



CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING - REVISED AGENDA

**Commission Chambers, City Hall, 625 Center Street
Wednesday, January 06, 2021 at 7:00 PM**

REGULAR MEETING OF THE CITY COMMISSION

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

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

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

3a. Oath of Office - The Honorable Laraine McNiece Officiating

Commission Position No. 2: Denyse McGriff
Commission Position No. 3: Frank O'Donnell

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

3c. Oath of Office for the 2021 Commission President - The Honorable Laraine McNiece Officiating

3d. Library Board Annual Update

[3e.](#) Presentation on Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan

4. CITIZEN COMMENTS

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

5. ADOPTION OF THE AGENDA

6. PUBLIC HEARINGS

- [6a.](#) First Reading of Ordinance No. 21-1003, Amending the Oregon City Municipal Code; Title 12: Streets, Sidewalks, and Public Places, Title 13: Public Services, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #1)

7. GENERAL BUSINESS

- 7a. Election of Commission President for 2021

- [7b.](#) Second Reading of Ordinance No. 21-1002, Amending the Development Agreement with John Jones Construction, Inc.

- [7c.](#) Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

8. CONSENT AGENDA

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

- [8a.](#) Amendment No. 1 to the Personal Services Agreement with RH2 Engineering for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)

- [8b.](#) Minutes of the October 21, 2020 Regular Meeting

- [8c.](#) Minutes of the October 13, 2020 Work Session

- [8d.](#) Minutes of the November 4, 2020 Regular Meeting

9. COMMUNICATIONS

City Manager

Commissioners

Mayor

10. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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

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

ADA NOTICE

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

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

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



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 01/06/2021

SUBJECT:

Mayoral Appointments to City Boards and Commissions

BACKGROUND:

At the beginning of each new year, the Mayor, and/or Commission President acting in the capacity of the Mayor, announces the appointments to City boards and commissions. All appointments, unless otherwise specified, begin on January 1, 2021.

This year Commission President Rachel Lyles Smith has submitted the attached announcement stating the appointments for 2021.

Please note that the City continues to recruit for the following openings/vacancies:

- Budget Committee (2 openings), Term 1/1/2020 to 12/31/2024
- Enhancement Grant Program Committee (1 opening), Term 1/1/2020 to 12/31/2024
- Library Board (1 opening), Term 1/1/2020 to 12/31/2024
- Parks & Recreation Advisory Committee (1 opening), Term ending 12/31/2021
- Transportation Advisory Committee
(1 opening) Oregon City Chamber of Commerce Member Representative, Term ending 12/31/2023
(1 opening) Neighborhood Association Representative, Term ending 12/31/2022
(1 opening) Non-voting Teen Representative, Term ending 12/31/2021

Please view the City's website to apply for any openings: www.oregoncity.org/bc .



Commission President

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7026

January 5, 2021

To: City Commissioners and Interested Parties

From: Rachel Lyles Smith, Commission President

Re: Oregon City 2021 Committee Appointments

As the Oregon City community rings in the new year, we all share a hope of a brighter year ahead. We begin 2021 with new opportunities to give back to the community we love by volunteering, giving of ourselves and our time, and showing kindness to our neighbors. The City's advisory committees are made up of individuals who have a passion for Oregon City and are eager to give their time and energy toward the greater good of our community. They will shape the future of our city and represent all who call Oregon City home for their family or business.

The process to fill 17 vacant committee positions began in September 2020. Upon receiving applications, the selection process is done with careful consideration and considerable input from others. Before deciding any committee appointments, I reviewed the applications submitted, listened to committee interviews, consulted with city staff, reviewed comments, and input from my fellow city commissioners, spoke individually with some committee chairs, and spoke individually with some applicants. I evaluated the applicant's temperament and experience, along with committee diversity. My goal is to have committees that are geographically diverse, gender diverse, and experience diverse.

Pursuant to Oregon City Charter Chapter III Section 9A, the commission president "*shall perform the duties of the 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*". Therefore, I'm pleased to announce the following appointments for the City's advisory committees.

Natural Resources Committee

Nancy Broshot (re-appoint) – term January 01, 2021 – December 31, 2023

Brian Kvisler – term January 01, 2021 – December 31, 2023

Samantha Wolf – term January 01, 2021 – December 31, 2023

Carrie Young – term January 1, 2021 – December 31, 2021

Parks and Recreation Advisory Committee

Troy Bolinger (re-appoint) – term January 01, 2021 – December 31, 2023

Karin Morey (re-appoint) – term January 01, 2021 – December 31, 2023

Tim Wuest – term January 01, 2021 – December 31, 2023

Transportation Advisory Committee

Ben Simmons (re-appoint/At-Large) – term January 1, 2021 – December 31, 2023

Tim Morgan – At-Large – term January 1, 2021 – December 31, 2023

Planning Commission

Lisa Novak – term January 1, 2021 – December 31, 2024

Daphne Wuest – term January 1, 2021 – December 31, 2024

Historic Review Board

Carrie Crook – McLoughlin Neighborhood Position – term January 1, 2021 – December 31, 2023

Paul Edgar – At-Large Position – term January 1, 2021 – December 31, 2023

Sabrina Ferry – Architect Position – term January 1, 2021 – December 31, 2022

Ray Stobie (re-appoint Chamber Position) – term January 1, 2021 – December 31, 2023

**The persons are listed in alphabetical order, by last name.*

There are a few vacant positions remaining on these and other advisory committees that are not shown above. If you are interested in giving back to your community, we would love to hear from you. Please submit an application at www.orcity.org/bc or contact the City Recorder, recorderteam@orcity.org, or 503-496-1505.

Respectfully,



Rachel Lyles Smith
Commission President



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: 01/06/2021

SUBJECT:

Presentation on Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan

EXECUTIVE SUMMARY:

The purpose of the Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan is to identify potential bridge locations and provide opportunities for community and local agency conversations to reimagine a new crossing.

