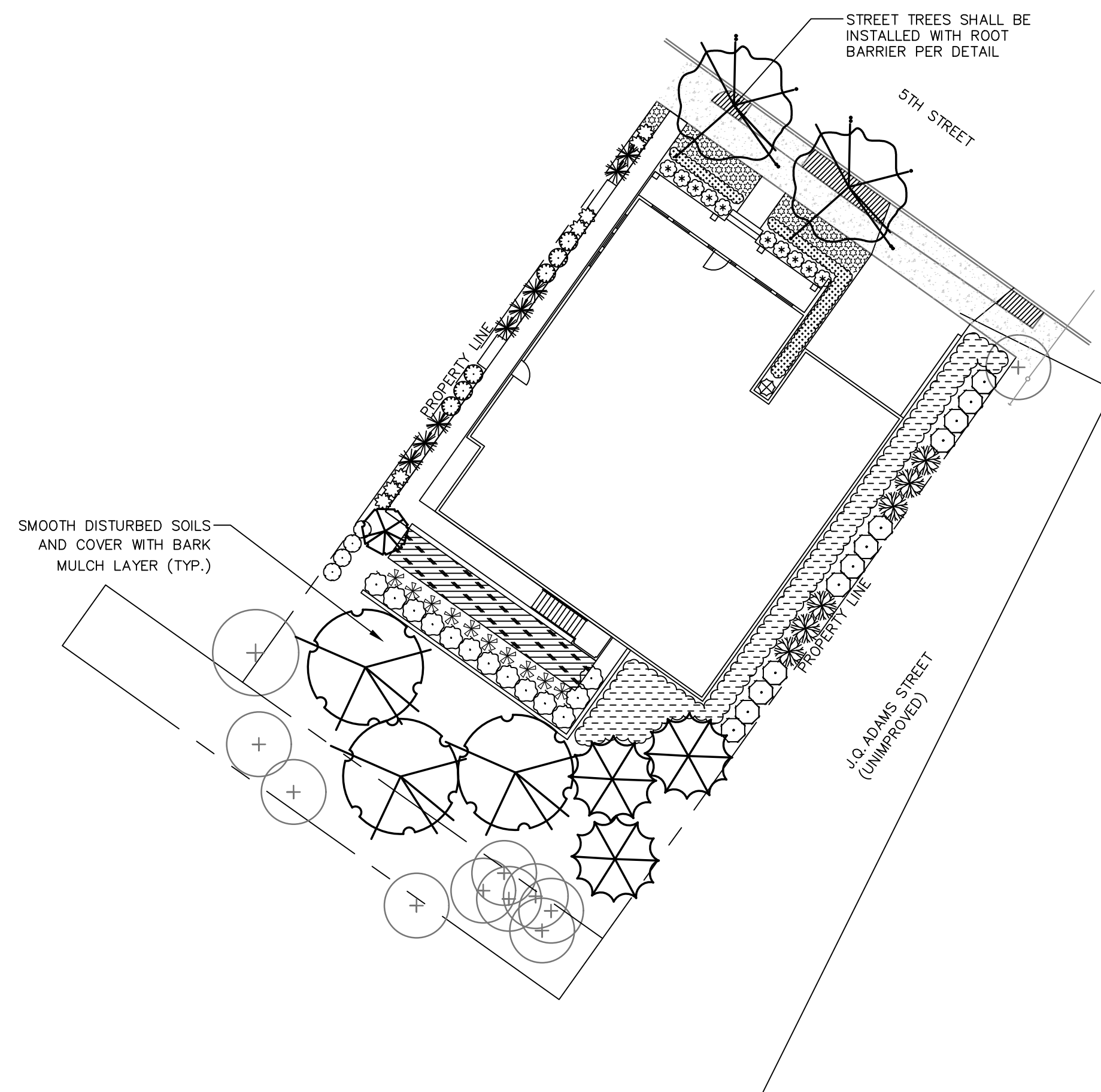
SCALE 1" = 20'-0"



PLANT LIST:		QTY.	LATIN NAME/ Common Name	SIZE	SPACING
STREET TREES					
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown	
MITIGATION TREES					
	3	CORNUS NUTALLII Pacific Dogwood	2" cal.	As Shown	
	3	TSUGA HETEROPHYLLA Western Hemlock	6' ht.	As Shown	
	1	ACER JAPONICUM 'ACONITIFOLIUM' Full Moon Maple	6' ht.	As Shown	
SHRUBS					
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.	
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.	
	1	TAXUS MEDIA 'STONEHENGE' Stonehenge Yew	5 gal.	3' o.c.	
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.	
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.	
	2	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.	
	13	AUCUBA JAPONICA 'MR. GOLDSTRIKE' Mr. Goldstrike Aucuba	5 gal.	4' o.c.	
	35	MAHONIA REPENS Creeping Mahonia	1 gal.	3' o.c.	
	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.	
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.	
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.	
GROUND COVER					
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.	
	63	EPIMEDIUM PERRALICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.	
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.	

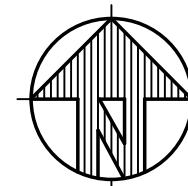
GENERAL NOTES:

1. Contractor is to verify all plant quantities.
2. Adjust plantings in the field as necessary.
3. Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
4. All plants are to be fully foliated, well branched and true to form.
5. Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
6. Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.



LANDSCAPE PLAN

SCALE 1" = 20'-0"





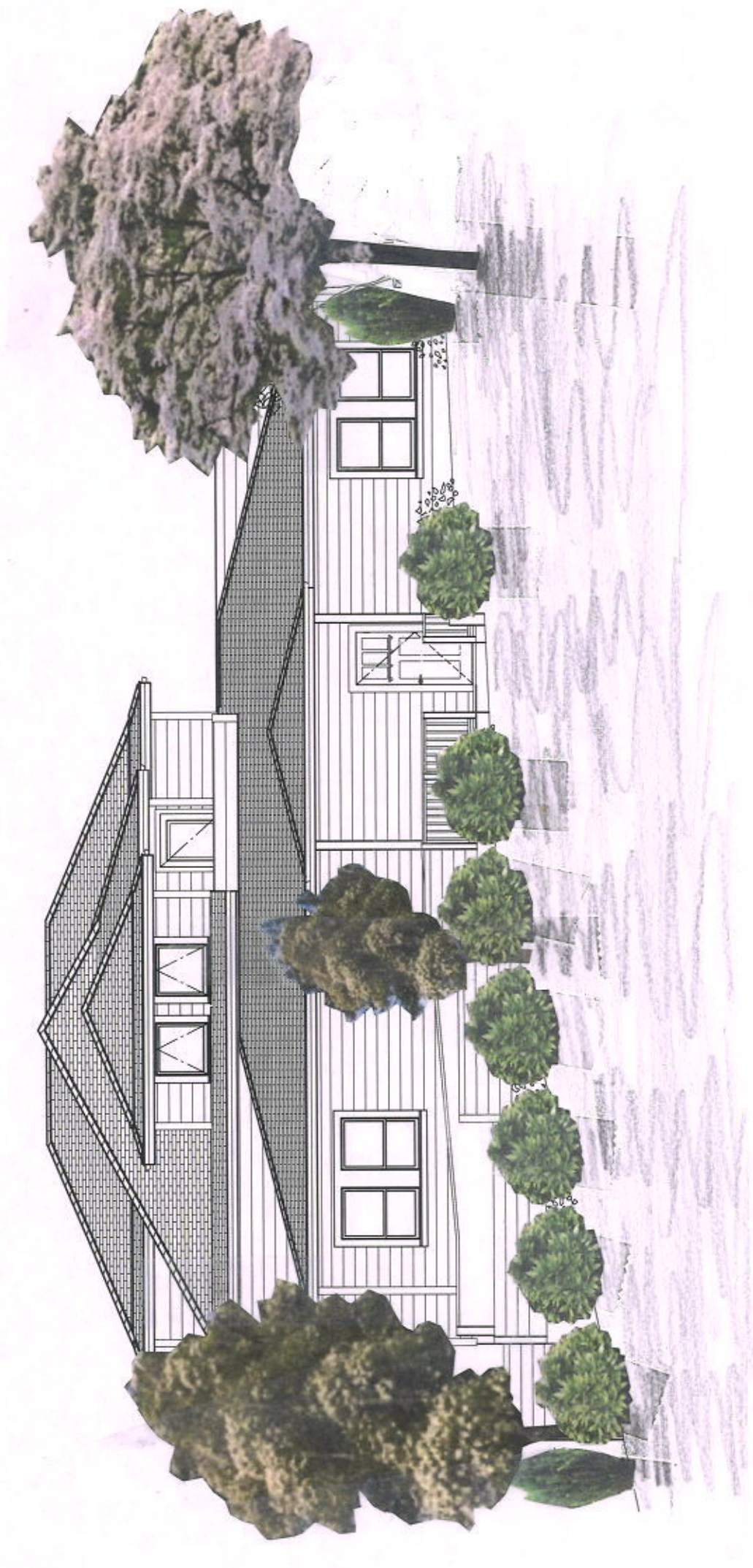
FRONT ELEVATION / 5TH ST

1/8" = 1'-0"



RIGHT ELEVATION / MONROE ST.

1/8" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"



LEFT ELEVATION / J.Q. ADAMS ST

1/8"=1'-0"







Item 8a.



Item 8a.



Item 8a.



From: [Bogdan Smolinets](#)
To: [Christina Robertson-Gardiner](#); john@delsonengineering.com
Cc: [Bogdan Smolinets](#); [Pavel Khrupin](#)
Subject: Fwd: ADA Ramp - need revised drawings
Date: Monday, October 18, 2021 2:52:58 PM
Attachments: [cid492FAC1D-E13B-4AD8-B0B4-8F0BACC256B3.pdf](#)

Sent from my iPhone

Begin forwarded message:

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Date: October 18, 2021 at 1:30:01 PM PDT
To: Bogdan Smolinets <nwcustomhomes@yahoo.com>
Subject: ADA Ramp - need revised drawings

Bogdan,

I am putting together the revised staff report today for the ADA ramp and window alterations for the live/work project on 5th Street. In our phone conversation a couple of weeks ago, I gave you a hard 9 am October 18, 2021 deadline for sending me revised ADA plans addressing the rear slope/grade question and revising the ADA ramp to begin past the front porch.

At this time, my current recommendation is for approval of the window revisions and an ADA ramp to the side door, as I have inadequate information on the full ADA ramp option. If you would like to continue to pursue the ADA ramp to the rear entrance, [I will need you to extend the 120-day date to at least thirty more days](#) to provide time to review your proposal. I am not sure I will have adequate time tomorrow to review anything that you email to me before the agenda is posted.

Application Submitted: 08/31/2021
Application Complete: 09/01/2021
120-Day Decision Deadline: 12/30/2021
120- day extension – 1/30/2022

Thank you



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Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
695 Warner Parrott Rd, Oregon City, OR 97045

crobertson@orccity.org

503) 496-1564 Direct

(503) 722-3789 Main

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PUBLIC RECORDS LAW DISCLOSURE: This email is subject to the

From: [john delson](#)
To: [Bogdan Smolinets](#); [Christina Robertson-Gardiner](#)
Subject: Proposed ADA Ramp with covered deck-PLAN
Date: Monday, October 18, 2021 4:23:39 PM
Attachments: [ADA RAMP REVISED 10-18-21.pdf](#)

Christina and Bogdan,

Hope the plan will clarify the new design idea for the ADA ramp and 13 feet x 19 feet approximately, covered deck on the back yard.

Should you have any questions, please call us or e-mail.

Thank You
Respectfully,

John Delson P.E. DEI-President
p. 360-944-7094
c. 360-281-8353



Delson Engineering, Inc.

1204 NE 146TH AVE
VANCOUVER, WA. 98684

PHONE: (360) 944 -7094

John@Delsonengineering.com

October 19, 2021

Re.: ADA Ramp and Covered Rear Deck for the main floor access.

NARRATIVES FOR GLUA 20-00024 TERESA YIP

APPLICANT: Name: Bogdan Smolinets 503-504-6754
Address: 15730 SE Bybee Dr
Portland OR 97236

OWNER: Name: Teresa Yip 971-258-8148
Address: 15270 SW Sparrow Loop, unit 102
Beaverton, OR 97007

REQUEST: Description of project:
PR-160-2020 Live Work 5th and JQ Adams

LOCATION: Address: 1020 5th St, Oregon City OR 97045
Map and tax lot number: 10900

To Whom It May Concern:

The owner Teresa Yip is in process of developing the above site to provide care for her elderly family members. It has been stated, in the previous approval process by Historical Board, and the City Permitting authorities.

Mrs. Teresa Yip expressed her family and personal needs for the ADA compliant ramp in her letter dated September 27, 2021. Her mother (92 years of age), and older brother currently require ADA accessibility due to the advanced age.

We understand that the ramp is necessary to access the residential floor to accommodate the needs of the owner and her family, and propose ADA compliant ramp to access residential floor level.

The existing site topography of the backyard with aggressive slopes make the required residential entry rear door very difficult for access. In our professional opinion the elevated ramp will also minimize further disturbance of the surface ground in geologically sensitive area.

The ramp will be fully screened on the right side with the siding to match the siding material and finishes of constructed house.

The cover deck will be approximately 19 feet long by 13 feet wide. It will match the overall depth of the ramp and will fill up the space between the constructed Landscape Retaining Wall and the house. The hip roof over the proposed deck will match the design of the lower hip roof of the house. The roof over the proposal deck will also provide shelter for the occupants during hot or rainy days of the year. Also the covered deck will complement the house.

The ADA ramp will give more residential appearance to the rear elevation.

We thank you in advance for your consideration of the proposed ADA ramp, and the covered deck to meet the needs of the owner family.

I hope this information meets your needs at this time.
Please call our office if you have any questions.

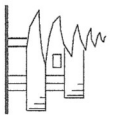
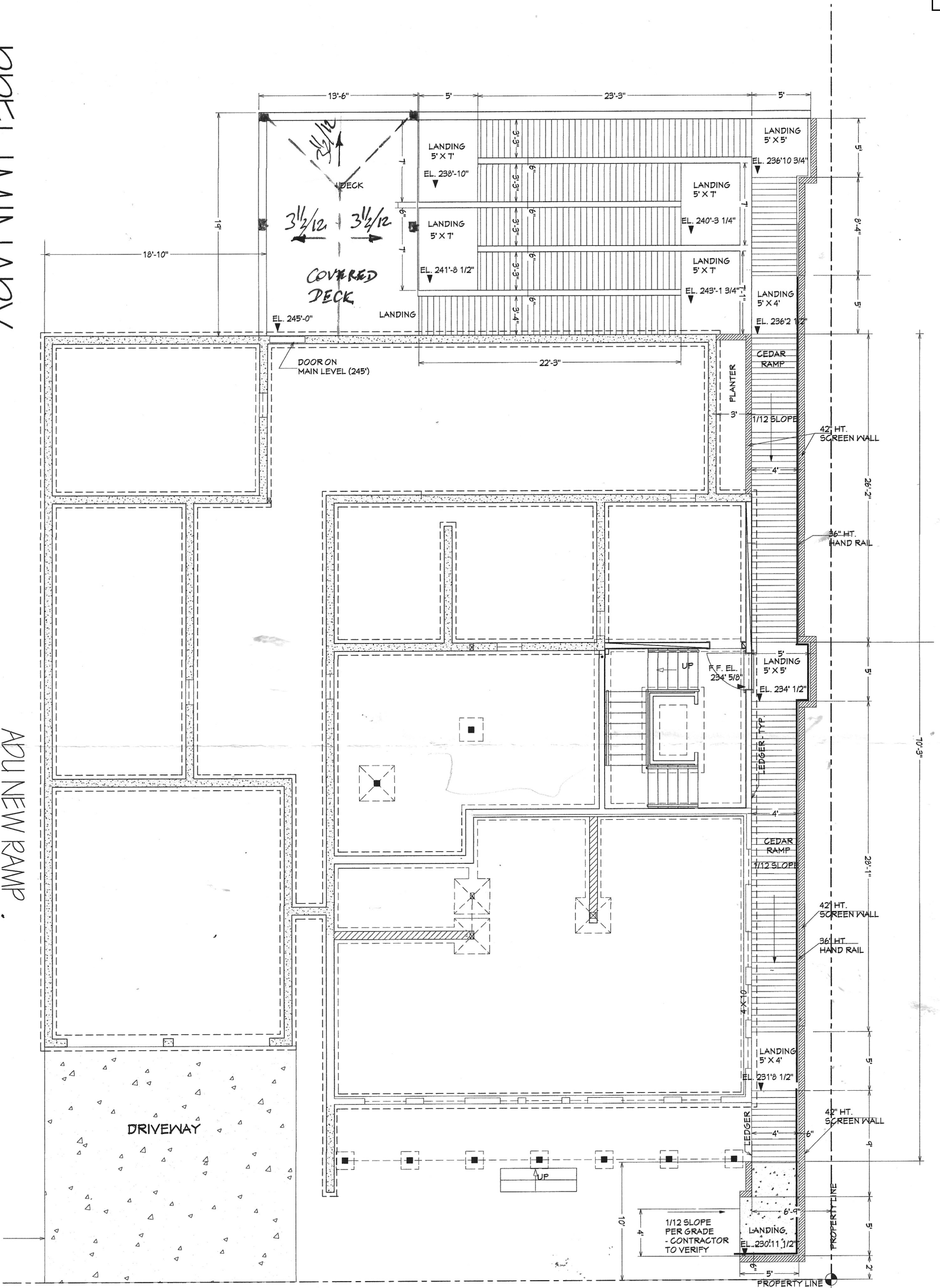
Respectfully,

John J. Delson P.E. E.O.R.

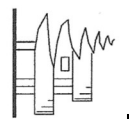
10-15-21

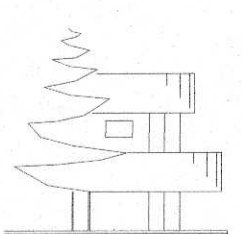
ADU NEW RAMP

1/8"=1'-0"

[illegible]

YIP- RESIDENCE
5 TH ST JQ-ADAMS ST
OREGON CITY, OR 97045



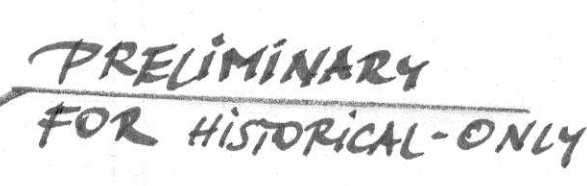
$$1/4'' = 1' - 0''$$


YIP RESIDENCE
5 TH ST JQ-ADAMS ST
OREGON CITY, OR 97045

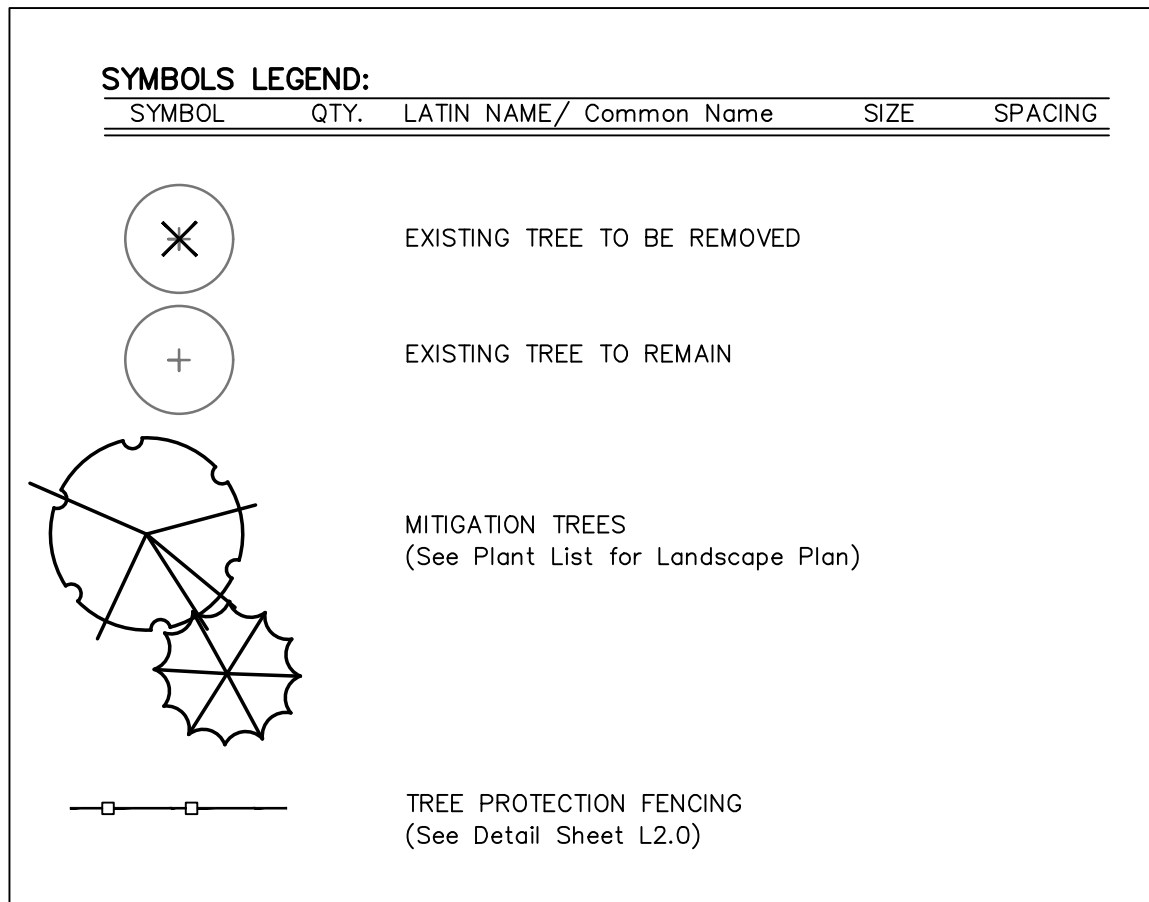
DATE: 8-26-21
LIVING AREA:
JOB NO: A19-7-52
DRAWN
BY: *ABB*

INTEGRAL PART OF THESE DRAWINGS AND IS GENERALLY THE LAST SHEET OF THE SET.