BACKGROUND:

Oregon Department of Transportation (ODOT) – in partnership with Oregon City, West Linn, Clackamas County, and Metro – is initiating a planning effort to investigate the feasibility of a pedestrian and bicycle bridge across the Willamette River connecting Oregon City and West Linn. This project will identify potential bridge locations and provide opportunities for community and local agency conversations to reimagine a new crossing. A key component of this project is to consider the historical significance of the study area and evaluate crossing options with minimal impacts to natural and cultural resources.

This planning effort supports community desires to connect the regional active transportation network in this area. Pedestrians and bicyclists currently use the historic Arch Bridge (OR 43) which is the existing multimodal crossing in this area. Agency partners are interested in identifying a safe and reliable option for a low-stress connection between the two cities.

Today, no existing local or regional plans call for the construction of a new pedestrian and bicycle crossing of the Willamette River between Oregon City and West Linn. There are multimodal planned facilities at various stages of development (planned but unfunded, designed but unfunded, funded awaiting construction) within the identified study area on each side of the river.

A new pedestrian and bicycle bridge will enhance access for people walking and biking and provide the region with opportunities to reconnect with the river and enhance the connection in the regional bikeway and pedestrian system. Completing the multimodal

network with a river crossing creates essential access to and along the Willamette River between Gladstone, Oregon City, and West Linn.

The project team began work in November 2020 which included determining decision-making structure, roles and responsibilities of participants, preparing a Public Involvement and Communications Plan, as well as identifying key stakeholders and interested parties. Public Engagement for the project will be getting underway in January 2021.

Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan

November 2020

Oregon Department of Transportation (ODOT) in partnership with Oregon City, West Linn, Clackamas County and Metro is initiating a planning effort to investigate the feasibility of a pedestrian and bicycle bridge across the Willamette River connecting Oregon City and West Linn. This project will identify potential bridge locations and provide opportunities for community and local agency conversations to reimagine a new crossing. A key component of this project is to consider the historical significance of the study area and evaluate crossing options with minimal impacts to natural and cultural resources.

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The purpose of the Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan is to identify potential bridge locations and provide opportunities for community and local agency conversations to reimagine a new crossing.



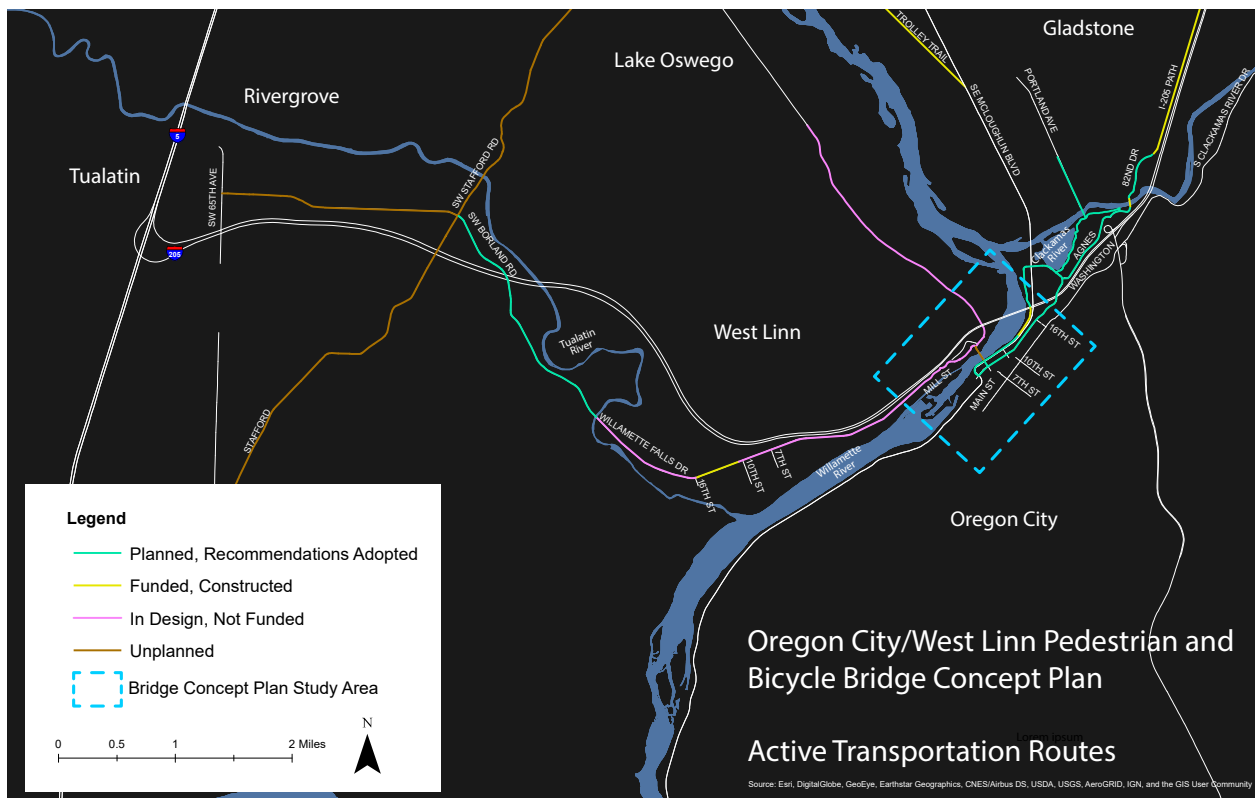
Biking on the Trolley Trail in Clackamas County. Oregon Metro Flickr Account 2015 (metrorto).



View above West Linn and Oregon City at the Willamette River. Aerial Photography Consortium, administered by Metro Data Resource Center.

Tentative Project Timeline

Activity	Timeline
Project initiation	November 2020
Begin public engagement	January 2021
Existing conditions analysis	January 2021
Identify and evaluate alignment options	February 2021
Select preferred alignment pending additional evaluation	April 2021
Develop cost range	May 2021
Develop implementation plan: • Environmental scoping • Permitting • Funding plan • Determine bridge ownership	June 2021
Bridge Concept Plan Cost	\$300,000



Contact information
 Sandra Hikari
 ODOT Region 1 Major Projects Planner
sandra.y.hikari@odot.state.or.us





CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 01/06/2020
From: Community Development Director Laura Terway

SUBJECT:

First Reading of Ordinance No. 21-1003, Amending the Oregon City Municipal Code; Title 12: Streets, Sidewalks, and Public Places, Title 13: Public Services, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #1)

STAFF RECOMMENDATION:

Approve the first reading of Ordinance No. 21-1003 and continue the Public Hearing to January 20, 2021.

EXECUTIVE SUMMARY:

Staff has proposed code revisions to the Geologic Hazards Overlay District and other ancillary Public Works related development code & standards such as refinements to Public Utility Easements (PUE), requirements for undergrounding utilities, sanitary sewer standards, and the adoption of policies relating to sidewalk obstructions and undergrounding of utilities.

As there are multiple chapters proposed for revision, the larger package of amendments will be divided into a series of smaller amendments, which will each be considered independently for adoption through separate ordinances at multiple City Commission meetings. This approach will allow the City Commission and the public the ability to review each package closely while moving efficiently through the review process. Hearing dates and future ordinance topics for the project will be provided in the City Commission- Commission Reports for Legislative File: GLUA 20:00033, LEG 20-00001 to allow the public to fully participate in the hearings process.

Ordinance No. 21-1003 Package #1

OCMC 13.04 & OCMC 13.08 Water and Sewer Services
OCMC 12.04 Obstructions
OCMC 17.80 Communication Facilities

BACKGROUND:

The City of Oregon City Public Works Department is implementing a number of projects which require various changes to the City Code. The Oregon City Municipal Code contains development standards for private and public development and construction. Additionally, the City's Comprehensive Plan anticipates the need for amendments from time to time in order to maintain a balance of predictability for developers and neighborhood livability for residents.

The proposed code revisions generally address the need for clarifications in technical development review and to address new policy direction on obstructions in the Right of Way. Larger policy questions may be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework, which could result in additional code revisions in the future.

Staff has proposed code revisions to the Geologic Hazards Overlay District and other ancillary Public Works related development code & standards such as: refinements to Public Utility Easements (PUE), requirements for undergrounding utilities, sanitary sewer standards, and the adoption of policies relating to sidewalk obstructions and undergrounding of utilities. The Planning Commission voted 7-0 to recommend approval of Planning file GLUA 20-00033: LEG-20-00001 to the City Commission on November 9, 2020.

At the November 18, 2020 City Commission Hearing, the City Commission requested additional information on the infiltration and inflow (I&I) program and code amendments, land use review of capital projects, sidewalk obstructions, and definitions, and regulating additional land within the Geohazard Overlay District.

Staff is proposing to work through the items with the City Commission at a series of work sessions. As there are multiple chapters involved with this proposal, the larger package of amendments will be divided into a series of smaller amendments, which will each be considered independently through separate Ordinances.

This approach will allow the City Commission and the public the ability to review each package closely while moving efficiently through the review process. The items which the City Commission has identified comfort with will be proposed for approval sooner than the other items of concern, which will be modified in work sessions until they are ready to move forward to a hearing. The tentative schedule may be found below and will be updated as revised:

February 9, 2021 City Commission Work Session

The review process for the Capital Improvement Projects (CIP)

January 20, 2021 City Commission Hearing

Proposed 2nd Reading of ORD no. 21-1003 for the adoption of the following chapters:

- OCMC 13.04 & OCMC 13.08 Water and Sewer Services
- OCMC 12.04 Obstructions

- OCMC 17.80 Communication Facilities

Resolution 21-01 – Sidewalk Sales

Resolution 21-02 – Sanitary Sewer Design Standards

Resolution 21-03 – Sidewalk Obstruction Standard Operating Policy

March 3, 2021 City Commission Hearing

Proposed 1st Reading for the adoption of the following chapters:

- OCMC 13.24 & OCMC 13.34 Telecommunication Facilities
- OCMC 16.12 Driveways, Overhead Utilities
- OCMC 17.04 Definitions
- OCMC 17.62 Site Plan and Design Review
- Title 17 miscellaneous chapters (cross-reference edits)

March 9, 2021 City Commission Work Session

Regulating additional land within the Geologic Hazard Overlay District

March 16, 2021 City Commission Hearing

Proposed 2nd Reading for the adoption of the following chapters:

- OCMC 13.24 & OCMC 13.34 Telecommunication Facilities
- OCMC 16.12 Driveways, Overhead Utilities
- OCMC 17.04 Definitions
- OCMC 17.62 Site Plan and Design Review
- Title 17 miscellaneous chapters (cross-reference edits)

April 7, 2021 City Commission Hearing

Proposed 1st Reading for the adoption of the following chapters:

- OCMC 17.44 Geologic Hazards Overlay District

April 21, 2021 City Commission Hearing

Proposed 2nd Reading for the adoption of the following chapters:

- OCMC 17.44 Geologic Hazards Overlay District

The following policies will be reviewed for changes through a separate resolution process which will be scheduled for the meeting after the 1st reading of the associated code package.

1. Undergrounding Private Utilities – Standard Operating Policy (Jan 20, 2021)
2. Sidewalk Obstructions – Standard Operating Policy (Jan 20, 2021)
3. Sanitary Sewer Design Standards (Jan 20, 2021)
4. Inflow and Infiltration Reduction in Private Laterals and Downspouts – Standard Operating Policy (Date TBD)
5. New Sewer Service Line Fee (Date TBD)

OPTIONS:

1. Approve the first reading of Ordinance No. 21-1003 and continue the Public Hearing to January 20, 2021.
2. Continuation of first reading of Ordinance No. 21-1003 to January 20, 2021.
3. Continuation to a different date certain.