DELSON ENGINEERING, INC.
1204 NE 146TH AVENUE
VANCOUVER, WA 98684
(360) 944-7094


$$1/4'' = 1' - 0''$$

CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS
AND CONDITIONS AND NOTIFY ENGINEER OF RECORD
IF DIFFERENT PRIOR TO START OF CONSTRUCTION
ALL WORK PER LATEST ADOPTED
APPLICABLE CODES -TYP.

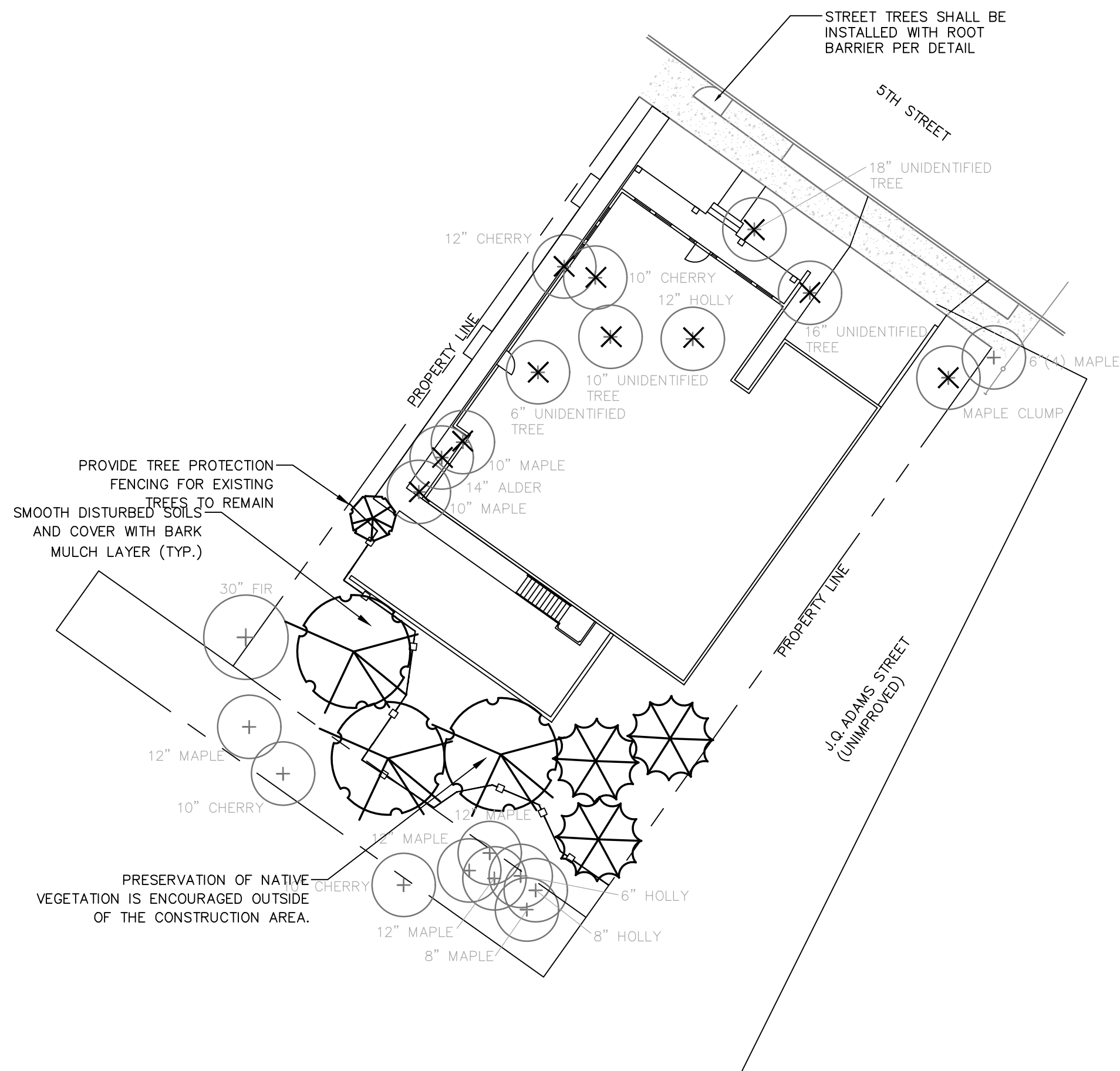


TREE MITIGATION CALCULATIONS:
*See 11/5/19 Arborist Report for Hazardous Tree Descriptions
*The Site Survey shows some existing trees that do not correspond to the Arborist Report, therefore we propose to mitigate for all trees that cannot be identified or reconciled.

Total Existing Trees Removed within Construction Area=11
Hazardous Tree Quantity=6
Invasive Species Trees Quantity=1
Quantity of Trees to be Mitigated=4 (Noted as "Unidentified")
6-12"=2 (Requires 2 Mitigation Trees)
13-18"=2 (Requires 4 Mitigation Trees)
New Mitigation Trees Proposed=6

Total Existing Trees Removed outside of Construction Area=0

*Any non-hazardous existing trees shown on this plan to remain, that are removed or damaged during construction, shall be replaced according to the requirements of Oregon City Municipal Code Table 17.41.060-1.



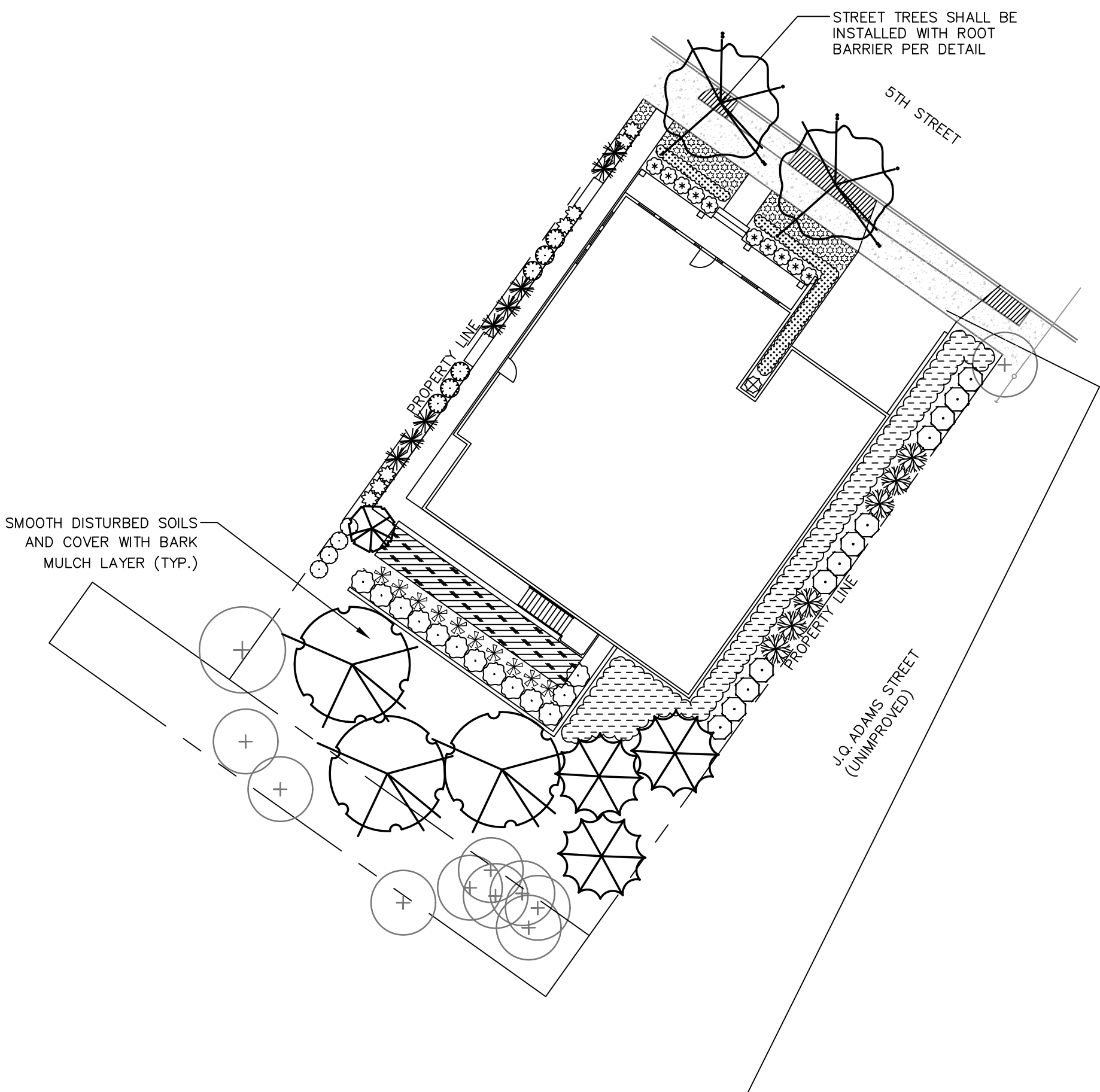
TREE REMOVAL + MITIGATION PLAN

SCALE 1" = 20'-0"

PLANT LIST:				
SYMBOL	QTY.	LATIN NAME/ Common Name	SIZE	SPACING
STREET TREES				
	2	SYRINGA RETICULATA Japanese Tree Lilac	2" cal.	As Shown
MITIGATION TREES				
	3	CORNUS NUTALLII Pacific Dogwood	2" cal.	As Shown
	3	TSUGA HETEROPHYLLA Western Hemlock	6' ht.	As Shown
	1	ACER JAPONICUM 'ACONITIFOLIUM' Full Moon Maple	6' ht.	As Shown
SHRUBS				
	29	NANDINA DOMESTICA 'HARBOR BELLE' Harbor Belle Nandina	2 gal.	2' o.c.
	10	PIERIS JAPONICA 'LITTLE HEATH' Little Heath Pieris	5 gal.	3' o.c.
	1	TAXUS MEDIA 'STONEHENGE' Stonehenge Yew	5 gal.	3' o.c.
	6	CORNUS ALBA 'BAILHALO' Ivory Halo Dogwood	2 gal.	5' o.c.
	12	VACCINIUM OVATUM Evergreen Huckleberry	5 gal.	4' o.c.
	32	LEUCOTHOE FONTANESIANA 'NANA' Dwarf Leucothoe	2 gal.	3' o.c.
	13	AUCUBA JAPONICA 'MR. GOLDSTRIKE' Mr. Goldstrike Aucuba	5 gal.	4' o.c.
	35	MAHONIA REPENS Creeping Mahonia	1 gal.	3' o.c.
	6	CAMELLIA 'FAIRY BLUSH' Fairy Blush Camellia	2 gal.	3' o.c.
	8	CEPHALOTAXUS HARRINGTONIA 'FASTIGIATA' Upright Japanese Plum Yew	5 gal.	2' o.c.
	7	SARCOCOCCA RUSCIFOLIA Sweet Box	1 gal.	3' o.c.
GROUND COVER				
	14	ARCTOSTAPHYLOS U.U. 'WOOD'S DWARF' Wood's Dwarf Kinnikinnick	1 gal.	3' o.c.
	63	EPIMEDIUM PERRALCHICUM 'FROHNLEITEN' Frohnleiten Bishop's Hat	1 gal.	2' o.c.
	44	LIRIOPE MUSCARI 'BIG BLUE' Big Blue Lily Turf	1 gal.	2' o.c.

GENERAL NOTES:

- Contractor is to verify all plant quantities.
- Adjust plantings in the field as necessary.
- Project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. System is to be design/ build by Landscape Contractor. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
- All plants are to be fully foliated, well branched and true to form.
- Contractor is to notify Landscape Architect or Owner's Representative of any site changes or unforeseen conditions that may be detrimental to plant health, or cause future problems to any structural elements of the project.
- Invasive plant species shall be removed from all landscape areas prior to approval of final occupancy permit.



LANDSCAPE PLAN

SCALE 1" = 20'-0"

Item No.

REVISIONS

DATE

NO.

OTTEN + ASSOCIATES

LANDSCAPE ARCHITECTURE

3933 South Kelly Avenue, Suite B • Portland, OR 97239

Phone: (503) 972-0311 • www.ottenla.com

5th STREET + J.O. ADAMS STREET

OREGON CITY, OR 97045

LANDSCAPE PLAN

DATE

9-7-2021

SCALE

NOTED

DRAWN

EH

CHECKED

EH

SHEET NO

L1.0

1 OF 2

REVISED 8.30.21



A-1

YIP RESIDENCE
5 TH ST JQ ADAMS ST
OREGON CITY, OR 97045

DATE: 4-30-20
LIVING AREA:
JOB NO: A14-T-52
DRAWN BY: JAB

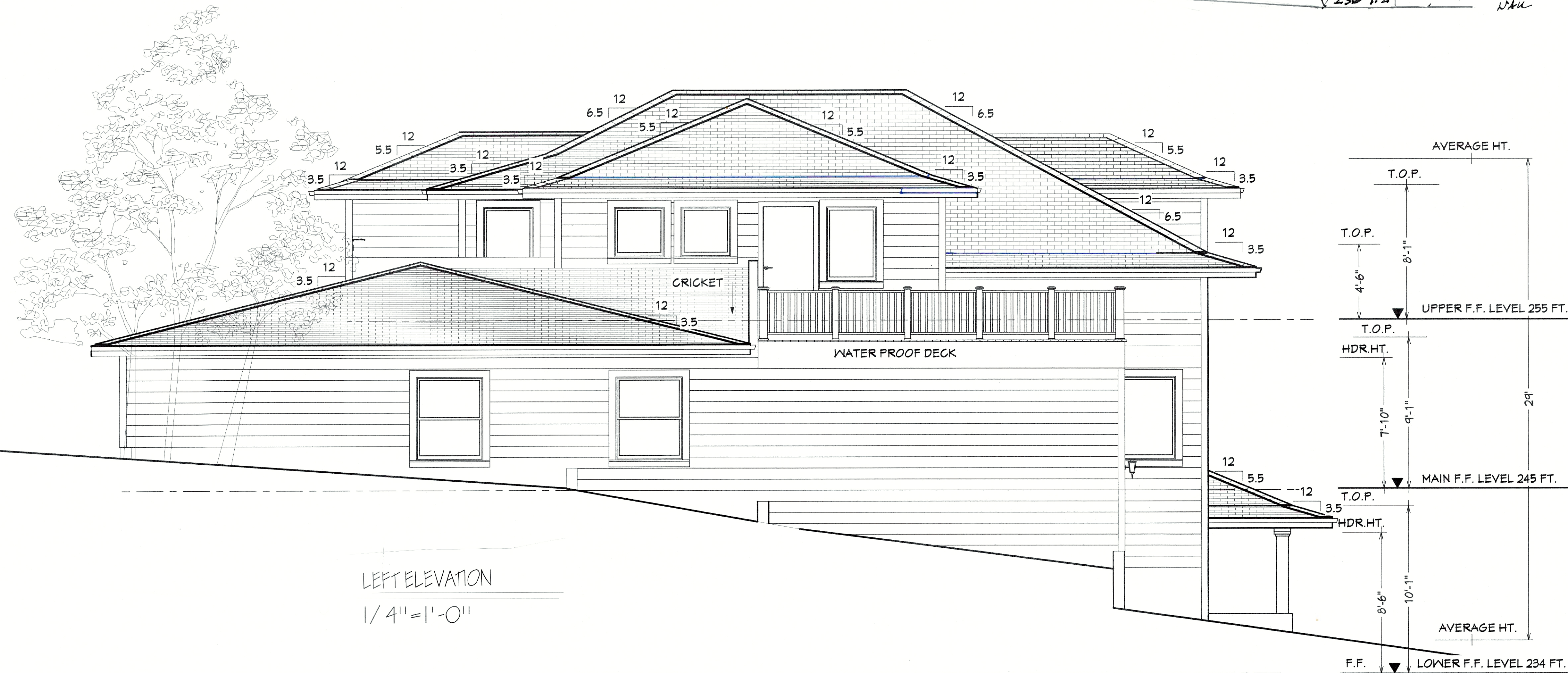
THIS DRAWING IS THE PROPERTY OF DELSON ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE, REPRODUCTION, OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF DELSON ENGINEERING, INC. IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. DELSON ENGINEERING, INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES IN THIS DRAWING, NOR FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING. A GENERAL NOTE AND SPECIFICATION SHEET IS ALWAYS AN INTEGRAL PART OF THESE DRAWINGS AND IS CONSIDERED THE LAST SHEET OF THE SET.

DELSON ENGINEERING, INC.
1204 NE 146TH AVENUE
VANCOUVER, WA 98684
(360) 944-7094



FRONT ELEVATION

1/4" = 1'-0"



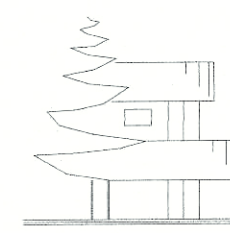
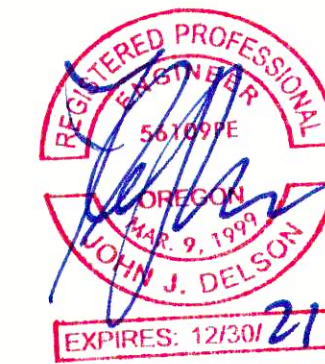
LEFT ELEVATION

1/4" = 1'-0"

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS AND NOTIFY ENGINEER OF RECORD IF DIFFERENT PRIOR TO START OF CONSTRUCTION ALL WORK PER LATEST ADOPTED APPLICABLE CODES -TYP.