BUDGET IMPACT:

Amount: Unknown

FY(s):

Funding Source(s):

ORDINANCE NO. 21-1003

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING THE OREGON CITY MUNICIPAL CODE; TITLE 12: STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 13: PUBLIC SERVICES, AND TITLE 17: ZONING

WHEREAS, the City of Oregon City Public Works Department is implementing a number of projects which require various changes to the City Code; and

WHEREAS, the City's Comprehensive Plan anticipates the need for amendments from time to time in order to maintain a balance of predictability for developers and neighborhood livability for residents; and

WHEREAS, the Oregon City Municipal Code contains development standards for private and public development and construction; and

WHEREAS, the unrelated proposed code revisions generally address the need for clarifications in technical development review, to address new policy direction with respect to obstructions in a Right of Way, and will provide greater certainty for developers and property owners; and

WHEREAS, as there are multiple chapters proposed for revision, the larger package of amendments will be divided into a series of smaller amendments, which will each be considered independently for adoption through separate ordinances at multiple City Commission meetings. This approach will allow the City Commission and public the ability to review each package closely while moving efficiently through the review process; and

WHEREAS, the amendments will result in greater transparency within the Oregon City Municipal Code; and

WHEREAS, the hearing dates for the remainder of the project amendments and their implementing ordinances will be provided in the City Commission's Staff Reports for Legislative File: GLUA 20:00033, LEG 20-00001 to allow the public to fully participate in the hearings process.

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

- Section 1.** The City Commission adopts the amendments to Oregon City Municipal Code attached as Exhibit 'A,' amending Oregon City Municipal Code Title 12: Streets, Sidewalks and Public Places, Title 13: Public Services, and Title 17: Zoning.
- Section 2.** The Commission adopts the "Planning Staff Report and Recommendation for Legislative File: LEG 20-0001" attached as Exhibit 'B' to support its decision.
- Section 3.** Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

Section 4. Effective Date. This Ordinance shall take effect 30 days from the date of adoption.

Read for the first time at a regular meeting of the City Commission held on the 6th day of January 2021. The City Commission finally enacted the foregoing Ordinance this 20th day of January 2021.

RACHEL LYLES SMITH,
Commission President

Attested to this 20th day of January 2021,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code Title 12, Title 13, and Title 17

Exhibit B – Planning Staff Report and Recommendation for Legislative File: LEG 20-0001



Oregon City Municipal Code

Chapter 12.04 Streets, Sidewalks, and Public Places

12.04.003 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall be given the meaning set forth in OCMC 17.04, unless the context dictates applying a different meaning.

12.04.005 - Jurisdiction and management of the public rights-of-way.

- A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
- B. 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, including the subsurface under and air space over these areas.
- C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.
- E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

12.04.031 - Liability for sidewalk injuries.

- A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

- B. If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this ordinance imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

12.04.032 - Required sidewalk repair.

- A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.
- B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.
 - 1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.
 - 2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.
- C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
- D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.

12.04.033 - City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the Public Works Director shall carry out the needed work on the sidewalk. Upon completion of the work, the Public Works Director shall submit an itemized statement of the cost of the work to the finance director. The City may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the Public Works Director for the health, safety and general welfare of the residents of the City.

12.04.034 - Assessment of costs.

Upon receipt of the report, the Finance Director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

12.04.040 – Sidewalks—Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of OCMC 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a

retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

12.04.060 - Retaining walls—Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.070 - Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in OCMC 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

12.04.080 - Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

12.04.110 - Excavations—Nuisance—Penalty.

Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.120 - Obstructions—Permit required.

- A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.

1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.
4. Signage that acts as an obstruction is approved through OCMC 15.28

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.
 - a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.
2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Handicap Accessible accessible route complying with Americans with Disability Act (ADA) standards.
- e. Alternative routes if necessary;
- f. Minimizing obstruction area; and
- g. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
 - a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;

- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the City Engineer deems relevant.
- 6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
- 7. Types
 - a. A short-term temporary obstruction is allowed for a period of not more than 60 consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.
 - b. A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.
- 8. Signage that acts as an obstruction is approved through OCMC 15.28

- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

12.04.130 - Obstructions—Sidewalk sales and displays.

- A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
- B. The City Commission may, in its discretion, designate certain areas of the City to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided on a regular basis. A business in a designated area will be required to obtain a Renewable Right of Way Permit for this use if sales are intended to last longer than 60 days. A temporary obstruction permit may be issued for sales that occur less than 61 days.

12.04.140 - Obstructions—Nuisance—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be

reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

12.04.194 - Traffic sight obstructions.

All streets shall comply with the Traffic Sight Obstructions in OCMC 10.32.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

12.04.280 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Chapter 13.04 - WATER SERVICE SYSTEM

13.04.010 - Application for service.

When water service is requested where connection of the premises to the city mains is required, applications must be made to the City, signed by the owner, or agent of the premises to be served, and the applicant must state fully and truly all the purposes for which water may be required, and must agree to conform to the rules and regulations that are now in force or may hereafter be adopted for the proper operation of the water system. The charges for supplying a water service connection shall be in accordance with a schedule of charges adopted by the city commission. All new water service connections shall be metered.

(Prior code § 3-3-1)

13.04.020 - Use by applicant only.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his application, or to supply in any way other persons or families.

(Prior code § 3-3-2)

13.04.030 - Permits—Renewal—Change of service.

- A. The city issues engineering permits for water line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by the contractor and inspected by employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy. (Prior code § 3-3-3)

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.04.040 - Service pipe—Approval.

Service pipes, of all sizes, within or without the premises, whether for domestic, commercial or fire protection purposes, must be approved by the city.

(Prior code § 3-3-4)

13.04.050 - Service pipe—Installation.

The installation of all service pipes from the main to the meter box shall be made by the contractor and inspected by employees of the water department.

(Prior code § 3-3-5)

13.04.060 - Stopcock and shutoff box.

A stopcock of approved pattern and material will be placed, and protected by means of the meter box, which will be furnished and installed by the contractor and inspected by the water department.

(Prior code § 3-3-6)

13.04.070 - Stop and waste cocks.

Just inside the basement wall a stop and waste cock of approved pattern, protected from frost, must in all cases be placed in a convenient location, by means of which the pipes in the building may be drained at night during freezing weather. If the building is not provided with a basement, the stop and

waste cock must be placed near the outside wall thereof. All stores and offices in the building must have separate shutoffs.

(Prior code § 3-3-7)

13.04.080 - Service pipes—Repair and protection.

The service pipe, within the premises, and throughout its entire length to the curb cock must be kept in repair, and protected from freezing at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe.

(Prior code §3-3-8)

13.04.090 - Temporary disconnection.

Should it be desired to discontinue the use of all water supplied to the premise for a period of not less than fifteen days, notice must be given, and payment in full of all arrears made at the utility billing office. The water will then be turned off, and turned on again on application, without charge; provided however, no remission of rates will be made for a period of less than fifteen days.

(Prior code §3-3-9)

13.04.100 - Service for each house.

Hereafter, a separate service direct to the tap in the main, will be required for each house or business that is to be supplied with water. A separate meter provided for each place to be so supplied. Where two or more separate residential or business buildings are presently served by a single service the water superintendent may require separate meter installations wherever possible. A Double Check Valve Assembly (DCVA) is required for services that are commercial in nature (includes multi-family dwellings)

(Prior code §3-3-10)

13.04.110 - Discontinuance—Defective fixtures.

Water will not be furnished where there are defective or leaking faucets, toilets or other fixtures, or where there are toilets or urinals without self-closing valves, or tanks without self-acting float valves; and when such may be discovered the water superintendent shall have authority to immediately install a meter.

(Prior code §3-3-11)

13.04.120 - Plumber's report.

Contractors must obtain a "hydrant meter" from the City for any unmetered City water usage.

(Prior code §3-3-13)

13.04.130 - Shut-off for repairs.

The water may at any time be shut off from the mains without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages. Water for steam boilers for power purposes will not be furnished by direct pressure from the city mains; tanks for holding an ample reserve of water shall always be provided by the owners of the boilers. While water is temporarily shut off from the mains, the hot water faucets should be kept open by the occupants of the premises to allow the steam to escape from the water heater, and should damage result to meters by reason of steam or hot water, the owner shall be charged for repairs.

(Prior code §3-3-14)

13.04.140 - Right-of-entry.

Agents of the Public Works Department may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from the city mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, and for the purpose of fixing water rates for the premises.

(Prior code §3-3-15)

13.04.150 - Emergency regulations.

Under emergency conditions the city manager may enforce such regulation of the use of water as conditions require.

(Prior code §3-3-16)

13.04.160 - Water for building purposes.

Water for building purposes may be obtained at the rates herein prescribed.

(Prior code §3-3-18)

13.04.170 - Fire protection pipes.

Pipes to be used for fire purposes only will be allowed within buildings only where such pipes are entirely disconnected from those used for any other purposes, and have a separate connection to the mains. A Double Check Detector Assembly (DCDA) is required for all stand alone fire lines and is to be installed in a vault as close to the property line as possible. The connection with the city main must be made as prescribed in Sections 13.04.050 and 13.04.060.

(Prior code §3-3-19)

13.04.180 - Use of meters.

- A. The Public Works Department and its agents shall have the right at any time to attach a meter to, or detach a meter from the service pipe of such places and of such places only, as he may deem best; and where water is supplied through a meter to charge for the quantity of water used or measured at the regular established meter rates. When a meter fails to register accurately, the charge shall be according to the average quantity used daily, as shown by the meter when in order.
- B. The Public Works Department and its agents shall immediately install a meter for any unmetered consumer who is found guilty of violating any of the rules and regulations of the water department.
- C. Any householder desiring metered water service may obtain the service by making written application to the city for the installation of a meter and by agreeing to pay for the quantity of water used or measured at the regular established meter rates.

(Prior code §3-3-20)

13.04.190 - Ownership of meters.

All meters shall be and remain the property of the city, and may be removed whenever the Public Works Department may decide to do so.

(Prior code §3-3-21)

13.04.200 - Use of private water and city water.

Buildings supplied with water other than that furnished by the city, may obtain city water at meter rates; provided, that no physical connection shall in any way, directly or indirectly exist between the private system and the city's water system. Approved backflow protection is required immediately behind the meter when potential for cross connection exists (wells). The backflow assembly must be tested in place before city water is turned on. When a connection is found to exist the water will be shut off.

(Prior code §3-3-22)

13.04.210 - Testing and correcting meters.

When any consumer whose water supply is metered shall make a complaint that the bill for any particular month is excessive, the water superintendent will, upon request, have the meter reread.

(Prior code §3-3-23)

13.04.220 - Failure to comply with rules.

Should anyone fail to comply with the rules and regulations established as conditioned to the use of water, or to pay the water rates at the time and manner hereafter provided, the water may be shut off until payment is made of the amount due, including delinquent payment penalty fees, as well as the amount for the expense of turning the water on. Failure to comply with required annual testing of backflow assemblies will also result in discontinuation of water service.

(Prior code §3-3-24)

13.04.230 - Authority to turn on water.

After the water has been shut off at the curb cock, if it should be turned on by any person other than an employee of the water department, the water will be again shut off, a section of the service pipe removed, and service will not be furnished until the arrears, current month and an additional charge for the reasonable cost of disconnection and resumption of service, as determined by administrative policy, are paid. If the curb cock is damaged from being operated by parties other than city agents, the party who is responsible will be billed for city agents to repair.

(Prior code §3-3-25)

13.04.240 - Water charged to premises.

All charges for furnishing water within the city shall be chargeable to the premises where water is supplied. Whenever any charge for furnishing water shall not be paid when due, the same shall become delinquent and shall be subject to a delinquent payment penalty fee and discontinuance of service. Written notice of shutoff of water shall be given by mail in advance of such shutoff. After water service has been discontinued, water shall not again be furnished until all outstanding charges shall have been paid in full. All charges for furnishing water or for services relating to the furnishing of water shall be a lien on the property to which the water or water services are supplied. Enforcement of the lien may be commenced at any time after the charge or charges are delinquent for thirty days by suit in equity following the procedures for foreclosure of a mortgage.