REVISED 8-30-21



A-2

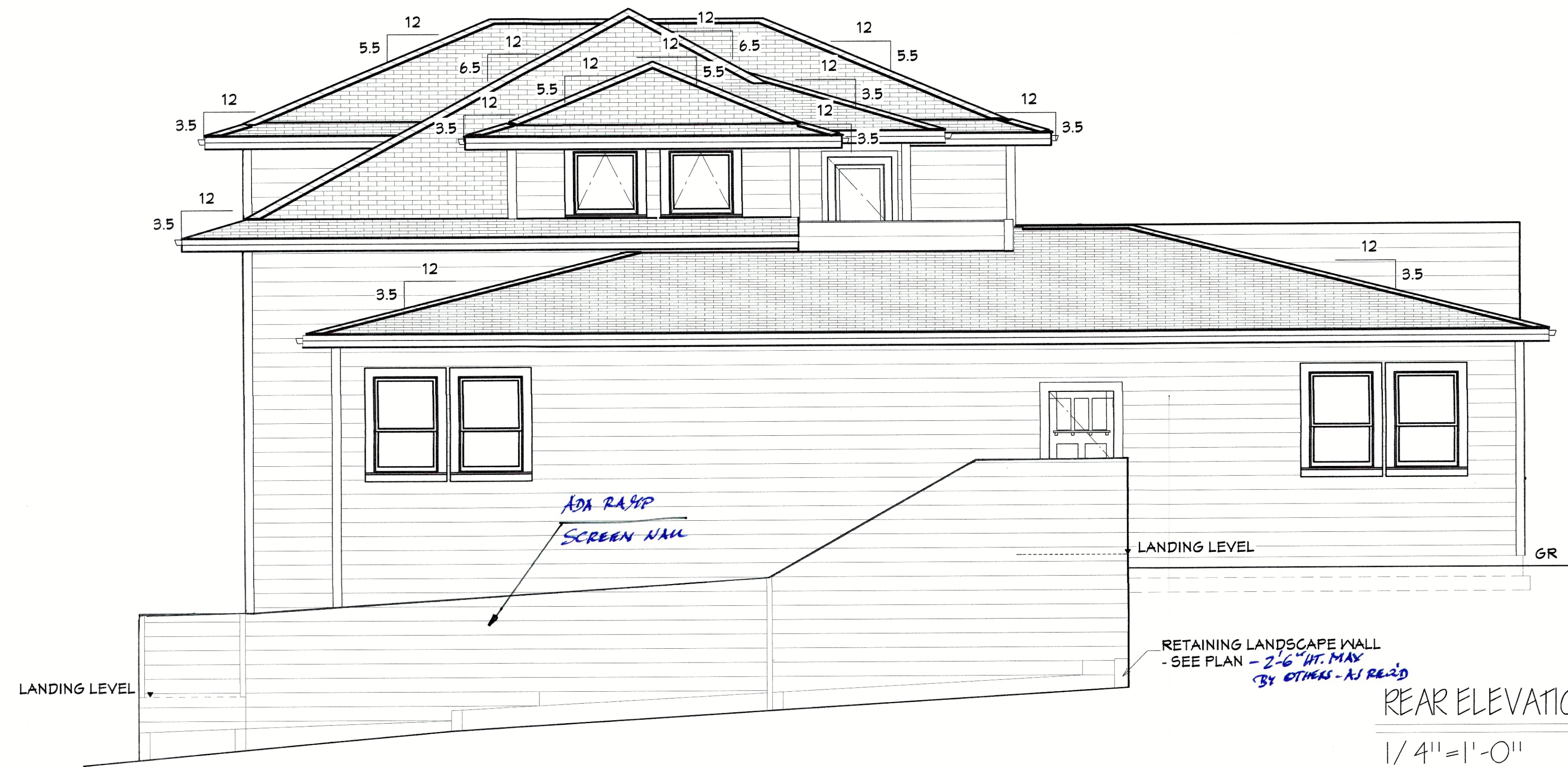
YIP RESIDENCE
5 TH ST JO-ADAMS ST
OREGON CITY, OR 97045

DATE: 8-26-21

LIVING AREA:

JOB NO: A14-1-52

DRAWN BY: JCD/8/21

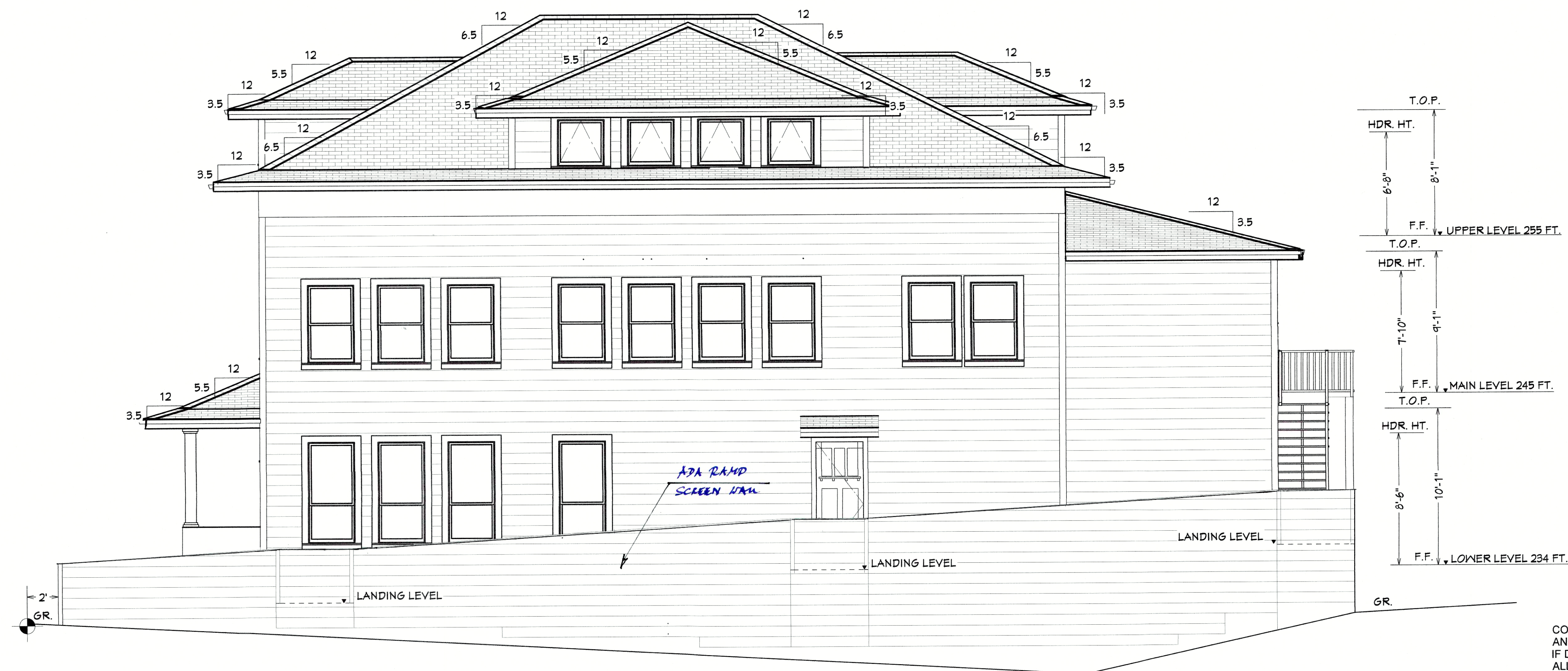
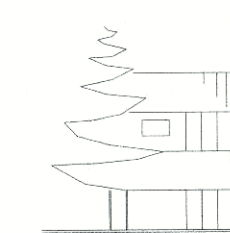


REAR ELEVATION

1/4" = 1'-0"

THESE PLANS HAVE BEEN PREPARED BY THE ARCHITECT FOR THE CUSTOMER'S USE IN THE CONSTRUCTION OF THE BUILDING ONLY AND ARE SUBJECT TO THE CONDITIONS OF LICENSE ACCEPTED BY THE CUSTOMER. USE OF ANY PART OF THESE PLANS FOR ANY OTHER PURPOSE THAN THE CUSTOMER'S EXCEPT ON THE BASIS OF A LICENSE FROM THE ARCHITECT IS STRICTLY PROHIBITED. THE ARCHITECT MAKES NO WARRANTY, EXPRESS OR IMPLIED, IN THESE PLANS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING ONLY. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CUSTOMER. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING ONLY. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CUSTOMER. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING ONLY. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CUSTOMER.

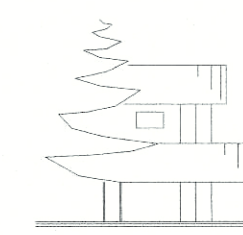
DELSON ENGINEERING, INC.
1204 NE 146TH AVENUE
VANCOUVER, WA 98684
(360) 944-7094



RIGHT ELEVATION

1/4" = 1'-0"

CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS
AND CONDITIONS AND NOTIFY ENGINEER OF RECORD
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ALL WORK PER LATEST ADOPTED
APPLICABLE CODES - TYP.





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☒ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: ADA RAMP

Project Name: YIP RESIDENCE Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 1020 5TH Street Oregon City OR

Clackamas County Map and Tax Lot Number(s): 2-2E-31DA 10900

Applicant(s): Bogdan Smolinets
Applicant(s) Signature: _____

Digitally signed by Bogdan Smolinets
DN: cn=US, ou=NW Custom Homes Inc., o=NW Custom Homes Inc., cn=Bogdan Smolinets, email=nwcustomhomes@yahoo.com
Reason: I am the author of this document
Location: your signing location here
Date: 2021-08-30 15:44:15
Foxit Reader Version: 10.0.0

Applicant(s) Name Printed: NW Custom Homes Inc. Date: 08-30-2021

Mailing Address: 15730 SE Bybee dr. Portland OR 97236

Phone: 503-504-6754 Fax: 971-279-5606 Email: nwcustomhomes@yahoo.com

Property Owner(s):
Property Owner(s) Signature: _____

Property Owner(s) Name Printed: Teresa Yip Date: 08-30-2021

Mailing Address: 5835 SW Hamilton St. Portland OR 97221

Phone: 971-258-8148 Fax: _____ Email: yipt@aol.com

Representative(s): Bogdan Smolinets
Representative(s) Signature: _____

Digitally signed by Bogdan Smolinets
DN: cn=US, ou=NW Custom Homes Inc., o=NW Custom Homes Inc., cn=Bogdan Smolinets, email=nwcustomhomes@yahoo.com
Reason: I am the author of this document
Location: your signing location here
Date: 2021-08-30 15:43:32
Foxit Reader Version: 10.0.0

Representative (s) Name Printed: NW Custom Homes Inc. Date: 08-30-2021

Mailing Address: 15730 SE Bybee dr. Portland OR 97236

Phone: 503-504-9754 Fax: 971-279-5606 Email: nwcustomhomes@yahoo.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



Delson Engineering, Inc.

1204 NE 146TH AVE
VANCOUVER, WA. 98684

PHONE: (360) 944 -7094

John@Delsonengineering.com

August 30, 2021

Re.: ADA Ramp for main floor access.

NARRATIVES FOR GLUA 20-00024 TERESA YIP

APPLICANT: Name: Bogdan Smolinets 503-504-6754
Address: 15730 SE Bybee Dr
Portland OR 97236

OWNER: Name: Teresa Yip 971-258-8148
Address: 15270 SW Sparrow Loop, unit 102
Beaverton, OR 97007

REQUEST: Description of project:
PR-160-2020 Live Work 5th and JQ Adams

LOCATION: Address: 1020 5th St, Oregon City OR 97045
Map and tax lot number: 10900

To Whom It May Concern:

The owner Teresa Yip is in process of developing the above site to provide care for her elderly family members. Her mother, and aunt currently require ADA accessibility due to the advanced age, As it has been stated, and approved by Historical Board, in the previous approval process.

To accommodate the required ADA wheelchair access to the main level of proposed house, we propose a typical ramp designe per nationwide adopted ADA standards. We propose screening wall of the ramp and the ramp supporting structure using approved Materials, finishes and colors as per current Historical Board standards.

I hope this information meets your needs at this time.
Please call our office if you have any questions.

Respectfully,

John J. Delson P.E. E.O.R.



OREGON CITY

Community Development – Planning

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

Written Public Comment

Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

The City Commission's review for AP 21-0006 is limited solely to the record developed before the HRB; neither the Appellant nor any other party may offer any additional evidence with respect to design compatibility, mitigation, or the feasibility of other alternatives. The parties are limited to only making arguments regarding the identified issue.

- Public Comment- McLoughlin Neighborhood Association- November
- Public Comment- McLoughlin Neighborhood Association- October
- Public Comment- McLoughlin Neighborhood Association-September
- Public Comment-Teresa Yip
- Staff Comment- Mike Roberts Building Official
- Staff Comment- Sang Pau, Development Engineer
- Staff Comments- Tracy Turner, Residential Plans Examiner

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: November 29, 2021
 TO: Oregon City Historic Review Board
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association *MM*
 RE: Second Revision Comments on GLUA-21-00052/HR-21-00020
 1020 5th Street

As described in the revised Staff Report of November 23, the initial decision already approved a structure that had elements of massing far outside the foursquare concept. The applicant has continued with construction, without proper permitting, of features that will create a development that is even more out of line with the historic parameters. The applicant has a feasible option to provide ADA access inside the building in the form of a chairlift or similar device.

This submittal does not include a complete narrative or a revised landscape plan. Figure 11, the outdated landscape plan, and Figure 17 of the right side elevation, depict lush landscaping along the edge. Although no scaled drawing of the setback area and wall width have been provided, it does not appear feasible that the indicated plants will fit in this space. The likely result is that the plantings will be omitted, thus eliminating needed buffering between this proposed addition and the neighboring land. Similar issues may arise with the rear yard.

MNA does not concur with the option of allowing a ramp that exceeds maximum ADA slopes, as discussed in the November 23 Staff Report. The desired ramp to the rear is intended for use as an ADA accessible route to the second story. The length, height differential, and switchbacks contribute to an impractical and non-compliant route that does not serve the users and that cannot be accommodated on this topographically restricted site. No site features have changed to introduce a hardship to the applicant. It has been the applicant's own negligence of existing site conditions and resident/user needs that have resulted in the unpermitted work and infeasible proposals, which incrementally erode the standards. MNA does not support the exterior ramp; an interior method of access is feasible and should be required.

The applicant's email response of November 15 erroneously states the additional porch cover size as 140 sf when it is approximately 280 sf. The applicant dismisses all recommended options without justification or demonstration that they are infeasible. For instance, it is stated that an interior lift device is prohibitively expensive. Quotes for a lift and for the ramp + wall + covered porch should be submitted to provide data to the Board to determine cost feasibility.

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

The applicant has continued to submit incomplete application materials, including the November 15 revision. We realize that staff is obligated to accept incomplete applications should the applicant decline to provide the required information. Conversely, the city is within their authority to deny applications if they remain incomplete. MNA supports the HRB and city's authority to deny this incomplete application, as it has not demonstrated compliance with the applicable standards.

Thank you for your consideration.

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: October 26, 2021
 TO: Oregon City Historic Review Board
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association *MM*
 RE: Revised Comments on GLUA-21-00052/HR-21-00020
 1020 5th Street

The applicant has provided additional materials. However, all previous concerns have not been addressed, and the new proposal presents an even greater impact to the community. The neighbors had expressed concerns from the beginning that the site is not appropriate in size, location, or terrain for the intended use. We expressed our concern that the use appears to be a care facility (although the applicant has not acknowledged this), and ADA and emergency access were not feasible given the site conditions and large building footprint.

The new revision proposes a large addition to the previously proposed ADA ramp, plus a 250-sf deck. This will create an increased negative impact visually to the surrounding community as well as environmental and safety impacts due to the sensitive geologic features of the site.

More importantly, this design will have a detrimental effect on the residents and users of the facility. They would be required to navigate over 230 feet of ramp with 2 corners and 4 hairpin turns, over a 14-foot elevation gain, exposed to the elements, prior to reaching the proposed deck and rear entrance. For people lacking mobility, this is likely to result in a need for assistance or medical intervention. Additionally, ADA access is not provided to the top floor with this design.

Unfortunately, the applicant's negligence in planning for the known ADA access prior to construction has resulted in limited options to remedy the situation.

In order to reduce the significant impacts to the land, the neighbors, and facility users as discussed above, we respectfully encourage the HRB to **require** an alternate means to provide ADA access internally. There are many wheelchair lift products on the market intended to be incorporated into new buildings or retrofitted into existing buildings. Installation of a device similar to the one attached to this memo would allow ADA access to all levels of the structure, would eliminate additional impact to the exterior design, eliminate further geologic impact, and provide a shorter, protected, easier to navigate route for the vulnerable residents and users of the facility.

MNA supports the continuance proposed by City staff for the applicant to consider this concept and other more appropriate ADA designs.

Please refer also to MNA memo of September 17, 2021.

M c L O U G H L I N



N E I G H B O R H O O D
A S S O C I A T I O N



symmetryelevators.com

Post Office Box 1027, Oregon City, Oregon 97045 • <https://www.orcity.org/community/mcloughlin-neighborhood-association>

M C L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

DATE: September 17, 2021
 TO: Oregon City Historic Review Board
 Christina Robertson-Gardiner, Senior Planner
 FROM: McLoughlin Neighborhood Association
 RE: Comments on GLUA-21-00052/HR-21-00020
 1020 5th Street

- The application is incomplete. The applicant has not addressed any criteria.
- There are exterior changes, such as windows, from the approved plan. The narrative needs to address these changes.
- The request includes a “change in final foundation height.” There is no information on the change.
- Given that the construction is well-underway, it appears that any input on the foundation elevation modification is moot. What are the implications of this change?
- How does the screen wall itself comply with criteria?
- A floor plan, not a site plan, was submitted. Provide a site plan showing dimensions of all features from the property lines, in particular the west property line.
- On the site plan, show how the ramp ties in at the front; show the existing sidewalk.
- Show the wall, its foundation, and landscaping on a vertical elevation drawing of the north elevation. Depict measurements.
- Address how the wall foundation and proposed landscaping will be accomplished in the small space between the building and west property line without encroaching.
- Condition #2 of HR-20-01 requires the applicant to minimize grading and comply with any applicable standards in the Geologic Hazard Overlay. Address how the retaining wall foundation complies.
- The maximum lot coverage appears to be exceeded; please check calculation.

9/27/2021

To: Community Development Dept.

698 Warner Parrott Road

P.O. Box 3040

Oregon City OR 97045

To whom it may concern:

I need everyone to understand that this house on 5th Ave is my family house. I do need the ramp to accommodate my elderly mother and my elderly brother. My mother is 92 years old with both knee replacement, open heart surgery for dysfunctional mitral valve, and atrial fibrillation. I will need the ramp to accommodate her disability. My elderly brother has arthritis, he will need the ramp to accommodate his daily activities, such as getting in and out of the house.

Respectfully,

Teresa Yip

P.C. I am on business in Philadelphia and will not be able to attend the meeting tonight due to the different time zone. I apologize.



LAND USE APPLICATION TRANSMITTAL

Date: 9/7/2021

DISTRIBUTION OF APPLICATION

x	Building Division		Clackamas County Transportation
x	Development Services		Clackamas County Planning
x	Public Works Operations		Clackamas Fire District #1
x	City Engineer		ODOT – Division Review
	Public Works Director		Oregon City School District
	Parks Manager		Tri-Met
	Community Services Director		Metro
	Police		PGE
	Economic Development Manager		South Fork Water Board
	Traffic Engineer	x	Hamlet of Beavercreek
	City Manager's Office	x	Holcomb Outlook CPO
x	CIC Chair	x	Central Point / Leland Road / New Era CPO
x	N.A Chair – McLoughlin	x	Other – See Email List
x	N.A. Land Use Chair		Natural Resource Committee
x	Notice of the application mailed to all properties within 300 feet		Other:

COMMENTS DUE BY:	September 17, 2021		
DECISION BODY:	Historic Review Board		
HEARING DATE(s):	September 28, 2021		
DECISION TYPE:	Type III		
FILE #S:	GLUA 21-00052 / HR-21-00020		
PLANNER:	Christina Robertson-Gardiner, Senior Planner	Phone (503) 496-1564	Email crobertson@orc.org
APPLICANT:	Bogdan Smolinets		
REQUEST:	Exterior modifications to HR 20-01 including but not limited to the inclusion of an ADA ramp and change in final foundation height for a new live/work building in the McLoughlin Conservation District		
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-21-00052-hr-21-00020-exterior-modifications-hr-20-01		
ADDRESS(ES):	1020 5 th Street Oregon City, OR 97045		
TAX LOTS:	Clackamas County Map 2-2E-31DA-10900		

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☒	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

Permits will be required to be obtained prior to the construction of the ramp.

Michael G. Roberts

Digitally signed by Michael G. Roberts
DN: C=US, E=mroberts@orc.org,
CN=Michael G. Roberts
Date: 2021.09.07 12:28:24-07'00'

Signature

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

From: [Sang Pau](#)
To: [Christina Robertson-Gardiner](#)
Cc: [Josh Wheeler](#)
Subject: RE: 5th Steet Live Work- ADA Ramp- Request for comment
Date: Friday, November 19, 2021 5:00:47 PM

Christina,

We've confirmed that it does appear that the wall is large enough to trigger additional geohazard permitting and review. For the decking, if the cut is 2 feet or fill is 2 feet, geo is required UNLESS this is for postholes and are fairly shallow such as those used for a deck. If they are deeper, as used for a pole barn, then it is not exempt.

Thank you,

Sang Pau
Development Engineering Associate
Oregon City Public Works
 13895 Fir Street
 Oregon City, Oregon 97045
spau@orccity.org
 503-974-5503

Website: www.orccity.org | www.orccity.org/maps

*Think **GREEN** before you print.*

We have moved! Engineering Development Services is now located at 13895 Fir Street.

Engineering Development Services Public Counter Hours at 13895 Fir Street are 9:00 AM to 4:00 PM Monday through Thursday. We are available for in-person discussions on Friday by appointment only.

The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation [here](#).

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, November 19, 2021 2:35 PM
To: Sang Pau <spau@orccity.org>
Subject: FW: 5th Steet Live Work- ADA Ramp- Request for comment

From: Christina Robertson-Gardiner
Sent: Tuesday, November 16, 2021 3:08 PM
To: Sang Pau <spau@orccity.org>; Josh Wheeler <jwheeler@orccity.org>; Christopher Long <clong@orccity.org>; Doug Ward <dward@orccity.org>
Subject: 5th Steet Live Work- ADA Ramp- Request for comment

Building and DS,

Can you take a look at Bogdan's revised ADA plan and new CMU retaining wall and let me know in a small memo or email for the record, if additional permits will be needed/or if you have any concerns about the approach?

P:\CommunityDevelopment\2021 Permits-Projects\Other Planning\HRB Items\HR-21-00020 5th Street ADA ramp & foundation\Applicant's Submittal\Revised Submittal 11.15.21

I will be writing the HRB staff report this Thursday, and the agenda will be posted on 11.23.21, so anything before the end of the week would be very helpful to add to my staff report/analysis for the new retaining wall and revised larger ADA ramp.

At this time, I will be recommending that the HRB approve a smaller side entry ADA ramp and encourage the applicant to investigate utilizing an internal chair lift approach. The new retaining wall does not meet HRB materials standards and will need to be rebuilt/revised to be one of the following unless the HRB agrees to the alternate material.

1. natural rockery wall
2. poured in place concrete wall
3. real basalt veneer wall

Thanks all- call me if you have any questions.