(Prior code §3-3-26)

13.04.250 - Applications.

Applications for permits to connect premises with the city water system, or requests to turn off water, shall, in all cases, be in writing and signed by the owner, lessee, or agent of the premises to be served.

(Prior code §3-3-27)

13.04.260 - Water rates.

- A. Water Rates in City. The rates for water furnished by the city to each user within the city limits shall be established by city commission resolution.
- B. Water Rates Outside City. The rates for water furnished by the city to each user outside of the city limits shall be one and one-half times the rate charged to users within the city limits.

(Prior code §3-3-28)

13.04.270 - Meter sizes.

The minimum meter sizes shall be as follows:

<u>Unit</u>	<u>Size in Inches</u>
1 unit	$\frac{3}{4}$
2—4 units	1 (or two $\frac{3}{4}$ " for duplexes)
5—10 units	1- $\frac{1}{2}$
11—30 units	2 disc
31—50 units	2 compound

All services shall have the proper size meters as designated by the water superintendent and approved by the city engineer on existing and future meter installations, and the user shall pay the minimum charge per Section 13.04.260 above for large-size meters. Proper backflow protection is required on all services 2" and greater in size.

(Prior code §3-3-29)

13.04.280 – Reduced rates and financial assistance

A residential customer may qualify for a reduced user rate, or other financial assistance, if certain criteria are met, including if the income of the residents meet certain criteria. Customers requesting the reduced user rates, or other financial assistance, shall make written application and shall certify as to meeting the criteria established by the City.

(Prior code §3-3-30)

13.04.300 - Cost participation.

In the event it is necessary for any developer to extend a city water main larger than necessary to serve the particular development, the city may agree to participate with the developer in the excess cost, said cost participation may be paid from the water fund.

(Prior code §3-3-32)

13.04.310 - Water connection—Required.

- A. All new residences, other new buildings, or any other new use requiring domestic water must be connected to the city water service if the same is available at the time of construction and prior to the use thereof.

- B. All residential and other uses connected to a public water supply system must be connected to the city system within sixty days of the city water being made available. All water connections must meet current City standards and regulations.
- C. Domestic – backflow prevention is required on services that:
1. are commercial in nature (includes multi-family dwellings),
 2. are greater than or equal to two-inches in diameter,
 3. have piping higher than 32 feet above the water main, or
 4. have a potential hazard to the public water supply, in the discretion of the Oregon City Water Division (includes new or existing wells)
5. Irrigation – backflow prevention is required on all irrigation systems.

(Prior code §3-3-33)

13.04.315 - Definitions.

The following definitions shall apply to this chapter:

"Backflow" means any reversal of the normal flow of water from the distribution system that may allow contamination or pollution of the public water supply and render it nonpotable.

"Backflow prevention device or assembly" means any devices or assemblies or methods approved by the appropriate regulatory agencies for use in the prevention of backflow.

"Contamination" means an impairment of the quality of water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, wastes, etc.

"Cross-connection" means any actual or potential piping connection or structural arrangement allowing the introduction of any liquid, gas, material or substance into any potable water system, thereby rendering it nonpotable.

"Distribution system" means the network of storage facilities, pumps, pipes, valves and other appurtenances between the source and the point of delivery of potable water in the public water system.

"Nonpotable water" means potable water that has been chemically, biologically or physically altered and thereby rendered unfit for human consumption.

"Point of delivery" means the terminal end of a service connection between the distribution system and the consumer's water system at which point the city of Oregon City loses its jurisdiction of and sanitary control over the potable water supply.

"Pollution" means an impairment of the quality of water to a degree that does not create a hazard to public health, but affects the aesthetic qualities of such water for domestic use.

"Potable water" means water from any source that has been investigated by the health agency having jurisdiction, and has been approved for human consumption.

"Public water supply" means the distribution system supplying potable water to the city of Oregon City consumers.

"Regulatory agencies" means one or more of the following agencies whose specifications and requirements, as presented in their associated publications are accepted as industry standards:

American Water Works Association—Standards C510, C511 and Manual M14.

American Water Works Association, Pacific Northwest Section—Cross-Connection Control Manual, Seventh Edition, 2012.

Department of Human Services—OAR 333-061-0025 (9), OAR 333-061-0070, OAR 333-061-0071.

University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research—Manual of Cross Connection Control, Tenth Edition, 2009.

"Service connection" means the supply piping between the distribution system main and the consumer's water system, normally terminating at the downstream end of the water meter.

"Unprotected cross-connection" means any cross-connection which may exist that allows the introduction of any liquid, gas, material or substance into the public water supply, thereby rendering it nonpotable.

(Ord. 04-1006 §1, 2004: Ord. 98-1001 (part), 1998)

13.04.320 - Control of cross-connections.

The city shall establish, maintain and monitor an on-going cross-connection control program which shall be administered by the public works director and/or their designated appointee(s). Information pertaining to the policies and procedures of the program can be obtained from the public works director.

(Ord. 98-1001 (part), 1998)

13.04.330 - Back-flow prevention assemblies.

The public water supply shall be protected from any existing and/or future unprotected cross-connections by the installation of an approved backflow prevention assembly at or near the point of delivery according to standards and procedures established by one or more of the defined regulatory agencies. Backflow prevention shall be required in circumstances where an unprotected cross-connection condition may exist. Failure to install an approved backflow assembly or conduct a required annual test on a backflow assembly shall result in denial or discontinuation of water service.

(Ord. 04-1006 §2, 2004: Ord. 98-1001 (part), 1998)

13.04.340 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Water Distribution System Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Water Distribution System Design Standards shall be complied with.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

Chapter 13.08 - SEWER REGULATIONS

13.08.010 - Sewer connections—Required.

- A. All water closets, privies, sinks, bathtubs and drains containing or carrying sewerage in all houses located within the boundaries of any sewer district heretofore established or that may hereafter be established and in which persons are residing shall be connected with the public system of sewers, and within the time specified in the ordinance creating the sewer district.
- B. It is unlawful for any person to reside in any house or upon any premises within the boundaries of any sewer district in the city, after the time specified for connecting the house or premises as provided in the ordinance establishing the sewer district in which the house or premises is located unless the house or premises has been connected with the sewer system owned and operated by the City as provided in this section.

(Prior code §8-5-1)

13.08.015 – Sewer connections – Exemptions

Properties may remain on septic if the public sewer is not physically and legally available as defined by OAR 340-071-0160.

13.08.16 – Cross Connections.

Sanitary sewers may not connect or convey any sewage to storm sewers.

13.08.020 - Connection required—Notice.

It shall be the duty of the chief of police to ascertain all houses and premises in the districts, whose owners have not complied with the ordinance providing for the connection of the privies, located therein or upon such premises, and to post a notice thereon, that it shall be unlawful for any person to reside in the house or upon the premises, while the water closets, sinks, bathtubs and drains used in connection with the house or premises, remain unconnected with the public sewer in such district.

(Prior code §8-5-2)

13.08.030 - Privies.

All property owners within a sewer district are required to close and properly fill with earth all privy vaults, cesspools and septic tanks within the time specified in the ordinance establishing the sewer district and hereafter it is unlawful for any property owner to dig or make use of any cesspool, privy vault or septic tank within any sewer district in which there has been a public sewer constructed to serve the premises.

(Prior code §8-5-3)

13.08.040 - Engineer—Approval required.

All connections made with any public sewer or drain in the city shall be made according to the specifications made or approved by the engineer.

(Prior code §8-5-4)

13.08.050 - Engineer—Permits.

- A. The city issues engineering permits for sewer line work in the right-of-way either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. The engineer is authorized to grant such permits as deemed necessary for allowing persons to tap the public sewers, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection. (Prior code §8-5-5)

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.08.060 - Bond required.

No person shall be authorized by the engineer to do this work of making connections with any of the public sewers or drains until that person has furnished and filed a surety company bond in the office of the recorder in the sum of five hundred dollars conditioned that to indemnify and save harmless the city from all loss or damage that may be occasioned in any way by accident or the want of care or skill in the prosecution of such work or that may be occasioned by reason of any opening made or caused to be made in a street, market place, or public ground in making of any public or private sewer or drain as aforesaid; and conditioned also to promptly at the proper time replace and restore the street and pavement over the opening to as good state and condition as it was found previous to the opening of the same, and to conform in all respects to the rules and regulations which may from time to time be established by the commission in relation to putting junctions and tapping of the sewers and drains.

(Prior code §8-5-6)

13.08.070 - Acceptance of connection by city.

Each person so licensed who shall make connections with the sewers or drains, shall keep in repair and good order the whole of the work executed until the same is accepted by the engineer, or such other person as may be designated for that purpose, which acceptance shall be given in writing, and shall not be given until the expiration of one year after the completion of the work.

(Prior code §8-5-7)

13.08.080 - Notification of engineer.

After the permit has been issued notice in writing must in all cases be left in the office of the engineer by the person who is about to make the connection with any sewer or drain, stating the time when the work will be ready for inspection previous to making the connection.

(Prior code §8-5-8)

13.08.090 - Connections to existing work.

- A. No drain pipe can be extended from work previously done and accepted, or new connection at any time be made with such work unless previous notice of at least twenty-four hours is given to the engineer and permit issued.
- B. In case it shall be necessary to connect a drain or sewer pipe with a public sewer when no junction is left in the same, the new connection with the public sewer can only be made when an officer of the city, duly authorized, is present to see the whole of the work done.

- C. Connections from new development shall connect to the system of drains and sewers operated by the City of Oregon City. Alternative connections may be allowed solely at the discretion of the City Engineer.

(Prior code §8-5-9)

13.08.100 - Barriers.

All openings and obstructions in any street must be carefully guarded by the person holding the permit authorizing such opening or obstructions at all times with sufficient barriers, and during the nighttime shall be indicated by colored lights, and such other precautions shall be taken as shall be necessary to guard the public against accidents, and at all times the work shall be so done as to cause the least inconvenience to property owners and the general public.

(Prior code §8-5-10)

13.08.110 - Condition of fixtures.

It is unlawful for any person in possession of premises into which a pipe or other connection with the public sewers or drains has been laid for the purpose of carrying off animal refuse from privies or water closets, slops from kitchens, or other purposes, to allow the same to remain without good and perfect fixtures so attached as to allow a sufficiency of water to be so applied as to properly carry off such matters and to keep the same unobstructed.

(Prior code §8-5-11)

13.08.115 – Condition of service lines.

The service pipe, within the premises, as defined in the Sanitary Sewer Design Standards, and throughout its entire length must be kept in good repair at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe.

13.08.120 - Permit revocation.

Any person authorized to make connections with sewers or drains who shall be guilty of any violation of the provisions of this chapter shall be immediately deprived of his permit.

(Prior code §8-5-12)

13.08.125 – Right of Entry

Agents of the Public Works Department may access property for the purpose of completing a sewer line assessment solely by using a camera within private sewer laterals extending from city sewer mains up to within five feet of the structure. Public Works Department staff will not physically enter private property for the purpose of sewer assessment. Public Works Department staff shall provide written notice prior to entering into private property with a camera to conduct condition assessments.

Should physical access to private property be necessary, Public Works Department staff shall provide written notice in advance and shall receive consent of the property owner prior to doing so.

13.08.130 - Development and user charges.

The city may also establish connection charges and sewer user fees. The amounts of such charges and fees shall be set by resolution of the city commission. Any connection charge shall be no greater than the amount necessary to reimburse the city for its average cost in inspecting and installing connections.

(Ord. 91-1021 §4, 1991)

13.08.140 - Applications outside city limits.