CRG

From: Christina Robertson-Gardiner

Sent: Wednesday, November 10, 2021 10:01 AM

To: Sang Pau <spau@orccity.org>; Josh Wheeler <jwheeler@orccity.org>

Subject: 5th Steet Live Work- ADA Ramp

Sang and Josh-

Bogdan and his engineer John Delson are pursuing a much larger ADA ramp on his site. He submitted some information at the last HRB meeting at the last minute and we required the following to be turned in before staff can adequately review the proposal. My initial recommendation as for a smaller side door ramp / internal lift/elevator. I did not approve the original ADA ramp associated with the Building Permit last spring.

The have promised to submit the information by November 15th for a November 30th HRB meeting. I wanted to reach out to you to see the revised much larger rear ADA ramp would trigger additional geohazard review using the July 2021 OCMC17.44 code. Initial incomplete plans submitted in late October can be found [here](#) for reference. We can schedule a meeting next week if you want to walk through the revised information. *Thanks!*

Below is the list of items the HRB request for the November 30th HRB meeting:

Please submit them by November 15, 2021, to allow staff time to review the items and coordinate with Building and Development Services. The new 120-day deadline is to January 30, 2022.

1. Revised landscape plan with additional mitigation plantings.
2. Revision to site plan and elevation that show the ADA ramp starting beyond the front porch (per condition of approval)
3. Provide a site plan ADA option that does not have rear porch.
3. Provide a revised final rear elevation that details the rear ADA ramp.
4. Provide revised findings that show how you are mitigating the impact of the additional massing of the rear ADA ramp and porch.
5. Provide findings showing how the rear deck is compatible and can be mitigated
6. Analysis of why an interior ADA option is not feasible, why does the ADA option need to be commercial grade?
7. Additional site photos of the side and rear elevation (to and from) -at least six photos
8. Updated lot coverage analysis- with revised ADA ramp and rear porch.



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
 695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orc.org
 503) 496-1564 Direct
 (503) 722-3789 Main

[Interactive Maps and Apps](#)

[Printable Maps](#)

[Online Submittal of Land Use Applications](#)

The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation [here](#).

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the

From: [Tracy Turner](#)
 To: [Christina Robertson-Gardner](#)
 Subject: 2021 ORSC Code Requirements for Residential Ramps
 Date: Friday, November 19, 2021 2:05:43 PM
 Attachments: [image001.png](#)

Hello Christina, here is a screenshot of the minimum requirements for Ramps per the 2021 Oregon Residential Specialty Code:

R311.8 Ramps.

Where required by this code or otherwise provided, ramps shall comply with this section.

Exception: Ramps not within or directly serving a regulated building, patio, porch or deck.

R311.8.1 Maximum slope.

Ramps serving the egress door required by Section R311.2 shall have a slope of not more than 1 unit vertical in 12 units horizontal (8.3-percent slope). Other ramps shall have a maximum slope of 1 unit vertical in 8 units horizontal (12.5 percent).

Exception: Where it is technically infeasible to comply because of site constraints, ramps shall have a slope of not more than 1 unit vertical in 8 units horizontal (12.5 percent).

R311.8.2 Landings required.

There shall be a floor or landing at the top and bottom of each ramp, where doors open onto ramps, and where ramps change directions. The width of the landing perpendicular to the ramp slope shall be not less than 36 inches (914 mm).

R311.8.3 Handrails required.

Handrails shall be provided on not less than one side of ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

R311.8.3.1 Height.

Handrail height, measured above the finished surface of the ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.8.3.2 Grip size.

Handrails on ramps shall comply with Section R311.7.8.5.

R311.8.3.3 Continuity.

Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1 1/2 inches (38 mm) between the wall and the handrails.

A copy of the 2021 Oregon Residential Specialty Code can be found through Oregon's Building Codes Division's website: <https://www.oregon.gov/bcd/codes-stand/Pages/residential-structures.aspx>

Let me know if you have any additional questions.

Thank you,

Tracy



Tracy Turner
 Building Inspector
 City of Oregon City
 PO Box 3040
 695 Warner Parrott Road
 Oregon City, Oregon 97045
 Direct - 503.496.1526
 Building & Planning Division - 503.722.3789
 Fax 503.722.3880

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Historic Review Board – All Public Hearing for Planning Files GLUA 21-00052 / HR-21-00020 Modification of HR 20-00001

The following meeting agendas, videos, staff report and exhibits for this project are available for viewing at <https://www.orcity.org/meetings> and are part of the record.

Date	City Website
September 28, 2021 Historic Review Board Meeting	https://www.orcity.org/bc-hrb/historic-review-board-13
October 26, 2021 Historic Review Board Meeting	https://www.orcity.org/bc-hrb/historic-review-board-15
November 30, 2021 Historic Review Board Meeting	https://www.orcity.org/bc-hrb/historic-review-board-16



TYPE III – HISTORIC REVIEW

NOTICE OF DECISION

May 28, 2020

FILE NO.: GLUA-20-00005 and HR 20-01: Historic Review

APPLICANT: Bogdan Smolinets
NW Custom Homes Inc.
15730 SE Bybee Rd
Portland, OR 97236

OWNER: Teresa Yip
5835 SW Hamilton St
Portland, OR 97221

DECISION: On May 26, 2020, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted 4-0 to approve the proposal with conditions. The Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Number HR 20-01. The complete record for the Historic Review Board decision is on file at the Planning Division.

Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. The process for these land use decisions is controlled by ORS 197.763 and identified in OCMC 17.50. The decision of the Historic Review Board is appealable to the City Commission within fourteen days of the issuance of the final decision. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing. Any appeal will be based on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The City Commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Additional Findings by the Historic Review Board

During the deliberation of this application, the Board found that the revised May design that includes reduced height, a reduction in the total square feet and the redesign of the attached garage to create a 3'8" separation all provide the needed additional mitigation to reduce the massing of the building on a sloped lot and constrained lot, where a fully detached garage would require a fair amount of grading. The Board additionally acknowledged that while the Live/Work use was not specifically called out as a design type in the Design Guidelines and is a use that is neither fully commercial nor fully residential, the applicant's method of using a modified Foursquare design was an appropriate approach for the site and use.

Conditions of Approval

HR 20-01

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

Prior to issuance of Building Permits:

1. The Applicant shall obtain all other required land use approvals, including Site Plan and Design Review and Geologic Hazard Overlay reviews before permits are issued or trees are removed onsite.
2. The Applicant shall minimize grading and comply with any applicable standards in the Geologic Hazard Overlay Chapter 17.44. (P, DS)
3. Additional natural rockery walls that are less than 4 feet in height are allowed on the site without further Historic Review Board review, but will be subject to review for compliance with the Geologic Hazard Overlay District. (P, DS)
4. Minor changes to window location or size on the side and rear facades will be acceptable and may be approved at a staff level prior to building permit issuance. (P)
5. The ground floor height shall be 10 feet minimum. The upper stories may be less than 10 feet to reduce the overall height and perceived massing of the building.
6. The Applicant shall not use stamped concrete or visible gabion walls for any retaining walls; rockery, real basalt veneer, or smooth poured concrete are acceptable. All visible retaining walls associated with the garage and left elevation shall be no more than 6 feet tall, all other retaining walls shall be no taller than 4 feet. (P,DS)
7. The front porch gable shall be removed from the front porch and be redesigned as a simple hipped roof porch to be more aligned with the simpler Foursquare design found in Oregon City.
8. A pre-construction meeting with preservation staff is highly encouraged. (P)
9. The Applicant has not proposed a residential care facility as part of this application. If the Applicant proposes a use allowed within the District, it will be reviewed for compliance with the Site Plan and Design Review code found in OCMC 17.62, applicable Building Codes, and any State of Oregon requirements for the use. If these requirements change the approved plans, the Applicant will be required to resubmit for Historic Review Board approval.

10. The Applicant shall utilize two smaller garage doors of less than 12 feet each instead of a single large garage door, or shall reduce the garage width to a single car garage with a door width of 12 feet or less.
11. Windows in the garage door are acceptable but not required. (P)
12. Doors on the front façade shall be solid or half-lite; no full-lite doors are permitted. (P)
13. Vinyl windows are not permitted. The Applicant shall utilize fiberglass of Marvin Integrity quality or equivalent or wood windows. Slider windows are not permitted. (P)
14. The Applicant shall utilize the following unless an alternate has been approved by the Historic Review Board.
 - a. Cement board siding shall be smooth texture. Woodgrain cement board is not allowed.
 - b. Entry doors shall be solid or half-lite doors
 - c. Exterior lighting shall consist of simple lighting contemporary to the foursquare design period.
 - d. Incised lumber or pressure-treated wood shall not be used on any visible surfaces.
 - e. All railings, decking, and stairs shall be finished to match the house body or trim.
 - f. The window sash shall be the darkest color of the three-color paint scheme.
 - g. All porch and stair railings shall be painted or paint the stained wood, with both top and bottom rail, and balusters attached between the rails rather than on the outside.
 - h. Compost decking is allowed on upper floor elevations and rear elevations.
 - i. Fiberglass windows shall be of Marvin Integrity or equivalent quality.



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: 2/2/2022

SUBJECT:

Resolution No. 22-02 Adopting the Oregon City Sidewalk Replacement Assistance Program

STAFF RECOMMENDATION:

This general business topic is intended to result in the adoption of Resolution No. 22-02 which brings forth a program that incorporates the prior City Commission Work Session discussion and direction pertaining to the Sidewalk Replacement Assistance Program (SRAP) which is a newly proposed program intended to help the City and its citizenry address sidewalk damage resulting from street tree roots. This report will bring up to date the program changes, sharing changed program language and clarifying City Commission feedback received over multiple Work Sessions.

EXECUTIVE SUMMARY:

Like most agencies, the Oregon City Municipal Code identifies the property owner as the responsible party for abutting sidewalk repairs and replacement. Though trees provide benefits such as stormwater retention, wildlife habitat, and reduced energy consumption, street trees often cause damage to abutting sidewalks. Street trees have caused significant damage in neighborhoods across the city, although it was the Wasco Acres, Trailview, and Tracey Heights subdivisions enforcement letter that stirred our most recent discussion and resulted in this proposal for a new Sidewalk Replacement Assistance Program. At the May 25, 2021, City Commission meeting, the City Commission asked staff to address the neighborhood concerns with background and recommendations moving forward. August 10, 2021, was the first policy discussion on a proposed program followed by Work Session discussions on October 11, 2021, December 7, 2021, and January 5, 2022. This report is accompanied by Resolution No. 22-02, the updated Sidewalk Replacement Assistance Program, a fresh redline version which accepted all the last redlines and is now showing only policy language changes since the January 5 meeting, and a new redline accepted version. All will be considered for additional policy guidance.

BACKGROUND:

Like most agencies, the Oregon City Municipal Code identifies the abutting property owner as the responsible party for sidewalk repairs and maintenance of abutting street trees. Though trees provide benefits, they can cause damage to abutting sidewalks. Street trees have caused significant damage along many sidewalks, and thus the City Commission has been considering a strategy for dealing with the damaged sidewalks and associated street tree problems. On August 10, 2021, October 11, 2021, December 7, 2021, and January 5, 2022, City Commission provided additional direction as well as a request that the topic be brought back for final consideration and adoption.

At the January 5 Work Session, the City Commission asked staff to adjust the program focus from just sidewalk assistance to sidewalk and street tree removal assistance. Recognizing that street trees and their root systems are creating much of the sidewalk damage problem in Oregon City, tree/root removal prior to sidewalk repair is a critical need. This change in program focus also eliminates the need for a follow up Street Tree Replacement Assistance Program as the costs associated with the tree/root removal would be included in the overall grant, and any replacement street trees would be managed in accordance with existing codes and policy.

Some property owners have been proactive in addressing the trip hazard concerns, while others have not. The City Commission has provided look-back provisions in the policy to help mitigate inequity for those who have already addressed the problem and obtained the proper permit as well as maintained a record of their qualifying expenditures. It is important for the community to recognize that the City Code as written today assigns sidewalk liability directly to the adjacent property owner. This program, as proposed, would not change that. However, the program, as proposed, would provide financial assistance in the form of a onetime reimbursement for a portion of the cost to replace sidewalks damaged by street tree roots.

In consideration of establishing a new program, the City Commission has provided direction on several policy issues associated with the Oregon City Sidewalk Replacement Assistance Program. Using this direction, staff has modified the program language. The Oregon City Sidewalk Replacement Assistance Program is attached for reference with and without redlines (changes since the January Commission packet).

OPTIONS:

1. Adopt Resolution No. 22-02
2. Defer the decision on Resolution No. 22-02 and continue the matter to a future meeting to address concerns beyond what the City Commission feels can be addressed as straight forward modifications.
3. Maintain the status quo as it pertains to sidewalk/street code and do not take further action.

RESOLUTION NO. 22-02

A RESOLUTION ADOPTING THE OREGON CITY SIDEWALK REPLACEMENT ASSISTANCE PROGRAM

WHEREAS, The City has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter, state law, and City ordinance by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans; and

WHEREAS, Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas; and

WHEREAS, Under Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns responsibility for the maintenance and repair of sidewalks to abutting property owners, but allows the City to do sidewalk repair work, assess the costs of the sidewalk repair work, and enforce the maintenance and repair of the sidewalk; and

WHEREAS, The City adopted its Transportation System Plan in 2013 which includes eight transportation goals, all of which support safe sidewalks to better accommodate the need for reduced driving demand and more reliance on walking; and

WHEREAS, Safe and accessible pedestrian ways is a major part of the City's overall transportation vision; and

WHEREAS, The Sidewalk Replacement Assistance Program is in no way intended to relieve property owners of their responsibilities, but rather, it is intended to assist property owners with the cost of replacing damaged sidewalks; and

WHEREAS, OCMC Chapter 12.08.010 Public and Street Trees has the purpose of protecting the living quality and beauty of the city, separate vehicles and pedestrians, provide shading, improve water quality, and increase tree canopy; and

WHEREAS, All new development in Oregon City is required to install street trees in accordance with OCMC 12.08, which mandates a street tree every thirty five feet of property frontage, generally planted in a planter strip located adjacent to a public sidewalk; and

WHEREAS, The damage to sidewalks from street tree roots can be extensive, resulting in widespread pedestrian trip hazards throughout Oregon City; and

WHEREAS, The City Commission recognizes the burden that street tree roots have placed on the community's sidewalks; and

WHEREAS, the City has a transportation maintenance fund that is dedicated to improving the transportation infrastructure throughout the city;

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

Section 1. The City hereby adopts the Sidewalk Replacement Assistance Program (the “SRAP”) as set forth in Attachment A to this Resolution.

Section 2. The City will accept applications for properties with fronting sidewalks where the street tree(s) have lifted or is negatively impacting the sidewalk grade, as set forth in the SRAP.

Section 3. The City hereby dedicates \$200,000 per year from the current 2021-2023 biennial capital allocation within the transportation fund to support the Oregon City SRAP, which includes funding for both replacement of current sidewalk trip hazards and retroactive reimbursements for sidewalk permitted where the current property owner can provide documentation of replacement costs.

Section 4. This resolution is effective immediately upon its adoption.

Approved and adopted at a meeting of the City Commission held on the 2nd day of February 2022.

RACHEL LYLES SMITH,
Mayor

Attested to this 2nd day of February 2022:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Attachment A: Oregon City Sidewalk Replacement Assistance Program

ATTACHMENT A

Oregon City Sidewalk Replacement Assistance Program

Updated 1/22/2022

OVERVIEW

The goal of the Oregon City Sidewalk Replacement Assistance Program is to address sidewalk panels that have been lifted by street trees, to prevent the associated sidewalk trip hazards in a timely manner, and to assist property owners with the related replacement costs.

Emphasis on Pedestrian Travel

The City's Transportation System Plan (TSP) provides a long-term guide for City Transportation investments. With the growing need to address vehicle congestion, the city has been imposing standards and requirements that placed construction of sidewalks and pedestrian ways on all new development since the 1970's. In 2013, the TSP provided solutions for dealing with congestion by taking a multimodal network approach to enable more cost-effective solutions to increase transportation capacity and encourage multiple travel options. Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. Safe and accessible pedestrian ways is a major part of the City's overall transportation vision. Supporting property owner needs in maintaining the existing infrastructure is a critical element to maintain safe pedestrian access.

Program Summarizing Facts

Program Annual Budget: This Sidewalk Replacement Assistance Program is a new program developed amid a two-year (2021-2023) biennial budget.

The capital outlay for Transportation over the two-year biennium is nearly 9 million. With little certainty about how much expenditure this test program will utilize, rather than institute a new budget line item or cutting funding from other projects, this program will be absorbed within the Transportation Fund budget. To place some boundaries on the program spending, expenditures will be monitored with a City Commission endorsement of a program expenditure of up to \$200,000 during the 12 months following adoption. Should the program exceed the \$200,000 per year allocation prior to the 12-month anniversary, then staff will bring before the City Commission an update and request for additional funding and budget authorization. Otherwise, the next program check in to determine how the program is going and how the funding allocation is meeting the program needs will occur at a City Commission Work Session within 14 months of the adoption, assuming approved for a Work Session discussion by the Mayor.

BACKGROUND

Industry Practice and Responsibility for Sidewalks

According to the U.S. Department of Transportation Federal Highway Administration (FHWA), city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Most Oregon charters assign complete responsibility for sidewalk maintenance to the owner of the adjacent property.

Pursuant to the Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns sidewalk responsibility to abutting property owners. This assistance test program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of replacing damaged sidewalks.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk code. In the past, enforcement of trip hazards in Oregon City has been a complaint-driven process. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address. In other cases, an areawide problem is reported. Regardless of the complaint, the sidewalk problem is verified, and the fronting property owner is notified of the City's code and requirements for replacement.

Trees and Tree Impacts on Sidewalks

Oregon City recognizes that the maintenance and repair of sidewalks within the city is necessary to protect the health, safety, and welfare of residents and visitors. This program is being developed in recognition of the inherent conflict between tree roots and sidewalks, and the accompanying financial burden these public policies place upon homeowners.

ELIGIBILITY

1. Applications for the Sidewalk Replacement Assistance Program will only be accepted for properties with fronting sidewalks where the street tree(s) has lifted or is negatively impacting the sidewalk grade. **Note: street trees considered in the eligibility determination include street trees in tree wells or the planter strip between the curb**

and the sidewalk. Sidewalks damaged by trees that are located beyond the back of sidewalk would not be eligible for the Sidewalk Replacement Assistance Program.

2. Applications will only be accepted for sidewalk replacements and street tree removals along public streets.
3. Applicants may only apply for one grant (may include multiple sidewalk replacements) for one property in a calendar year.
4. Applications will only be accepted for sidewalk panel replacements once. Sidewalk panel replacements completed under this program will be tracked by property and specific location and will not qualify for grant funding more than once.
5. Eligibility for reimbursement is contingent upon funds available within the \$200,000 annual spending limit authorized unless additional funding is approved by the City Commission.
6. Except for work accomplished under a permit received before enactment of the program, applications must be received and approved by the city before the sidewalk work begins.
7. Grant funds are only eligible for the applicant who owned the home or applied for the grant at the time of the replacements and can provide a copy of the sidewalk replacement permit, documentation for payment of work including a copy of the receipt for payment, and proof the permitted work was completed under their ownership.
8. Applications for sidewalk replacement cost and tree removal reimbursements that are retroactive to the enactment of this Program will be considered for sidewalk replacements and tree removals that were permitted by the City and determined in compliance with sidewalk standards.
9. Applicants must sign the application form including a statement that they are able to pay for the work out of pocket as the Sidewalk Replacement Assistance Program is an assistance program created as a cost reimbursement to the applicant.

Work completed under the Sidewalk Replacement Assistance Program must be completed within 120 days of application approval. If this deadline is not able to be met, applicant may apply for a one-time 30-day extension. Applicant must contact the city at least 14 days prior to the work deadline if an extension is necessary. Time extensions beyond 150 days may be approved on a limited basis by the Public Works Director conditioned upon monthly update communication undertaken by the applicant with the permitting staff and will result in a reduced grant of up to 50% of the panel rate for all work required.

PROCEDURES

Use of Funds

1. Grant funds must be used for the replacement of existing sidewalk sections **that have been damaged by the growth of street tree roots or street tree trunk.**
2. Grant funds can be applied to costs associated with the removal of the street tree and street tree roots.
3. Grant funds are only eligible for sidewalk removal and replacement displaced or damaged by the growth of the street tree; adjacent sidewalk replacement not displaced or damaged by the street tree will not be considered a reimbursable expense.
4. Grant funds can be applied to costs associated with the street tree damaged sidewalk such as creation of safe work zones, creation of temporary pedestrian routes, traffic control, demo, disposal, root removal, subgrade preparation, forming, pouring, and finishing sidewalk, protection from adverse weather and security of the finished sidewalk.
5. Grant funds can be used for applicant costs incurred for sidewalk replacement work associated with permitted sidewalk replacements that have been deemed complete and compliant with City standards.

Eligibility for a Grant

1. Applicants are responsible for obtaining and complying with the conditions of the City's Sidewalk/ROW permit for jobs that require sidewalk replacement.
2. To be eligible, applicants must first submit a complete and signed permit application.
3. Applications submitted by applicants not self-performing the sidewalk replacement work must include at least two price quotes from a qualified contractor to complete the work; self-performed work should include an equipment and materials cost estimate.
4. Competitive bids help applicants choose the most rational way to proceed and help the city ascertain industry cost trends for the program; two competitive bids are required.
5. Work not self-performed must include verification that the work is performed by an Oregon licensed contractor who is also maintaining a current Oregon City or Metro business license.
6. The maximum grant reimbursement will be in accordance with the funding assistance section listed below.
7. For jobs where sidewalk replacement is not the preferred treatment, such as grinding no grant reimbursement will be provided.
8. All grant awards and reimbursements will be made on a first-come, first-served basis, subject to the availability of funds as allocated and approved by the City Commission. Once the program budgeted amount has been expended, no further applications will be approved without further spending authority provided by the City Commission.

Note: The lack of sufficient funds to cover the number of applications received by the City in any given year will not excuse the homeowner from the responsibility of maintaining the adjoining sidewalk in a safe condition nor create any liability to the City for any unsafe sidewalks.

FUNDING ASSISTANCE

Grant Rates

Annual Sidewalk Replacement Assistance Program Grant Award **unit rate:**

Up to a maximum of \$1,500 per each site. A site is comprised of the street tree damaging the sidewalk and the associated damaged sidewalk area.

Example grant scenarios:

- 1) One property owner who has one tree which damages five sidewalk panels. This would constitute one site and the property owner would qualify for one grant award for the cost of the tree/root removal and sidewalk replacement work up to \$1,500.
- 2) One property owner who has one tree which damages 1 sidewalk panel. This would constitute one site and would qualify for one grant award for the cost of the tree/root removal and sidewalk replacement work up to \$1,500.
- 3) One property owner has three trees damaging sidewalk. One tree damages one sidewalk panel, another tree damages two sidewalk panels, and the third tree damages five sidewalk panels. This scenario constitutes three sites, and the property owner would qualify for the cost reimbursement of the tree/root removal and sidewalk replacement work of up to \$1,500 each site for a total maximum grant amount of \$4,500.

Note: Grant award will be based on documentation provided by the applicant which includes the quotes (estimates if self-performed) and final receipt for services performed (equipment and materials if self-performed). Final grant amount will be the actual cost of the work as documented in receipt up to a maximum grant listed above.

Exclusions

Items not reimbursable under the City of Oregon City Sidewalk Replacement Assistance Program include the following:

1. Reimbursable funds may only be used for the removal of the street tree and associated roots and replacement of existing sidewalk panels that have been damaged by the roots of street trees.
2. Work performed without prior City authorization as described under Procedures.
3. Work not completed in compliance with the City's standard requirements for construction.
4. Short-term repair work including sidewalk grinding.
5. Extended root removal or property damages onto private property.
6. Adjacent concrete repair beyond the original sidewalk width.
7. Adjacent concrete panels beyond the tree-lifted panels.
8. Landscape restoration, repairs, or extra cosmetics (shrubs, rocks).
9. Broken, damaged, or new sprinkler or irrigation systems.

Procedures

Sidewalk work complete and eligible for look back reimbursement:

- Step 1** Submit the Sidewalk Grant Program Application with completed IRS W-9 Form
- Step 2** Submit copies of the right of way permit, final receipt for services performed, documentation that the final payment was made by the current applicant.
- Step 3** City confirms prior permit obtained, confirm sidewalk work resulting from tree root damage, and confirm permit closed as complete.
- Step 4** City to confirm applicant was in ownership at time of permitted work.
- Step 5** Upon verification that Steps 2, 3, and 4 are confirmed the application will be deemed approved and routed to Finance for issuance of a reimbursement payment.
- Step 6** Grant check will be prepared within **10 business days** and mailed to applicant.

Sidewalk Work required and yet to be completed

- Step 1** Applicant (might be citizen/property owner, might be contractor) applies for a sidewalk permit
- Step 2** Permit Staff reviews reason sidewalk is being replaced
 - a. If sidewalk is being replaced for a non-tree reason, no further process exists, and sidewalk reimbursement program does not apply
 - b. If sidewalk is being replaced for a tree reason, move on to Step 3
- Step 3** Permit Staff informs the applicant of a sidewalk reimbursement program and provides them with a paper application (form)
 - a. If the applicant is a contractor, permit staff ask contractor to provide this form to their citizen/property owner with a business card to contact them with questions
 - b. If the applicant is a citizen/property owner, permit staff provides the form

- Step 4** Before proceeding, the property owner reviews the Oregon City Sidewalk Replacement Assistance Program webpage for program understanding.
- Step 5** Before the work begins, property-owner submits:
- i. Assistance Program application form along with support documentation.
 - ii. A Public Street Permit application and fee. Permit applications may be submitted by a contractor on behalf of the property owner.
- Submit Application Online*
OR
Print Application Packet, application may be emailed to OC4@orccity.org or mail to Oregon City Permitting at 13895 Fir Street, Oregon City Oregon 97045
- Step 6** Upon verification that the sidewalk has been damaged by the roots of protected trees, the Sidewalk Replacement Reimbursement Application may be approved. The applicant will be notified that the work is eligible to receive funds and that their work permit is ready for applicant signature.
- Step 7** Work begins. With approved permit in hand, the work must then be completed within 120 days. If the work is unable to be completed within the 120 days due to unforeseen circumstances, the applicant may request a one-time 30-day extension. Applicant must contact the city for an extension prior to permit expiration. Time extensions beyond 150 days may be approved on a limited basis by the Public Works Director conditioned upon monthly update communication undertaken by the applicant with the permitting staff and will result in a reduced grant of up to 50% of the panel rate for all work required.
- Step 8** Work is completed. Property owner pays contractor and then submits proof of payment and a reimbursement request with project documentation which at a minimum must include a final invoice from the contractor with a signature indicating the work was paid in full.
- Step 9** Upon verification that all prior steps are confirmed the application will be deemed approved and routed to Finance for issuance of a reimbursement payment.
- Step 10** Grant check will be prepared within **5 business days** and mailed to applicant.



Sidewalk Replacement Grant Program Application

Sidewalk Permit Number: Date of Grant Application: **Section 1: Applicant to complete. Applicant must be property owner of the job site address / location.**Applicant Name: Applicant Address: Phone Number: Email: Job Site Address /
Location: Description of Work to
be Completed: Completion Date: Tree involved: ☐ Yes ☐ NoNumber of Panels: Tree removed: ☐ Yes ☐ No

1. Complete an IRS Form W-9. This must be returned to the City before any funds are released to the applicant. The applicant will receive an IRS Form 1099-G by the end of January following the year in which the funds were disbursed to the applicant. The grant is reportable to the IRS. The applicant is responsible for any tax based on the individual circumstances of the applicant. ☐ *Acknowledged by Applicant*

2. Upon completion of the sidewalk replacement and this form and approval by the Public Works Director, a grant check will be prepared within 5 days and either be available for pickup or mailed to the applicant. Expedited payment can be accommodated upon request. ☐ *Acknowledged by Applicant*

Applicant's Signature: **Section 2: Inspection – City to Complete.**Date of Permit Issuance: Date of Reimbursement Inspection: Date of Permit Completion: Number of Panels: Tree involved: ☐ Yes ☐ No Inspector Name : **Section 3: Reimbursement and Eligibility – City to Complete.**Number of Panels: Reimbursement per Panel: Maximum Allowed Reimbursement: Total of Reimbursement: Eligibility : Receipt provided ☐ Permit provided ☐ Ownership Proof provided ☐Reviewer Name : Reviewer Signature : Approved ☐ Denied ☐ Date sent to Finance for payment: Reason for Denial (if applicable) :

RESOLUTION NO. 22-02

A RESOLUTION ADOPTING THE OREGON CITY SIDEWALK REPLACEMENT ASSISTANCE ~~TEST~~ PROGRAM

WHEREAS, The City has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter, state law, and City ordinance by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans; and

WHEREAS, Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas; and

WHEREAS, Under Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns responsibility for the maintenance and repair of sidewalks to abutting property owners, but allows the City to do sidewalk repair work, assess the costs of the sidewalk repair work, and enforce the maintenance and repair of the sidewalk; and

WHEREAS, The City adopted its Transportation System Plan in 2013 which includes eight transportation goals, all of which support safe sidewalks to better accommodate the need for reduced driving demand and more reliance on walking; and

WHEREAS, Safe and accessible pedestrian ways is a major part of the City's overall transportation vision; and

WHEREAS, The Sidewalk Replacement Assistance ~~Test~~ Program is in no way intended to relieve property owners of their responsibilities, but rather, it is intended to assist property owners with the cost of replacing damaged sidewalks; and

WHEREAS, OCMC Chapter 12.08.010 Public and Street Trees has the purpose of protecting the living quality and beauty of the city, separate vehicles and pedestrians, provide shading, improve water quality, and increase tree canopy; and

WHEREAS, All new development in Oregon City is required to install street trees in accordance with OCMC 12.08, which mandates a street tree every thirty five feet of property frontage, generally planted in a planter strip located adjacent to a public sidewalk; and

WHEREAS, The damage to sidewalks from street tree roots can be extensive, resulting in widespread pedestrian trip hazards throughout Oregon City; and

WHEREAS, The City Commission recognizes the burden that street tree roots have placed on the community's sidewalks; and

WHEREAS, the City has a transportation maintenance fund that is dedicated to improving the transportation infrastructure throughout the Citycity;

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

Section 1.- The City hereby adopts the Sidewalk Replacement Assistance ~~Test Plan~~ Program (the "SRA~~T~~P") as set forth in Attachment A to this Resolution.

Section 2.- The City will accept applications for properties with fronting sidewalks where the street tree(s) have lifted or is negatively impacting the sidewalk grade, as set forth in the SRA~~T~~P.

Section 3.- The City hereby dedicates \$200,000 per year from the current 2021-2023 biennial capital allocation within the transportation fund to support the Oregon City SRA~~T~~P, which includes funding for both replacement of current sidewalk trip hazards and retroactive reimbursements for sidewalk permitted ~~and~~ where the current property owner can provide documentation of replacement costs.

Section 4. This resolution is effective immediately upon its adoption.

Approved and adopted at a meeting of the City Commission held on the 5th ~~2nd~~ day of ~~January~~ February 2022.

RACHEL LYLES SMITH,
Mayor

Attested to this 5th ~~2nd~~ day of ~~January~~ February 2022:
sufficiency:

Approved as to legal

Jakob Wiley, City Recorder

City Attorney

Attachment A: Oregon City Sidewalk Replacement Assistance ~~Test~~ Program

ATTACHMENT A

Oregon City Sidewalk Replacement Assistance

~~TEST~~ Program

Updated 1/22/2022

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OVERVIEW

The goal of the Oregon City Sidewalk Replacement Assistance ~~TEST~~ Program is to address sidewalk panels that have been lifted by street trees, to prevent the associated sidewalk trip hazards in a timely manner, and to assist property owners with the related replacement costs.

Emphasis on Pedestrian Travel

The City's Transportation System Plan (TSP) provides a long-term guide for City Transportation investments. With the growing need to address vehicle congestion, the city has been imposing standards and requirements that placed construction of sidewalks and pedestrian ways on all new development since the 1970's. In 2013, the TSP provided solutions for dealing with congestion by taking a multimodal network approach to enable more cost-effective solutions to increase transportation capacity and encourage multiple travel options. Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. Safe and accessible pedestrian ways is a major part of the City's overall transportation vision. Supporting property owner needs in maintaining the existing infrastructure is a critical element to maintain safe pedestrian access.

Program Summarizing Facts

Program Annual Budget: This Sidewalk Replacement Assistance Program is a ~~test-new~~ program developed amid a two-year (2021-2023) biennial budget. ~~The City's anticipated revenue over the two-year budget includes over \$7 million, made up mostly from gas tax and vehicle registration fee revenues, plus an additional \$5.7 million in pavement maintenance fee revenues. All rolled up together with beginning fund balances and other lesser funding revenue line items, the 2022-23 Transportation Fund Budget includes \$17.8 million in total resources.~~

~~In contrast, t~~The capital outlay for Transportation over the two-year biennium is nearly 9 million. With little certainty about how much expenditure this ~~test~~ program will utilize, rather than institute a new budget line item or cutting funding from other projects, this ~~test~~ program will be absorbed within the Transportation Fund budget. ~~In an effort to~~To place some boundaries on the program spending, expenditures will be monitored with a City Commission endorsement of a program expenditure of up to \$200,000 during the ~~first 12 months of the test~~ following adoption. Should the ~~test~~ program exceed the \$200,000 per year allocation prior to the 12-month anniversary, then staff will bring before the City Commission an update and

request for additional funding and budget authorization. Otherwise, ~~the test program one year anniversary will be~~ the next program check in to determine how the program is going and how the funding allocation is meeting the program needs will occur at a City Commission Work Session within 12 months of the adoption, assuming approved for a Work Session discussion by the Mayor.

BACKGROUND

Industry Practice and Responsibility for Sidewalks

According to the U.S. Department of Transportation Federal Highway Administration (FHWA), city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Most Oregon charters assign complete responsibility for sidewalk maintenance to the owner of the adjacent property.

Pursuant to the Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns sidewalk responsibility to abutting property owners. This assistance test program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of replacing damaged sidewalks.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk code. In the past, enforcement of trip hazards in Oregon City has been a complaint-driven process. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address. In other cases, an areawide problem is reported. Regardless of the complaint, the sidewalk problem is verified, and the fronting property owner is notified of the City's code and requirements for replacement.

~~In review of our sidewalk damage tracking records (July 2018 through November 2021), staff took the opportunity to complete a site visit of the 209 right-of-way permit records on file. Of the 209 records, 147 are recorded with a Work Class of "sidewalk". Each location was field verified and established as including 530 concrete panel replacements of which 381 were panels damaged by tree roots. This recent site visit and inventory was completed on November 16th-19th, 2021. Field visits were supplemented with a review of aerial photos to better determine tree related damages.~~

Trees and Tree Impacts on Sidewalks

Oregon City recognizes that the maintenance and repair of sidewalks within the city is necessary to protect the health, safety, and welfare of residents and visitors. This program is being developed in recognition of the inherent conflict between tree roots and sidewalks, and the accompanying financial burden these public policies place upon homeowners.

Street Trees are defined as those trees installed and located within the public right-of-way. Impacts from trees located on private property do not apply to this program.

ELIGIBILITY

1. Applications for the Sidewalk Replacement Assistance ~~TEST~~ Program will only be accepted for properties with fronting sidewalks where the street tree(s) has lifted or is negatively impacting the sidewalk grade. **Note: street trees considered in the eligibility determination include street trees in tree wells or the planter strip between the curb and the sidewalk. Sidewalks damaged by trees that are located beyond the back of sidewalk would not be eligible for the Sidewalk Replacement Assistance ~~TEST~~ Program.**
2. Applications will only be accepted for sidewalk ~~replacements and street tree removals~~ along public streets.
3. Applicants may only apply for one grant (may include multiple sidewalk replacements) for one property in a calendar year.
4. Applications will only be accepted for sidewalk panel replacements ~~once~~ time within the repaired location. Sidewalk panel replacements completed under this program will be tracked by property and specific location and will not qualify for grant funding more than ~~once~~ time.
5. Eligibility for reimbursement is contingent upon funds available within the \$200,000 annual spending limit authorized unless additional funding is approved by the City Commission.
6. Except for work accomplished under a permit received before enactment of the program, applications must be received and approved by the city before the sidewalk work begins.
7. Grant funds are only eligible for the applicant who owned the home or applied for the grant at the time of the replacements and can provide a copy of the sidewalk replacement permit, documentation for payment of work including a copy of the receipt for payment, and proof the permitted work was completed under their ownership.
8. Applications for sidewalk replacement ~~cost and tree removal~~ reimbursements that are retroactive to the enactment of this ~~TEST~~ Program will be considered for costs associated with sidewalk replacements ~~and tree removals in public right-of-way~~ that were originally permitted by the City and determined in compliance with sidewalk standards.

9. Applicants must sign the application form including a statement that they are able to pay for the work out of pocket as the Sidewalk Replacement Assistance ~~TEST~~ Program is an assistance program created as a cost reimbursement to the applicant.

Work completed under the Sidewalk Replacement Assistance ~~TEST~~ Program must be completed within 120 days of application approval. If this deadline is not able to be met, applicant may apply for a one-time 30-day extension. Applicant must contact the city at least 14 days prior to the work deadline if an extension is necessary. Time extensions beyond 150 days may be approved on a limited basis by the Public Works Director, [or their designee](#), conditioned upon monthly update communication undertaken by the applicant with the permitting staff and will result in a reduced grant of up to 50% of the panel rate for all work required.

PROCEDURES

Use of Funds

1. Grant funds must be used for the replacement of existing sidewalk sections **that have been damaged by the growth of street tree roots or street tree trunk**.
- ~~1-2.~~ [Grant funds can be applied to costs associated with the removal of the street tree and street tree roots as long as a sidewalk panel is also being replaced.](#)
- ~~2-3.~~ Grant funds are only eligible for sidewalk removal and replacement displaced or damaged by the growth of the street tree; adjacent sidewalk replacement not displaced or damaged by the street tree will not be considered a reimbursable expense.
- ~~3-4.~~ Grant funds can be applied to costs associated with the street tree damaged sidewalk such as creation of safe work zones, creation of temporary pedestrian routes, traffic control, demo, disposal, root removal, subgrade preparation, forming, pouring, and finishing sidewalk, protection from adverse weather and security of the finished sidewalk.
- ~~4-5.~~ Grant funds can be used for applicant costs incurred for sidewalk replacement work associated with permitted sidewalk replacements that have been deemed complete and compliant with City standards.

Eligibility for a Grant

1. Applicants are responsible for obtaining and complying with the conditions of the City's Sidewalk/ROW permit for jobs that require sidewalk replacement.
2. To be eligible, applicants must first submit a complete and signed [right-of-way](#) permit application [and sidewalk replacement grant program application](#).
3. Applications submitted by applicants not self-performing the sidewalk replacement work must include at least ~~one price~~[two price](#) quotes from a qualified contractor to

complete the work; self-performed work should include an equipment and materials quantity and cost estimate.

4. Competitive bids help applicants choose the most rational way to proceed and help the city ascertain industry cost trends for the program; however, two competitive bids are not required.
5. Work not self-performed must include verification that the work is performed by an Oregon licensed contractor who is also maintaining a current Oregon City or Metro business license.
6. The maximum grant reimbursement will be in accordance with the funding assistance section listed below.
7. For jobs where sidewalk replacement is not the preferred treatment, such as grinding no grant reimbursement will be provided.
8. All grant awards and reimbursements will be made on a first-come, first-served basis, subject to the availability of funds as allocated and approved by the City Commission. Once the program budgeted amount has been expended, no further applications will be approved without further spending authority provided by the City Commission.

Note: The lack of sufficient funds to cover the number of applications received by the City in any given year will not excuse the homeowner from the responsibility of maintaining the adjoining sidewalk in a safe condition nor create any liability to the City for any unsafe sidewalks.

FUNDING ASSISTANCE

Grant Rates

Annual Sidewalk Replacement Assistance Program Grant Award **unit rate**:

Up to a maximum of \$~~600~~1,500 per each site. A site is comprised of a concrete the street tree damaging the sidewalk and the associated damaged sidewalk panel area.

Example grant scenarios:

- 1) One property owner who has one tree which damages five sidewalk panels. This would constitute one site and the property owner would qualify for one grant award for the cost of the tree/root removal and sidewalk replacement work up to \$1,500.
- 2) One property owner who has one tree which damages 1 sidewalk panel. This would constitute one site and would qualify for one grant award for the cost of the tree/root removal and sidewalk replacement work up to \$1,500.

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3) One property owner has three trees damaging sidewalk. One tree damages one sidewalk panel, another tree damages two sidewalk panels, and the third tree damages five sidewalk panels. This scenario constitutes three sites, and the property owner would qualify for the cost reimbursement of the tree/root removal and sidewalk replacement work of up to \$1,500 each site for a total maximum grant amount of \$4,500.

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Note: Grant award will be based on documentation provided by the applicant with which includes the a-quotes (estimates if self-performed) and final receipt for services performed (equipment and materials if self-performed-). Final grant amount will be the actual cost of the work as documented in receipt up to a maximum ~~of \$600 per sidewalk panel grant~~ as listed above.

Exclusions

Items not reimbursable under the City of Oregon City Sidewalk Replacement Assistance ~~TEST~~ Program include the following:

1. Reimbursable funds may only be used for the removal of the street tree and associated roots and replacement of existing sidewalk panels that have been damaged by the roots of street trees. ~~Tree removal and replacement assistance may be available through a separate program administered under the Oregon City Street Tree Assistance Program.~~
2. Work performed without prior City authorization as described under Procedures.
3. Work not completed in compliance with the City's standard requirements for construction.
4. Short-term repair work including sidewalk grinding.
5. Extended root removal or property damages onto private property.
6. Adjacent concrete repair beyond the original sidewalk width.
7. Adjacent concrete panels beyond the tree-lifted panels.
- 7-8. Adjacent concrete panels caused by trees located on private property.
- 8-9. Landscape restoration, repairs, or extra cosmetics (shrubs, rocks) beyond minor topsoil filling and reseeding.
- 9-10. Broken, damaged, or new sprinkler or irrigation systems.

Procedures

Sidewalk work complete and eligible for look back reimbursement:

- Step 1** Submit the Sidewalk Grant Program Application with completed IRS W-9 Form
- Step 2** Submit copies of the right of way permit, final receipt for services performed, documentation that the final payment was made by the current applicant.

- Step 3** City confirms prior permit obtained, confirm sidewalk work resulting from tree root damage, and confirm permit closed as complete.
- Step 4** City to confirm applicant was in ownership of the property at time of permitted work.
- Step 5** Upon verification that Steps 2, 3, and 4 are confirmed the application will be deemed approved and routed to Finance for issuance of a reimbursement payment.
- Step 6** Grant check will be prepared within **10 business days** and mailed to applicant.

Sidewalk Work required and yet to be completed

- Step 1** Applicant (might be citizen/property owner, might be contractor) applies for a sidewalk permit
- Step 2** Permit Staff reviews reason sidewalk is being replaced
- a. If sidewalk is being replaced for a non-tree reason, no further process exists, and sidewalk reimbursement program does not apply
 - a-b. If sidewalk is being replaced for a private tree reason, no further process exists, and sidewalk reimbursement program does not apply.
 - b-c. If sidewalk is being replaced for a public street tree reason, move on to Step 3
- Step 3** Permit Staff informs the applicant of a sidewalk reimbursement program and provides them with a paper application (form)
- a. If the applicant is a contractor, permit staff ask contractor to provide this form to their citizen/property owner with a business card to contact them with questions
 - b. If the applicant is a citizen/property owner, permit staff provides the form
- Step 4** Before proceeding, the property owner reviews the Oregon City Sidewalk Replacement Assistance ~~TEST~~ Program webpage for program understanding.
- Step 5** Before the work begins, property-owner submits:
- i. A Sidewalk Replacement Grant~~Assistance~~ Program application form along with support documentation.
 - ii. A Right-of-Way~~Public Street~~ Permit application and fee. Permit applications may be submitted by a contractor on behalf of the property owner.
Submit Application Online
OR
Print Application Packet, application may be emailed to OC4@orc.org or mail to Oregon City Permitting at 13895 Fir Street, Oregon City Oregon 97045
- Step 6** Upon verification that the sidewalk has been damaged by the roots of street~~protected~~ trees, the Sidewalk Replacement Grant Program~~Reimbursement~~ Application may be approved. The applicant will be notified that the work is eligible to receive funds and that their Right-of-Way~~work~~ permit is ready for applicant signature.
-
- Step 7** Work begins. With approved permit in hand, the work must then be completed within 120 days. If the work is unable to be completed within the 120 days due to unforeseen circumstances, the applicant may request a one-time 30-day extension. Applicant must contact the city for an extension prior to permit expiration. Time extensions

beyond 150 days may be approved on a limited basis by the Public Works Director, [or their designee](#), conditioned upon monthly update communication undertaken by the applicant with the permitting staff and will result in a reduced grant of up to 50% of the panel rate for all work required.

- Step 8** Work is completed. Property owner pays contractor and then submits proof of payment and a reimbursement request with project documentation which at a minimum must include a final invoice from the contractor with a signature indicating the work was paid in full.
- Step 9** Upon verification that all prior steps are confirmed the application will be deemed approved and routed to Finance for issuance of a reimbursement payment.
- Step 10** Grant check will be prepared within **5 business days** and mailed to applicant.



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: 02/02/2022

SUBJECT:

Resolution No. 22-03, Modifying the Public Works Engineering Fee Schedule, and Amending Resolution No. 21-05

STAFF RECOMMENDATION:

Approve Resolution No. 22-03 modifying the Engineering Fee Schedule.

EXECUTIVE SUMMARY:

The Engineering Fee Schedule is being updated to add a Sidewalk Assistance Grant Program Permit Fee and to add a Reinspection Fee to the Public Improvements Development Engineering Services fees.

BACKGROUND:

The Engineering Fee Schedule is required to be adopted by resolution whenever a fee is added, removed, or changed beyond the annual adjustments relating to annual inflation.

The Engineering Fee Schedule was last adopted in 2021 with Resolution No. 21-05. This update to the Engineering Fee Schedule includes two proposed changes:

Addition of Sidewalk Assistant Grant Program Permit Fees

- Base Sidewalk Permit Application and Plan Review: \$28
- Base Sidewalk Permit Inspection: \$60
- Group Sidewalk Permit Application: \$28
- Group Sidewalk Permit Plan Review: \$60
- Group Sidewalk Permit Inspection: \$88
- Reinspections: \$45

Addition of a Reinspection Fee to the Public Improvements Development Engineering Services Fee: \$89

The addition of the Sidewalk Assistance Grant Program Permit Fees are provided based on a request by the City Commission on January 5, 2022. The request was to provide permits at 50% of the cost of regular permits which do not involve tree conflicts.

The addition of the Reinspection Fee for the Public Improvements Development Engineering Services Fee is to be consistent with all other permit types which also contain reinspection fees.

OPTIONS:

1. Adopt Resolution No. 22-03 as stated.
2. Adopt Resolution No. 22-03 with amendments.
3. Deny Resolution No. 22-03.

BUDGET IMPACT:

Amount: \$0.00

FY(s): FY 22-23

Funding Source(s): Not Applicable

**A RESOLUTION MODIFYING THE PUBLIC WORKS ENGINEERING FEE SCHEDULE AND
AMENDING RESOLUTION NO. 21-05**

WHEREAS, the City of Oregon City adopted Resolution No. 21-05 establishing a schedule of permit fees for Public Works Engineering which included all engineering fees previously adopted by resolutions, and established a consistent method to adjust these fees on an annual basis to account for inflation; and

WHEREAS, the City of Oregon City has adopted Resolution No. 21-05 and other resolutions establishing fees that are necessary to defray the Public Works Engineering Division's actual operational costs; and

WHEREAS, the City of Oregon City desires to modify the Public Works Engineering Fee schedule, Exhibit A, which includes all engineering fees previously adopted by resolutions; proposes changes as described in Exhibit B, Fee Explanation; and continues to include an annual adjustment to adjust these fees to account for inflation; and

WHEREAS, the City of Oregon City, City Commission resolves that the City should recover to the extent practicable, the actual cost of providing Public Works Engineering Services to facilitate the issuing of permits for construction of various public and private infrastructure per the City of Oregon City standards.

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

Section 1. The City hereby adopts Exhibit A, Public Works Engineering Fee Schedule, to become effective February 3, 2022, with the reduction of the renewable right-of way-permit fee as described in Exhibit B, Fee Explanation.

Section 2. The Public Works Engineering Fee Schedule, Exhibit A, shall continue to be adjusted annually to account for inflation on January 1st. The adjustment to account for inflation shall be based on changes in the CPI-W for the Pacific Division of the West Region.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of February 2022.

RACHEL LYLES SMITH, Mayor

Attested to this 2nd day of February 2022:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney



City of Oregon City Public Works

Engineering Fee Schedule

February 2, 2022

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee
Erosion & Sediment Control SFR Permit (Application, Plan Review, Inspection)	Regular	Flat	\$284
	Reduced w/ Certification	Flat	\$217
	Re-inspection for failed inspection	Flat	\$89
Erosion & Sediment Control Non-SFR Permit (Application, Plan Review, Inspection)	Regular (1 acre or less)	Flat	\$752
	Reduced w/ Certification (1 acre or less)	Flat	\$417
	PLUS, each additional acre or fraction thereof	Per Unit	\$133
	Re-inspection for failed inspection	Flat	\$89
Engineering Services for Building Permits	Engineering Site Plan Review for Building Permit	Flat	\$89
	Inspection for Public Sidewalk and Driveway Approach for single family subdivision lot Building Permit	Flat	\$176
Public Utility Service Permit	Application for Public Water Service Line, Sanitary Sewer or Stormwater Service Laterals	Flat	\$56
	Plan Review	Flat	\$120
	Utility Inspection	Flat	\$176
	Pavement Cut & Restoration Inspection	Flat	\$29
	Utility Permit Sidewalk Repair Inspection	Flat	\$29
	Utility Permit Driveway Approach Repair Inspection	Flat	\$29
	Utility Re-Inspection	Flat	\$89
	Sanitary Sewer Service Lateral Launch Video Inspection by City per Customer request	Flat	\$247
	Sanitary Sewer Service Tap Video Inspection at Public Main Line Connection	Flat	\$247
Public Street Driveway Approach Permit	Application	Flat	\$56
	Plan Review	Flat	\$120
	Inspection	Flat	\$176
	Re-Inspection	Flat	\$89
Public Street Sidewalk Permit (Individual)	Application and Plan Review	Flat	\$56
	Inspection	Flat	\$120
	Re-Inspection	Flat	\$89
Public Street Sidewalk Group Permit (Group)	Application (one contractor: multiple sidewalk panels along one block of street frontage, block length shall be a maximum length of 500 feet)	Flat	\$56
	Plan Review	Flat	\$120
	Inspection	Flat	\$176
	Re-Inspection	Flat	\$89

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee Item 9b.
Public Street Sidewalk Permit in connection with the Sidewalk Assistance Grant Program	Application and Plan Review (Individual)	Flat	\$28
	Inspection (Individual)	Flat	\$60
	Application (Group)	Flat	\$28
	Plan Review (Group)	Flat	\$60
	Inspection (Group)	Flat	\$88
	Re-Inspection (Individual & Group)	Flat	\$45
Grading Permit (Filling, Grading, Excavating, including temporary material stockpile)	Application, Plan Review and Site Monitoring (*Engineer's Cost Estimate when applicable)	Flat Fee Plus Percentage	\$307 plus 2.5% of cost estimate*
Public Improvements Development Engineering Services (Street, Water, Sanitary Sewer, Stormwater)	5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)	Percentage	5% of cost estimate
	Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review	Percentage	0.5% of cost estimate
	Re-Inspection (more than one inspection for the same item)	Flat	\$89
Geotechnical Review	City Peer Review of Geotechnical Documents (Reports, Plans, Other)	Actual Cost	Actual Peer Review cost
Stormwater Management Peer Review	City Peer Review of Engineered Method to Calculate Size of Stormwater Management Facilities	Actual Cost	Actual Peer Review cost
Temporary Obstruction in ROW Permit	Application and Plan Review	Flat	\$29
	Inspection	Flat	\$29
Long Term Obstruction in ROW with Revocable ROW Permit	Application	Flat	\$56
	Plan Review	Flat	\$120
	City Resolution and Document Process	Flat	\$235
	Revocable ROW Permit	Flat	\$176
City Resolution and Document Processing	City Resolution and Document Processing	Flat	\$235
Document Processing and Recording Fee	Record one document at one time	Flat	\$321
	Record each additional document at same time with first document	Flat	\$182
Plat Review	Partition	Flat	\$606
	Subdivision	Flat	\$849
	Planned Development	Flat	\$2,203
Vacation of Public Rights-of-Way or Public Easements	Public Right-of-Way	Flat	\$1,170
	Public Easement	Flat	\$690

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee Item 9b.
Special Event ROW Permit	Application and Review	Flat	\$176
	ROW Inspection for use of ROW during Special Event	Flat	\$176
Renewable ROW Permit (outdoor seating, monitoring wells, other)	Application, Review and Inspection	Flat	\$88
ROW Permit General - Minor work outside of travel ways and no vehicular traffic control	Application, Review and Inspection	Flat	\$176
ROW Permit General - Moderate work within travel ways and not requiring Technical Plan Review	Application and Plan Review	Flat	\$176
	Inspection	Flat	\$176
ROW Permit General - Major work in ROW requiring technical plan review	Application, Technical Plan Review and ROW Inspection is Flat Fee plus 2.5% of Engineer's Final Cost Estimate	Flat Fee Plus Percentage	\$307 plus 2.5% of cost estimate
Small Cell Facility - Minor Installation (on Existing Third Party Utility Structure)	Application, Review and Inspection	Flat	\$812
Small Cell Facility - Major Installation (on City Utility Structure or Proposed New Structure) (requires Techncial Plan Review)	Application, Technical Plan Review and Inspection - Flat Fee plus actual cost over Flat Fee plus 15% Administrative Fee	Flat Fee plus Actual Cost over Flat Fee plus Administrative Cost Percentage	\$812 plus actual cost over Flat Fee plus Administrative Fee
ROW Licensee Major Installation - Fiber, Cable, Natural Gas, Electric, Telecommunications (does not include Small Cell Facility) requires Technical Plan Review	5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)	Percentage	5% of cost estimate
	Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review	Percentage	0.5% of cost estimate
Film Permit	ROW Inspection for use of ROW during filming	Flat	\$176
	Usage fee for using City facilities' sanitary sewer during filming	Flat	\$38
	Usage fee for using City facilities' water during filming	Flat	\$38
Annual Permit for Banners in Right-of-Way (ROW)	(Note: Fees adopted through Resolution No. 15-31)	One Flat Fee applies prior to June 30 th / One Flat Fee after June 30 th	\$202 prior to June 30th / \$101 after June 30th
Street Light Pole Banner Installation/Removal Permit in ROW	Fees for application, review, installation and removal of street light pole banners (Note: Fees adopted through ResolutionNo. 15-31)	Flat Rate per street light pole banner	\$24
Cross Street Banner Installation/Removal Permit in ROW	Fees for application, review, installation and removal of cross street banner at Molalla Avenue south of Char Diaz (Note: Fees adopted through Resolution No. 15-31)	Flat	\$77

Approved requests for after-hours or weekend City staff inspections shall be billed based on staff cost.



EXHIBIT B

Fee Explanation for Public Works Engineering Fees Resolution No. 22-03

The following provides a brief explanation of proposed changes to the Public Works Engineering Fees.

All engineering permit fees that require inspection include a fee for reinspection when the initial inspection has failed EXCEPT for the “Public Improvements Development Engineering Services” Permit. This Resolution adds a Reinspection Fee to the “Public Improvements Development Engineering Services” Permit. The cost of Reinspection will be \$89 to be consistent with all other reinspection fees.

Also, based on direction from the City Commission on January 5, 2022, with respect to the Oregon City Sidewalk Replacement Assistance Program, a new fee has been added for “Public Street Sidewalk Permits” and “Public Street Sidewalk Group Permits” which involve a tree. These permits are 50% of the cost of a regular permit. The base sidewalk permit application and plan review fee will be \$28. The base sidewalk permit Inspection will be \$60. The group sidewalk permit application will be \$28. The group sidewalk permit application plan review will be \$60. The group sidewalk permit inspection fee will be \$88. The Reinspection fee for both permit types will be \$45.

Lastly, a correction was made to the regular reinspection fee for group sidewalk permits to be \$89 to be consistent with all other reinspection fees.

These fees shall be adjusted annually for inflation and rounded to the nearest dollar on January 1, as stated in past resolutions.



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: 02/02/2022

SUBJECT:

Resolution No. 22-06, Calling for Completion of the Regional Mobility Pricing Project Prior to a Decision on Tolling I-205 and for Construction of the Abernethy Bridge Project with Other Funds

STAFF RECOMMENDATION:

Staff recommends the City Commission approve Resolution No. 22-06.

EXECUTIVE SUMMARY:

City Commission consideration of a Resolution adopting a policy position regarding I-205 Tolling. The issues of traffic congestion, diversion, mode choice, and equitable transportation have important environmental consequences that must be addressed prior to regional/state decision-making on tolling.

BACKGROUND:

The Oregon Department of Transportation (ODOT) has applied to amend the Regional Transportation Plan (RTP) to include tolling of I-205 as part of the I-205 construction project. The current RTP includes the project but not the tolling. Regional bodies Metro Policy Advisory Committee (MPAC) and Joint Policy Advisory Committee on Transportation (JPACT) are scheduled to act on the application in February 2022. The City of Oregon City City Commission, among many others, has expressed opposition to the tolling plan as currently laid out, and the proposed Resolution would make an official statement on that issue prior to the JPACT and MPAC votes.

City Commission has previously reviewed and discussed the origin of the I-205 Tolling project and the Regional Mobility Pricing project several times and that background is not re-written here. This background information can be found on ODOT's websites on the [I-205 Tolling Project](#) and [Regional Mobility Pricing Project](#) for reference.

The attached Resolution is based on a draft created by the City of Lake Oswego and revised by the City of West Linn. Both Councils considered and passed this item at their January 18, 2022 Council meetings. The Resolution requests that:

- Decisions about tolling the entire regional highway system be made prior to tolling any individual segment of I-205.
- ODOT secure other sources of funding for the Abernethy Bridge project..
- A working group should be formed to recommend projects and programs needed to address diversion, should I-205 be tolled.
- ODOT should invest in a much larger public information campaign to increase public understanding (and acceptance) of tolling.
- Metro and JPACT should include an explicit discussion of road user fees, related policy questions, and more in the 2023 RTP update.

OPTIONS:

1. Approve Resolution No. 22-06.
2. Instruct staff to return with Modifications to Resolution No. 22-06.
3. Do not approve Resolution No. 22-06.

BUDGET IMPACT:

None

RESOLUTION NO. 22-06

A RESOLUTION CALLING FOR COMPLETION OF THE REGIONAL MOBILITY PRICING PROJECT PRIOR TO A DECISION ON TOLLING I-205 AND FOR CONSTRUCTION OF THE ABERNETHY BRIDGE PROJECT WITH OTHER FUNDS

WHEREAS, after the passage of HB 2017 in 2017, Oregon Department of Transportation (ODOT) began planning to replace the Abernethy Bridge and widen I-205 from four lanes to six lanes from the Willamette River to the Stafford Road exit. HB 2017 also kicked off the Regional Mobility Pricing Project and tied the widening of I-205 to tolling; and

WHEREAS, replacement of the Abernethy Bridge with a structure that can withstand a major earthquake is needed to make Oregon and the Portland metropolitan area more resilient and prepared for disaster; and

WHEREAS, funding can be made available to complete replacement of the Abernethy Bridge without imposing tolls on I-205; and

WHEREAS, funding for other phases of the I-205 project, including adding additional freeway lanes and improving other bridges on I-205, depends on the imposition of tolls. ODOT has applied to amend the Regional Transportation Plan (RTP) to include tolling as part of the I-205 project; and

WHEREAS, in addition to I-205, tolls are being considered as part of the Regional Mobility Pricing Project, the Interstate Bridge Replacement Project, and the Road User Fee Task Force. These overlapping projects are causing substantial public confusion; and

WHEREAS, we support efforts to replace the gasoline tax with user fees that reduce congestion, encourage use of alternative modes, reduce greenhouse gas emissions, and ensure all users are fairly charged and generate revenue for maintenance and enhancement of our transportation system; and

WHEREAS, there is near universal public opposition to tolling I-205, and imposing tolls on this project alone may cement public opposition rather than improve the public's understanding of the need for new revenue for transportation; and

WHEREAS, ODOT's modeling shows that a substantial number of trips and hours of congestion will move from I-205 to county roads and local streets; and

WHEREAS, diversion remains unaddressed by the I-205 Tolling Project. Many of the roads that will experience diversion are already congested, have inadequate transit service, and lack bicycle and pedestrian facilities; and

WHEREAS, diversion will substantially harm Regional and Town Centers in Oregon City, West Linn, Tualatin, and Lake Oswego, which are important to the Region in managing future population and employment growth and creating vibrant communities. The health of these centers is the first goal of the RTP; and

WHEREAS, ODOT has failed to apply their own Equity Framework to analyze the impact of tolling on historically marginalized communities, particularly the elderly, low-income residents, and Latino households who will be impacted by expected diversion; and

WHEREAS, ODOT's application to amend the RTP asks our region to find that tolling is consistent with regional goals and objectives before critical modeling work, coordination with transit providers, analysis of environmental benefits, and funding for mitigation measures is complete.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The region should complete the Regional Mobility Pricing Project before implementing tolling on any single section of highway.

Section 2. Prior to amending the RTP, ODOT should convene a working group to develop a plan for capital and programmatic projects needed to deal with the impacts that communities, neighborhoods, and residents will experience from diversion from a toll on I-205.

Section 3. ODOT should evaluate funding the construction of Phase 1A of the I-205 project, the construction of a seismically sound Abernethy Bridge, with other sources of funding.

Section 4. ODOT, Metro, and the Cities and Counties of the region should recognize the widespread and substantial public opposition to tolling and should invest in an extensive public campaign and interagency coordination to increase public acceptance of user fees and congestion pricing.

Section 5. The 2023 update of the Regional Transportation Plan should explicitly address the question of whether road user fees may be used as a funding source for future capital projects. The RTP should also set policy for the elements that need to be in place prior to implementation of user fees and congestion pricing, such as an equity framework, programs for low-income residents, policies for analyzing diversion, adequate transit services, infrastructure for carpooling and vanpooling, and safe and connected bicycle and pedestrian infrastructure.

Section 6. Effective Date. This Resolution shall take effect upon passage.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of February 2022.

Rachel Lyles Smith, Mayor

Attested to this 2nd Day of February 2022

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney



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: 02/02/2022

SUBJECT:

Resolution No. 22-07, Submitting a Measure Amending Sections 7, 8, and 9a of the Oregon City Charter to Eliminate Numbering of Positions on City Commission to the Electors of Oregon City

STAFF RECOMMENDATION:

Adopt Resolution No. 22-07; A resolution submitting a measure amending Sections 7, 8, and 9a of the Oregon City Charter to eliminate numbering of positions on City Commission so that the two top vote-getters are elected to the Commission and sending to the voters of Oregon City for the May 17, 2022 election.

BACKGROUND:

At the January 11, 2022, City Commission Work Session, the Commission discussed amendments to the Oregon City Charter specific to the election of Commissioners and appointment process of regulatory bodies. The Commission directed staff to prepare a Resolution to submit a ballot measure seeking to eliminate the numbering of positions on City Commission.

The current Charter designates each seat on the City Commission by position number so that prospective candidates must select in advance the specific position for which they intend to run. The new Charter provisions would eliminate the numbering system and, as a result, every two years, the two individuals with the highest number of votes would be elected. The Commission President would be selected by Commission member name as opposed to Commission seat number. The Charter language has been updated to clarify that a person may not run for both the Commission position and the Mayor position at the same election.

Proposed Resolution No. 22-07 includes the proposed explanatory statement as Exhibit B. Staff has provided the proposed charter language with additions and strikethroughs as information, exhibit C will not be included in the resolution.

OPTIONS:

1. Approve Resolution No. 22-07 as requested.
2. Approve Resolution No. 22-07, with specific modifications.
3. Deny Resolution No. 22-07. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

RESOLUTION NO. 22-07

A RESOLUTION SUBMITTING A MEASURE AMENDING SECTIONS 7, 8, AND 9A OF THE OREGON CITY CHARTER TO ELIMINATE NUMBERING OF POSITIONS ON CITY COMMISSION TO THE ELECTORS OF OREGON CITY

WHEREAS, the City Commission has proposed a measure that would amend the Oregon City Charter, Sections 7, 8, and 9a to eliminate numbering of positions on City Commission; and

WHEREAS, the City Commission has, in an open public meeting convened on January 11, 2022 and February 2, 2022, proposed and deliberated on potential charter amendments; and

WHEREAS, the City Commission believes that the amendments to the City Charter are appropriate at this time to enhance voting in City elections and the selection of Commissioners; and

WHEREAS, the City Commission has reviewed the Charter and determined that the proposed amendments are necessary and appropriate for its adequacy and suitability to the needs of the City of Oregon City;

WHEREAS, because the City Commission does not have the power to adopt an amendment to the Oregon City Charter, that power is reserved to the electors of Oregon City;

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Oregon City, to be held Tuesday, May 17, 2022. The Clackamas County Clerk shall conduct the election.

Section 2. At that election, the question of whether to eliminate numbering of positions on City Commission and, as a result, every two years the two top vote-getters would be elected shall be submitted to the voters of Oregon City.

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

Section 4. The City Commission adopts the explanatory statement attached to the resolution in Exhibit B and directs the City Manager to file the explanatory statement with the City Recorder.

Section 5. The City Commission directs the City Recorder to take all actions necessary to hold the election, including publication of the notice of receipt of the ballot title.

Section 6. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of February 2022.

Rachel Lyles Smith, Mayor

Attested to this 2nd Day of January 2022

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Exhibit A
BALLOT TITLE

CAPTION:	CHARTER AMENDMENT: ELIMINATES NUMBERING OF POSITIONS ON CITY COMMISSION
QUESTION:	Shall Charter be amended to eliminate numerical positions on Commission, so top vote-getters are elected to Commission regardless of position?
SUMMARY:	The measure, if approved, would replace Sections 7, 8 and 9a of the Oregon City Charter. The current charter designates each seat on the City Commission by number, so that prospective candidates must select in advance the specific position for which they intend to run. The new Charter provisions would eliminate the numbering of positions and, as a result, every two years, the two top vote-getters would be elected, regardless of position. The Commission President would be selected by Commission member name rather than Commission seat number. The measure would take effect with the 2022 general election and for every subsequent general election in even numbered years, the Commission would replace two members of the Commission with the two top vote-getters. If a Commissioner leaves office early, the election to fill the expired term would be held separately. A yes vote would amend the charter and allow electors to vote for up to two candidates from a single list of candidates for the two open Commission seats. A no vote would not change the Charter.

EXHIBIT B

MEASURE EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

This measure would amend Sections 7, 8, and 9A of the Oregon City Charter relating to how the election of City Commission members occurs. At present, prospective Commission member candidates must select the specific position or seat number that they wish to pursue in advance and may seek only that specific seat. The Commission seat numbers do not correlate to any intercity geographic area or other interest-based representation criteria. A successful candidate is the one who receives the greatest number of votes for the numbered seat selected. A candidate can only run for one particular seat, which may result in a candidate being elected who received fewer votes than a losing candidate who chose to run for a different seat.

If approved, the Charter amendment would eliminate the numbering of positions. Instead, every two years, the electorate would vote for two candidates seeking to join the City Commission from a single pool of candidates. The two top vote-getters would be elected, regardless of position. The election of Mayor will remain unchanged. Candidates seeking selection as Mayor will continue to register their candidacy for Mayor and will be elected after securing the largest number of votes for this position. The charter language has been updated to clarify that a person may not run for both the Commission position and the Mayor position at the same election.

The City Commission, including the Mayor, will then select the Council President by name by ballot rather than by Commission seat number.

This measure will take effect with the 2022 general election and for every subsequent general election in even numbered years.

In the event that a Commissioner leaves office before the term has expired, the election to fill the expired term will be held separately.

If this measure does not pass, the Charter will remain unchanged and elections for the City Commission will be by seat numbers.

EXHIBIT C

CHANGES TO CHARTER PROVISIONS:

Section 7 – Commission.

~~In addition to the Mayor, the commission shall be composed of four commissioners elected from the city at large for terms of four years each. The term of office of each member in office at the date of amendments to this charter in May, 1990 shall continue until expiration; provided, however, that the term of city commission position number 5 shall cease as of January 2, 1991. At the 1990 general biennial election, two members shall be elected, and at the 1992 general biennial election, two members shall be elected, and in each case on each fourth year thereafter, a like number shall be elected.~~ The Commission shall be composed of a Mayor and four Commissioners, all elected from the City at large. The term of office of each commissioner shall commence on the 2nd day of January after the election of that commissioner in the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence on the following day. No person shall be elected to the office of commissioner for more than two terms of four years in any ten year period.

Section 8 – Commissioners.

~~Each office of commissioner shall be designated by number. The city recorder shall assign a number to each of the four commission positions. The numbers so assigned shall be certified by the city recorder to the commissioner in office holding that position. One copy of the certification shall be sent to the county elections officer. In all proceedings for the nomination and election of candidates for or to the office of commissioner, every petition for nomination, declaration of candidacy, certificate of nomination or election, shall state the position number of the office to which the candidate aspires, and the candidate's name shall appear on the ballot only for the designated position. Each voter shall have the right to vote for only one candidate for each position on the commission, and the candidate for each position receiving the highest number of votes for such position shall be considered elected. No person may file for more than one position at any single election.~~

For the 2022 general election and subsequent general elections in even numbered years, the ballot shall include a single list of candidates for two open Commission seats. Electors may vote for up to two candidates for the open seats. The two candidates receiving the greatest number of votes shall be elected to fill open seats for expired terms. To the extent there is an election to fill the unexpired term of a Commissioner pursuant to Section 32 of this Charter, that election shall be held separately. No person may file for both the Commissioner and Mayor position at any single election.

Section 9A - Commission President.

The Commission shall meet at 8 o'clock P.M. on the first Wednesday in January after the first general election under this Charter and shall be called to order by the Mayor. The Commission, including the Mayor, shall then proceed to elect a Commission president by ballot of the Commission member's name who shall hold office for the term of one year and until a successor shall be elected and qualified. The Commission President shall perform the duties of Mayor in the absence of that officer. In the absence of the Mayor from the city or the inability of the Mayor to act, the President of the Commission shall have and exercise the power to perform all duties of the Mayor.

(~~striketrough~~ language deleted, underlined language added)



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: 02/02/2022

SUBJECT:

Resolution No. 22-08, Submitting a Measure Amending Sections 7 and 9 of the Oregon City Charter to Remove Term Limits for the City Commissioner and Mayor Positions to the Electors of Oregon City

STAFF RECOMMENDATION:

Adopt Resolution No. 22-08; A resolution submitting a measure amending Sections 7, and 9 of the Oregon City Charter to remove term limits for the City Commissioner and Mayor positions and sending to the voters of Oregon City for the May 17, 2022 election.

BACKGROUND:

At the January 11, 2022, City Commission Work Session, the Commission discussed amendments to the Oregon City Charter specific to the term limits for City Commissioners and the Mayor. The Commission directed staff to prepare a Resolution to submit a ballot measure seeking to remove term limits as identified in the Charter for the City Commission and Mayor positions.

The current Charter specifies that no person shall be elected to the Commission (City Commissioner or Mayor) for more than two terms of four years in any given ten-year period. The new Charter provisions would eliminate these term limits and remove the constraint of the ten-year period allowing for a person to continue to be elected for additional terms.

Proposed Resolution No. 22-08 includes the proposed explanatory statement as Exhibit B. Staff has provided the proposed charter language with the strikethroughs as information, Exhibit C will not be included in the resolution.

OPTIONS:

1. Approve Resolution No. 22-08 as requested.
2. Approve Resolution No. 22-08, with specific modifications.

3. Deny Resolution No. 22-08. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

RESOLUTION NO. 22-08

A RESOLUTION SUBMITTING A MEASURE AMENDING SECTIONS 7 AND 9 OF THE OREGON CITY CHARTER TO REMOVE TERM LIMITS FOR COMMISSION POSITIONS TO THE ELECTORS OF OREGON CITY

WHEREAS, the City Commission has proposed a measure that would amend the Oregon City Charter, Sections 7 and 9 to remove term limits for the City Commissioner and Mayor positions; and

WHEREAS, the City Commission has, in an open public meeting convened on January 11, 2022, and February 2, 2022 proposed and deliberated on potential charter amendments; and

WHEREAS, the City Commission believes that the amendments to the City Charter are appropriate at this time to enhance voting in City elections and to empower voters to choose the length a Commission members serves by voting rather than candidates being limited by the Charter; and

WHEREAS, the City Commission has reviewed the Charter and determined that the proposed amendments are necessary and appropriate for its adequacy and suitability to the needs of the City of Oregon City;

WHEREAS, because the City Commission does not have the power to adopt an amendment to the Oregon City Charter, that power is reserved to the electors of Oregon City;

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Oregon City, to be held Tuesday, May 17, 2022. The Clackamas County Clerk shall conduct the election.

Section 2. At that election, the question of whether to remove term limits for the City Commissioner and Mayor positions shall be submitted to the voters of Oregon City.

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

Section 4. The City Commission adopts the explanatory statement attached to this resolution in Exhibit B and directs the City Manager to file the explanatory statement with the City Recorder.

Section 5. The City Commission directs the City Recorder to take all actions necessary to hold the election, including publication of the notice of receipt of the ballot title.

Section 6. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of February 2022.

Rachel Lyles Smith, Mayor

Attested to this 2nd Day of January 2022

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

**EXHIBIT A
BALLOT TITLE**

CAPTION: CHARTER AMENDMENT: REMOVE TERM LIMITS FOR COMMISSION POSITIONS

QUESTION: Shall City Charter be amended to remove term limits for City Commissioners and Mayor?

SUMMARY: This measure would amend two sections of the City Charter to remove limitations of term limits for City Commissioners and the Mayor. Section 7 of the City Charter currently prohibits people who have served more than two terms of office as a City Commissioner in the previous ten years from running for a position on the Commission and Section 9 provides a similar limitation for the position of Mayor. A yes vote would change the Charter and remove the limitation on a City Commissioner or Mayor serving only two-terms of four years in any ten-year period. A no vote would not change the Charter and the existing term limits would remain.

EXHIBIT B
MEASURE EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

This measure would amend the City Charter to remove the provisions limiting the ability of City Commissioners and the Mayor to serve multiple consecutive terms of office. The current City Charter prohibits people who have served more than two terms of office as a City Commissioner in the previous ten years from running again for the City Commission. This same limitation exists with respect to the Mayor. The four-year term of office will not change under this amendment and therefore, an elected official will have to be reelected every four years to remain in office.

If the measure is approved, the language below would be deleted from Sections 7 and 9 of the Charter respectively:

Section 7 – Commission.

* * * * * No person shall be elected to the office of Commissioner for more than two terms of four years in any ten year period.

Section 9 – Mayor.

* * * * *

If a prospective candidate for election to the office of Mayor has been elected either to the office of Mayor or City Commissioner for more than two terms of four years in the previous ten years, that prospective candidate shall not be eligible for election to the office of Mayor.

EXHIBIT C CHARTER PROVISIONS

Section 7 – Commission.

In addition to the Mayor, the Commission shall be composed of four Commissioners elected from the City at large for terms of four years each. The term of office of each member in office at the date of amendments to this charter in May, 1990 shall continue until expiration; provided, however, that the term of City Commission position number 5 shall cease as of January 2, 1991. At the 1990 general biennial election, two members shall be elected, and at the 1992 general biennial election, two members shall be elected, and in each case on each fourth year thereafter, a like number shall be elected. The term of office of each Commissioner shall commence on the 2nd day of January after the election of that Commissioner in the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence on the following day. ~~No person shall be elected to the office of Commissioner for more than two terms of four years in any ten year period.~~

Section 9 – Mayor.

At the 1990 general biennial election, and at every general election each four years thereafter, a Mayor shall be elected from the city at large for a four year term. The Mayor in office at the time this charter is amended in May 1990, shall continue in office until January 2, 1991. The Mayor shall have been a resident of the city for at least twelve months preceding election to that office and shall remain a resident of the city as a condition of holding such office. No person may file for the position of Mayor and City Commissioner at any single election. The term of office of the Mayor shall commence on the 2nd day of January after the election of that position the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence the following day.

Notwithstanding section 32 of this charter, if at any time after January 2, 1991, the office of Mayor shall become vacant before the normal expiration of that term, a special election shall be held at the next available date to fill that office for the unexpired term; provided, however, if one hundred eighty (180) days or fewer remain in such term vacated, the commission shall appoint a person to fill such vacancy for the remainder of the unexpired term.

~~If a prospective candidate for election to the office of mayor has been elected either to the office of mayor or city commissioner for more than two terms of four years in the previous ten years, that prospective candidate shall not be eligible for election to the office of mayor.~~

(Strikethrough language deleted)



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: 02/02/2022

SUBJECT:

Resolution No. 22-09, Submitting a Measure Amending Section 20 of the Oregon City Charter to Authorize City Commission, rather than the Mayor, to Appoint Planning Commission and Historic Review Board Members to the Electors of Oregon City

STAFF RECOMMENDATION:

Adopt Resolution No. 22-09; A resolution submitting a measure amending Section 20 of the Oregon City Charter to authorize the City Commission, rather than the Mayor, to make appointments to the Planning Commission and Historic Review Board and sending to the voters of Oregon City for the May 17, 2022 election.

BACKGROUND:

At the January 11, 2022, City Commission Work Session, the Commission discussed amendments to the Oregon City Charter specific to how Planning Commission and Historic Review Board members are appointed. The Commission directed staff to prepare a Resolution to submit a ballot measure seeking to amend the Charter to authorize the City Commission, rather than the Mayor, to appoint Planning Commission and Historic Review Board members.

Currently, the Oregon City Charter provides that the Mayor appoints the members of all City Committees which has included the Planning Commission and Historic Review Board. This measure would amend Section 20 of the Charter to have the City Commission as a whole appoint the members of the Planning Commission and the Historic Review Board by excluding these two bodies from the power granted to the Mayor to appoint members to City committees.

Proposed Resolution No. 22-09 includes the proposed explanatory statement as Exhibit B. Staff has provided the proposed charter language with the additions as information, Exhibit C will not be included in the resolution.

OPTIONS:

1. Approve Resolution No. 22-09 as requested.
2. Approve Resolution No. 22-09, with specific modifications.
3. Deny Resolution No. 22-09. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

A RESOLUTION SUBMITTING A MEASURE AMENDING SECTION 20 OF THE OREGON CITY CHARTER TO AUTHORIZE THE CITY COMMISSION, RATHER THAN THE MAYOR, TO APPOINT PLANNING COMMISSION AND HISTORIC REVIEW BOARD MEMBERS TO THE ELECTORS OF OREGON CITY

WHEREAS, the City Commission has proposed a measure that would amend the Oregon City Charter, Section 20 to authorize City Commission, rather than the Mayor, to appoint Planning Commission and Historic Review Board members; and

WHEREAS, the City Commission has, in an open public meeting convened on January 11, 2022, and February 2, 2022, proposed and deliberated on potential charter amendments; and

WHEREAS, the City Commission believes that the amendment to the City Charter is appropriate at this time to improve upon the appointment process to the Planning Commission and Historic Review Board, which are regulatory bodies that interpret and apply the Oregon City Municipal Code; and

WHEREAS, because the City Commission does not have the power to adopt an amendment to the Oregon City Charter, that power is reserved to the electors of Oregon City;

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Oregon City, to be held Tuesday, May 17, 2022. The Clackamas County Clerk shall conduct the election.

Section 2. At that election, the question of whether to authorize the City Commissioner, rather than the Mayor, to appoint Planning Commission and Historic Review Board members shall be submitted to the voters of Oregon City.

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

Section 4. The City Commission adopts the explanatory statement attached to the resolution in Exhibit B and directs the City Manager to file the explanatory statement with the City Recorder.

Section 5. The City Commission directs the City Recorder to take all actions necessary to hold the election, including publication of the notice of receipt of the ballot title.

Section 6. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of February 2022.

Rachel Lyles Smith, Mayor

Attested to this 2nd Day of January 2022

Approved as to legal sufficiency:

Item 9f.

Jakob Wiley, City Recorder

City Attorney

**EXHIBIT A
BALLOT TITLE**

CAPTION:	CHARTER AMENDMENT: COMMISSION APPOINTS PLANNING COMMISSION AND HISTORIC REVIEW BOARD
QUESTION:	Shall Charter be amended to authorize City Commission, rather than Mayor, to appoint Planning Commission and Historic Review Board members?
SUMMARY:	The Charter currently provides that the Mayor appoints the members of all city committees, which has included the Planning Commission and the Historic Review Board. This measure would amend the City Charter to have the City Commission appoint the members of the Planning Commission and Historic Review Board. Section 20 of the Charter would be changed to exclude the Planning Commission and the Historic Review Board from the power granted to the Mayor to appoint members of city committees. A yes vote would result in the City Commission appointing the members of the Planning Commission and the Historic Review Board, rather than the Mayor. A no vote would result in the Mayor continuing to appoint the members of those bodies.

EXHIBIT B
MEASURE EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

The Charter currently provides that the Mayor will appoint the members of all city committees, which includes the Planning Commission and the Historic Review Board. This measure would amend the City Charter so that members of the Planning Commission and Historic Review Board shall be selected by a majority vote of the City Commission. The membership of all other city committees, other than the Planning Commission and Historic Review Board, shall continue to be accomplished by the Mayor.

If the measure is approved, Section 20 of the Charter would be amended to include the underlined language below:

Section 20 – Mayor.

The Mayor shall appoint the committees provided by the rules of the Commission, except the Planning Commission and the Historic Review Board, which shall be appointed by a majority vote of the Commission. He shall sign all records of proceedings approved by the Commission. He shall have no veto power and shall sign all ordinances passed by the Commission within three days after their passage. After the Commission approves a bond of a city officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.

The result of a yes vote would be that the Mayor would continue to appoint most members of city committees, except that the members of the Planning Commission and Historic Review Board would be appointed by a majority vote of the Commission. A no vote would be that the Mayor would appoint the members of all city committees, including the members of the Planning Commission and Historic Review Board.

EXHIBIT C CHARTER PROVISIONS

Section 20 – Mayor.

The Mayor shall appoint the committees provided by the rules of the Commission, except the Planning Commission and the Historic Review Board, which shall be appointed by a majority vote of the Commission. He shall sign all records of proceedings approved by the Commission. He shall have no veto power and shall sign all ordinances passed by the Commission within three days after their passage. After the Commission approves a bond of a city officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.

(underlined language added).



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: 01/24/2022

SUBJECT:

City Commissioners' Duties as Mandatory Reporters

EXECUTIVE SUMMARY:

As part of the passage of HB 3071 (2021), all elected city officials became mandatory abuse reporters in the state. This report provides a summary of the new duties and sources for more information.

BACKGROUND:

Oregon Revised Statutes (ORS) 419B.005 provides a list of certain individuals that are required to report abuse to the Oregon Department of Human Services. HB 3071 (2021) altered the definitions to include "An elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state."

There had been some discussion before the passage of HB 3071 as to whether other definitions also included elected members of local governments. However, the new definition clearly includes the City Commission. As such, we are providing some additional information for your review.

The attached summary document provided by the League of Oregon Cities contains a summary of the various types of abuse and the reporting requirements. Further information can also be found at the following links:

- https://www.oregon.gov/dhs/abuse/pages/mandatory_report.aspx
- <https://www.orcities.org/resources/reference/city-handbook/chapter-30-abuse-reporting>

The hotline for reporting abuse is 1-855-503-SAFE (7233). Please let the City Manager or City Recorder know if you have any questions or would like additional information.

Enrolled

House Bill 3071

Sponsored by Representative LEWIS; Representatives LEIF, MOORE-GREEN, MORGAN, NERON,
Senator RILEY

CHAPTER

AN ACT

Relating to mandatory abuse reporters; amending ORS 124.050, 419B.005, 430.735 and 441.630.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 124.050 is amended to read:

124.050. As used in ORS 124.050 to 124.095:

(1) "Abuse" means one or more of the following:

(a) Any physical injury to an elderly person caused by other than accidental means, or which appears to be at variance with the explanation given of the injury.

(b) Neglect.

(c) Abandonment, including desertion or willful forsaking of an elderly person or the withdrawal or neglect of duties and obligations owed an elderly person by a caretaker or other person.

(d) Willful infliction of physical pain or injury upon an elderly person.

(e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465, 163.467 or 163.525.

(f) Verbal abuse.

(g) Financial exploitation.

(h) Sexual abuse.

(i) Involuntary seclusion of an elderly person for the convenience of a caregiver or to discipline the person.

(j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

(2) "Elderly person" means any person 65 years of age or older who is not subject to the provisions of ORS 441.640 to 441.665.

(3) "Facility" means:

(a) A long term care facility as that term is defined in ORS 442.015.

(b) A residential facility as that term is defined in ORS 443.400, including but not limited to an assisted living facility.

(c) An adult foster home as that term is defined in ORS 443.705.

(4) "Financial exploitation" means:

(a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an elderly person or a person with a disability.

(b) Alarming an elderly person or a person with a disability by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed would be carried out.

(c) Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an elderly person or a person with a disability.

(d) Failing to use the income or assets of an elderly person or a person with a disability effectively for the support and maintenance of the person.

(5) "Intimidation" means compelling or deterring conduct by threat.

(6) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) Any district attorney.

(e) A police department established by a university under ORS 352.121 or 353.125.

(7) "Neglect" means failure to provide basic care or services that are necessary to maintain the health or safety of an elderly person.

(8) "Person with a disability" means a person described in:

(a) ORS 410.040 (7); or

(b) ORS 410.715.

(9) "Public or private official" means:

(a) Physician or physician assistant licensed under ORS chapter 677, naturopathic physician or chiropractor, including any intern or resident.

(b) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.

(c) Employee of the Department of Human Services or community developmental disabilities program.

(d) Employee of the Oregon Health Authority, local health department or community mental health program.

(e) Peace officer.

(f) Member of the clergy.

(g) Regulated social worker.

(h) Physical, speech or occupational therapist.

(i) Senior center employee.

(j) Information and referral or outreach worker.

(k) Licensed professional counselor or licensed marriage and family therapist.

(L) *[Member of the Legislative Assembly.]* **Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.**

(m) Firefighter or emergency medical services provider.

(n) Psychologist.

(o) Provider of adult foster care or an employee of the provider.

(p) Audiologist.

(q) Speech-language pathologist.

(r) Attorney.

(s) Dentist.

(t) Optometrist.

(u) Chiropractor.

(v) Personal support worker, as defined in ORS 410.600.

(w) Home care worker, as defined in ORS 410.600.

(x) Referral agent, as defined in ORS 443.370.

(10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene or any other service essential to the well-being of an elderly person.

(11)(a) "Sexual abuse" means:

(A) Sexual contact with an elderly person who does not consent or is considered incapable of consenting to a sexual act under ORS 163.315;

(B) Verbal or physical harassment of a sexual nature, including but not limited to severe or pervasive exposure to sexually explicit material or language;

(C) Sexual exploitation;

(D) Any sexual contact between an employee of a facility or paid caregiver and an elderly person served by the facility or caregiver; or

(E) Any sexual contact that is achieved through force, trickery, threat or coercion.

(b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and:

(A) An employee of a facility who is also the spouse of the elderly person; or

(B) A paid caregiver.

(12) "Sexual contact" has the meaning given that term in ORS 163.305.

(13) "Verbal abuse" means to threaten significant physical or emotional harm to an elderly person or a person with a disability through the use of:

(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

SECTION 2. ORS 419B.005 is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a substantial risk of harm to the child's health or safety.

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who:

(a) Is under 18 years of age; or

(b) Is under 21 years of age and residing in or receiving care or services at a child-caring agency as that term is defined in ORS 418.205.

(3) "Higher education institution" means:

(a) A community college as defined in ORS 341.005;

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

(d) A private institution of higher education located in Oregon.

(4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged to have experienced abuse.

(b) "Investigation" does not include screening activities conducted upon the receipt of a report.

(5) "Law enforcement agency" means:

(a) A city or municipal police department.

(b) A county sheriff's office.

(c) The Oregon State Police.

(d) A police department established by a university under ORS 352.121 or 353.125.

(e) A county juvenile department.

(6) "Public or private official" means:

(a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.

(b) Dentist.

(c) School employee, including an employee of a higher education institution.

(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.

(e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.

(f) Peace officer.

(g) Psychologist.

(h) Member of the clergy.

(i) Regulated social worker.

(j) Optometrist.

(k) Chiropractor.

(L) Certified provider of foster care, or an employee thereof.

(m) Attorney.

(n) Licensed professional counselor.

(o) Licensed marriage and family therapist.

(p) Firefighter or emergency medical services provider.

(q) A court appointed special advocate, as defined in ORS 419A.004.

(r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.

(s) [*Member of the Legislative Assembly.*] **An elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.**

(t) Physical, speech or occupational therapist.

(u) Audiologist.

(v) Speech-language pathologist.

(w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.

(x) Pharmacist.

(y) An operator of a preschool recorded program under ORS 329A.255.

(z) An operator of a school-age recorded program under ORS 329A.257.

(aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

(bb) Employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and

(B) Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

(dd) Personal support worker, as defined in ORS 410.600.

(ee) Home care worker, as defined in ORS 410.600.

(ff) Animal control officer, as defined in ORS 609.500.

(gg) Member of a school district board or public charter school governing body.

(hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized written service plan of a child with a developmental disability.

SECTION 3. ORS 430.735 is amended to read:

430.735. As used in ORS 430.735 to 430.765:

(1) "Abuse" means one or more of the following:

(a) Abandonment, including desertion or willful forsaking of an adult or the withdrawal or neglect of duties and obligations owed an adult by a caregiver or other person.

(b) Any physical injury to an adult caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.

(c) Willful infliction of physical pain or injury upon an adult.

(d) Sexual abuse.

(e) Neglect.

(f) Verbal abuse of an adult.

(g) Financial exploitation of an adult.

(h) Involuntary seclusion of an adult for the convenience of the caregiver or to discipline the adult.

(i) A wrongful use of a physical or chemical restraint upon an adult, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685 or nurse practitioner licensed under ORS 678.375 to 678.390 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

(j) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.465 or 163.467.

(k) Any death of an adult caused by other than accidental or natural means.

(2) “Adult” means a person 18 years of age or older:

(a) With a developmental disability who is currently receiving services from a community program or facility or who was previously determined eligible for services as an adult by a community program or facility;

(b) With a severe and persistent mental illness who is receiving mental health treatment from a community program; or

(c) Who is receiving services for a substance use disorder or a mental illness in a facility or a state hospital.

(3) “Adult protective services” means the necessary actions taken to prevent abuse or exploitation of an adult, to prevent self-destructive acts and to safeguard the adult’s person, property and funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides for the greatest degree of independence.

(4) “Caregiver” means an individual, whether paid or unpaid, or a facility that has assumed responsibility for all or a portion of the care of an adult as a result of a contract or agreement.

(5) “Community program” includes:

(a) A community mental health program or a community developmental disabilities program as established in ORS 430.610 to 430.695; or

(b) A provider that is paid directly or indirectly by the Oregon Health Authority to provide mental health treatment in the community.

(6) “Facility” means a residential treatment home or facility, residential care facility, adult foster home, residential training home or facility or crisis respite facility.

(7) “Financial exploitation” means:

(a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an adult.

(b) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out.

(c) Misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by an adult.

(d) Failing to use the income or assets of an adult effectively for the support and maintenance of the adult.

(8) “Intimidation” means compelling or deterring conduct by threat.

(9) “Law enforcement agency” means:

(a) Any city or municipal police department;

(b) A police department established by a university under ORS 352.121 or 353.125;

(c) Any county sheriff’s office;

(d) The Oregon State Police; or

(e) Any district attorney.

(10) “Neglect” means:

(a) Failure to provide the care, supervision or services necessary to maintain the physical and mental health of an adult that may result in physical harm or significant emotional harm to the adult;

(b) Failure of a caregiver to make a reasonable effort to protect an adult from abuse; or

(c) Withholding of services necessary to maintain the health and well-being of an adult that leads to physical harm of the adult.

(11) “Public or private official” means:

(a) Physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, naturopathic physician, psychologist or chiropractor, including any intern or resident;

(b) Licensed practical nurse, registered nurse, nurse’s aide, home health aide or employee of an in-home health service;

(c) Employee of the Department of Human Services or Oregon Health Authority, local health department, community mental health program or community developmental disabilities program or private agency contracting with a public body to provide any community mental health service;

(d) Peace officer;

(e) Member of the clergy;

(f) Regulated social worker;

(g) Physical, speech or occupational therapist;

(h) Information and referral, outreach or crisis worker;

(i) Attorney;

(j) Licensed professional counselor or licensed marriage and family therapist;

(k) Any public official;

(L) Firefighter or emergency medical services provider;

(m) *[Member of the Legislative Assembly;]* **Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state;**

(n) Personal support worker, as defined in ORS 410.600;

(o) Home care worker, as defined in ORS 410.600; or

(p) An individual paid by the Department of Human Services to provide a service identified in an individualized written service plan of an adult with a developmental disability.

(12) "Services" includes but is not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene or any other service essential to the well-being of an adult.

(13)(a) "Sexual abuse" means:

(A) Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315;

(B) Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language;

(C) Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver;

(D) Any sexual contact between an adult and a relative of the adult other than a spouse;

(E) Any sexual contact that is achieved through force, trickery, threat or coercion; or

(F) Any sexual contact between an individual receiving mental health or substance abuse treatment and the individual providing the mental health or substance abuse treatment.

(b) "Sexual abuse" does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse of the adult.

(14) "Sexual contact" has the meaning given that term in ORS 163.305.

(15) "Verbal abuse" means to threaten significant physical or emotional harm to an adult through the use of:

(a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

(b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

SECTION 4. ORS 441.630 is amended to read:

441.630. As used in ORS 441.630 to 441.680:

(1) "Abuse" means:

(a) Any physical injury to a resident of a long term care facility which has been caused by other than accidental means.

(b) Failure to provide basic care or services, which failure results in physical harm or unreasonable discomfort or serious loss of human dignity.

(c) Sexual contact with a resident caused by an employee, agent or other resident of a long term care facility by force, threat, duress or coercion.

(d) Illegal or improper use of a resident's resources for the personal profit or gain of another person.

- (e) Verbal or mental abuse as prohibited by federal law.
 - (f) Corporal punishment.
 - (g) Involuntary seclusion for convenience or discipline.
 - (2) "Abuse complaint" means any oral or written communication to the department, one of its agents or a law enforcement agency alleging abuse.
 - (3) "Department" means the Department of Human Services or a designee of the department.
 - (4) "Facility" means a long term care facility, as defined in ORS 442.015.
 - (5) "Law enforcement agency" means:
 - (a) Any city or municipal police department.
 - (b) A police department established by a university under ORS 352.121 or 353.125.
 - (c) Any county sheriff's office.
 - (d) The Oregon State Police.
 - (e) Any district attorney.
 - (6) "Public or private official" means:
 - (a) Physician, including any intern or resident.
 - (b) Licensed practical nurse or registered nurse.
 - (c) Employee of the Department of Human Services, a community developmental disabilities program or a long term care facility or person who contracts to provide services to a long term care facility.
 - (d) Employee of the Oregon Health Authority, local health department or community mental health program.
 - (e) Peace officer.
 - (f) Member of the clergy.
 - (g) Regulated social worker.
 - (h) Physical, speech and occupational therapists.
 - (i) Legal counsel for a resident or guardian or family member of the resident.
 - (j) *[Member of the Legislative Assembly.]* **Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.**
 - (k) Personal support worker, as defined in ORS 410.600.
 - (L) Home care worker, as defined in ORS 410.600.
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Passed by House April 10, 2021

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Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 28, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State

Oregon Municipal Handbook

CHAPTER 30: ABUSE REPORTING



Table of Contents

Introduction.....	3
Child Abuse Reporting	3
Who has a duty to report?	4
What does the mandatory reporting duty require?	4
Elder Abuse Reporting.....	4
Who has a duty to report?	5
What does the mandatory reporting duty require?	5
Failure to Report	5
Appendix A: List of Mandatory Reporters: Child Abuse	6
Appendix B: List of Mandatory Reporters: Elder Abuse	8

Chapter 30: Abuse Reporting

Introduction

In Oregon, there are statewide mandatory abuse reporting laws that address when an individual is required by law to report suspected or known cases of child or elder abuse. This chapter will provide a brief overview of a city official's potential responsibilities relating to mandatory abuse reporting.

Disclaimer: These materials are not intended to substitute for obtaining legal advice from a competent attorney. Rather, these materials are intended to provide general information regarding mandatory abuse reporting requirements and provide city officials with general knowledge of when they may have a duty to report abuse.

Child Abuse Reporting

Child abuse is defined to include:

- Any assault of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury;
- Any mental injury to a child;
- Rape of a child;
- Sexual abuse;
- Sexual exploitation;
- Negligent treatment or maltreatment of a child;
- Threatened harm;
- Buying or selling a person under 18 years of age;
- Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured; and
- Unlawful exposure to a controlled substance or unlawful manufacturing of a cannabinoid extract that subjects a child to substantial risk of harm to the child's health or safety.¹

DHS Abuse Hotline:

Reports of abuse or neglect of any child or adult may be made to the Oregon Department of Human Services by calling:
1-855-503-SAFE (7233).

A child is defined as an unmarried person under the age of 18, or under the age of 21 and residing in or receiving care or services at a child-caring agency.² The mandatory child abuse reporting law creates a duty that requires mandatory reporters to report suspected or known cases of child abuse to the appropriate officials.

¹ ORS 419B.005(1).

² ORS 419B.005(2).

Who has a duty to report?

ORS 419B.005 specifically lists individuals who are considered a mandatory reporter. The list of mandatory reporters includes medical doctors, attorneys, licensed professional counselors, firefighters, EMTs, law enforcement officers, and social workers. Furthermore, the list of mandatory reporters includes all employees of a public organization that provides “child-related services or activities” – such as youth groups or centers, and summer or day camps.³ As such, if the city offers one of these child-related services or activities, it is possible that all employees of the city – regardless of the employee’s involvement with the specific child-related service or activity are mandatory child abuse reporters.

What does the mandatory reporting duty require?

Any mandatory child abuse reporter having reasonable cause to believe that any child with whom the official comes in contact with must immediately report or cause a report to be made in the manner required in ORS 419B.015.⁴ The reporting requirement may be accomplished orally by telephone or otherwise to a local Oregon Department of Human Services (DHS) office, a DHS representative or to a law enforcement agency within the county in which the person making the report is located at the time of contact.

The DHS provides information and training for mandatory child abuse reporters. Further information on Oregon’s child abuse reporting requirements may be accessible at:

https://www.oregon.gov/dhs/ABUSE/Pages/mandatory_report.aspx.

Elder Abuse Reporting

Elder abuse is abuse of an elderly person which includes:

- Any non-accidental physical injury or injury which appears to be at variance from the explanation given of the injury;
- Neglect;
- Abandonment;
- Willful infliction of physical pain or injury;
- Verbal abuse;
- Financial exploitation;
- Sexual abuse;
- Involuntary seclusion for the convenience of a caregiver or to discipline the elderly person; and
- A wrongful use of physical or chemical restraint.⁵

³ ORS 419B.005.

⁴ ORS 419B.010.

⁵ ORS 124.050(1).

An elderly person is defined to include any person 65 years of age or older.⁶

Who has a duty to report?

For the purposes of elder abuse, the list of mandatory reporters is similar to the list of mandatory reporters for child abuse purposes. For example, the list of mandatory elder abuse reporters includes medical professionals and first responders.⁷ However, the list of mandatory reporters does not include employees of a public organization that provides “child-related services or activities.” This means that unlike mandatory child abuse reporting, employees of cities with certain child-related programs may not be considered mandatory elder abuse reporters by virtue of the city having such child-related programs. A complete list of mandatory elder abuse reporters may be found under ORS 124.050(9).⁸

What does the mandatory reporting duty require?

Similar to child abuse reporting, mandatory elder abuse reporters must immediately report instances of alleged or known elder abuse to the DHS, a local DHS office, or a local law enforcement agency.⁹

The DHS provides further information, guidance and training relating to elder abuse on its website accessible at: <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/ADULT-ABUSE/Pages/index.aspx>.

Failure to Report

A mandatory reporter making a good faith report of child or elder abuse receives immunity from criminal or civil liability.¹⁰ Failure of a mandatory reporter to report of suspected or know case of abuse or cause a report to be made as required is a Class A violation which carries a maximum penalty of \$6,250 in fines and 364 days of imprisonment.¹¹

For additional information and resources related to mandatory reporting requirements and child and elder abuse, please visit the DHS’s website at: <https://www.oregon.gov/dhs/Pages/index.aspx>.

⁶ ORS 124.050(2).

⁷ ORS 124.050(9).

⁸ A list of mandatory elder abuse reporters listed under ORS 124.050(9) is attached as Appendix B.

⁹ OAR 411-020-0020.

¹⁰ ORS 124.075; ORS 419B.025.

¹¹ ORS 124.990; ORS 419B.010(5).

Appendix A

List of Mandatory Reporters: Child Abuse¹²

- Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.
- Dentist.
- School employee, including an employee of a higher education institution.
- Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
- Employee of the Department of Human Services, Oregon Health Authority, Early Learning Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in [ORS 418.205](#) or an alcohol and drug treatment program.
- Peace officer.
- Psychologist.
- Member of the clergy.
- Regulated social worker.
- Optometrist.
- Chiropractor.
- Certified provider of foster care, or an employee thereof.
- Attorney.
- Licensed professional counselor.
- Licensed marriage and family therapist.
- Firefighter or emergency medical services provider.
- A court appointed special advocate, as defined in [ORS 419A.004](#).
- A child care provider registered or certified under [ORS 329A.030](#) and [329A.250](#) to [329A.450](#).
- Member of the Legislative Assembly.
- Physical, speech or occupational therapist.
- Audiologist.
- Speech-language pathologist.

¹² ORS 419B.005(6).

- Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
- Pharmacist.
- An operator of a preschool recorded program under [ORS 329A.255](#).
- An operator of a school-age recorded program under [ORS 329A.257](#).
- Employee of a private agency or organization facilitating the provision of respite services, as defined in [ORS 418.205](#), for parents pursuant to a properly executed power of attorney under [ORS 109.056](#).
- Employee of a public or private organization providing child-related services or activities:
 - Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and
 - Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.
- A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.
- Personal support worker, as defined in [ORS 410.600](#).
- Home care worker, as defined in [ORS 410.600](#).
- Animal control officer, as defined in [ORS 609.500](#).
- Member of a school district board or public charter school governing body.
- An individual who is paid by a public body, in accordance with [ORS 430.215](#), to provide a service identified in an individualized written service plan of a child with a developmental disability.

Appendix B:

List of Mandatory Reporters: Elder Abuse¹³

- Physician or physician assistant licensed under ORS chapter 677, naturopathic physician or chiropractor, including any intern or resident.
- Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
- Employee of the Department of Human Services or community developmental disabilities program.
- Employee of the Oregon Health Authority, local health department or community mental health program.
- Peace officer.
- Member of the clergy.
- Regulated social worker.
- Physical, speech or occupational therapist.
- Senior center employee.
- Information and referral or outreach worker.
- Licensed professional counselor or licensed marriage and family therapist.
- Member of the Legislative Assembly.
- Firefighter or emergency medical services provider.
- Psychologist.
- Provider of adult foster care or an employee of the provider.
- Audiologist.
- Speech-language pathologist.
- Attorney.
- Dentist.
- Optometrist.
- Chiropractor.
- Personal support worker, as defined in [ORS 410.600](#).
- Home care worker, as defined in [ORS 410.600](#).
- Referral agent, as defined in [ORS 443.370](#).

¹³ ORS 124.050(9).



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: 02/02/2022

SUBJECT:

HotSpot Parking Meter Update

BACKGROUND:

The City of Oregon City is adding a mobile friendly option, HotSpot, to pay for parking in Downtown Oregon City. HotSpot signs will be installed, and mobile payments will be enabled in the near future. The option to pay by card and coin will remain available. The Code Enforcement Division found that some credit/debit cards were not being read at the meters and pushed forward to provide the public a mobile pay option. People parking can scan a QR code or download the HotSpot App to help with their parking needs. HotSpot gives more control and convenience when parking by notifying visitors when their meter is close to expiring, giving visitors the option to add more time, up to the maximum, for the space. The Code Enforcement Division has been working closely with Downtown businesses and the Downtown Oregon City Association to move this project forward.