An applicant owning property outside the city limits may apply for permission to connect with the sewer in like manner as one within the city limits and outside of a created sewer district. An applicant owning property outside the City limits, but within the Urban Growth Boundary, may be forced to connect to public sewer, and annex to the City, if the septic is failing and the public sewer is physically and legally available as defined in OAR 340-071-0160. The City may charge different rates for those properties not within City limits.

(Prior code §8-5-14)

13.08.150 - Permit issuance—Connection supervision.

When permission is granted by the commission and the fees paid by the applicant a copy of the permit shall be given to the engineer who, at the expense of the applicant, shall superintend the connection of the sewer with the sewer system in the sewer district in which the privilege has been granted and upon the completion of the connection shall return the same to the recorder with his endorsement of the time and place of connection.

(Prior code §8-5-15)

13.08.155 – Sewer rates.

- A. Sewer Rates. The rates for sewer furnished by the city to each user within the city limits shall be established by city commission resolution.

13.08.158 – Service lateral improvement program.

When a sewer service falls into disrepair as determined by the Public Works Department, a fee may be assessed to the property owner. The fee may be paid at one time or through a payment program. The fee for repairing or replacing the service shall be in accordance with a schedule of charges adopted by the city commission.

13.08.159 - Reduced rates and financial assistance

A residential customer may qualify for a reduced user rate, or other financial assistance, if certain criteria are met, including if the income of the residents meet certain criteria. Customers requesting the reduced user rates, or other financial assistance, shall make written application and shall certify as to meeting the criteria established by the City.

13.08.160 - Entry in lien record.

The recorder shall enter the permit in the docket of the city liens immediately following the entered matter which relates to the system of that sewer district to which permission to connect has been granted, and shall credit the fees paid to the general fund.

(Prior code §8-5-16)

13.08.165 – Failure to comply with rules

Should anyone fail to comply with the rules and regulations established as conditioned to the use of sewer, or to pay the sewer rates or fees at the time and manner hereafter provided, the property may be assessed fines or liens to recover the costs associated with unpaid rates or fees. Failure to pay the charges imposed by this chapter shall subject the user and the premises to the collection and lien provisions imposed for water charges.

13.08.170 - Private connections prohibited.

It is unlawful for any person to connect a private sewer from his property with a private sewer on any other property which is connected with the public sewers without first having made the foregoing application and paying the amount computed by the recorder, as the charge for the privilege, it shall also be unlawful to connect any lot or premises, either directly or indirectly, lying outside of the limits of a sewer district with any public sewer without first complying with the provisions of this chapter.

(Prior code §8-5-17)

13.08.180 - Unlawful substances.

It is unlawful for any person to permit to be drained, any oils, greases, chemicals, storm water, surface water, ground water, roof runoff, subsurface drainage, liquids and substances which might be detrimental to the sewage treatment plant, into any sewer, drain or pipe leading to the plant from any premises in the city.

(Prior code §8-5-18)

13.08.190 - Sanitary requirements.

In factories and workshops where there are fifteen persons or less of each sex, there shall be provided by the proprietor or owner one water closet for each sex, and one for each additional fifteen persons of each sex or minimum thereof. Toilets shall be separate in all cases. Every co-op or lodging house shall be provided with one water closet for every ten rooms or minimum thereof, and one sink for each floor. All residences and public halls shall be provided with at least one water closet and one sink.

(Prior code §8-5-19)

(Prior code §8-5-20)

13.08.210 - STEP systems.

- A. "STEP system" which means a septic tank effluent pump system, meeting the standards and specifications of the city engineer (hereinafter "engineer"), shall be permitted as an alternative to the standard sewer used in the city. Such system shall be owned, operated, and maintained by the city as provided in this section.
- B. The engineer shall require, as a condition of approval of any STEP system that the property owner utilizing such system grant the city any easements, permits of entry, or licenses which are necessary or convenient for the construction, operation, or maintenance of the STEP system.
- C. Generally, sewer service through normal sewer facilities (i.e. house sewer, laterals, trunks, and treatment plants) shall be provided when available. However, if service through such normal sewer facilities is unavailable, the engineer may permit use of a STEP system, on an interim basis, when such sewer service is determined by the engineer to be practical, and necessary or convenient to the use of the property proposed to be served or when such service is required by the city. The use of a

STEP system is declared to be an interim service to served properties and each property owner shall provide the city with a nonremonstrance agreement, waiving all objections, jurisdictional or otherwise, to participation in the formation of a local improvement district to provide such normal sewer facilities in future. The city may record any such waiver of remonstrances in the deed records of the county.

- D. Installation, operation, and, before acceptance by the city, maintenance of a STEP system shall be in accordance with the directions of the engineer and at the expense of the owner of the property serviced by such system. Upon installation, inspection and approval by the engineer, and acceptance by the city, the STEP system shall be owned by the city, which shall thereafter be responsible for maintenance of the system, except as provided in this section. No STEP system shall be accepted unless and until all easements, licenses, and permits necessary for control of the operation, use, and maintenance of such system have been granted. The city may record in the deed records of the county any such easement, license, or permit granted. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the connection with the public sewer.
- E. The costs of electricity necessary to operate the STEP system shall be borne by the property owner. Any STEP system which is rendered nonoperational by virtue of failure to pay for such costs shall cause the property benefited to be deemed unavailable for human habitation. The owner or occupier of the property served shall be entitled to written notice at least five days before a declaration by the city that the property is to be declared unavailable for occupancy and such person may request in writing a hearing before the city manager prior to such declaration. The decision of the city manager shall be final.
- F. Subject to applicable constitutional limitation, the property owner shall permit entry on the site served for purposes of installation, maintenance, inspection, observation, measurement, sampling or testing of the STEP system. The property owner shall agree to such entry evidenced by a written permit of entry, as a condition precedent to the permit for the use of the STEP system.
- G. The property owner shall be liable for damage to any portion of the STEP system if not caused by the city. The STEP system permit shall indicate that the owner agrees to assume such liability and such assumption shall be a condition precedent to issuance of the permit.
- H. Application for use of a STEP system shall be made by the property owner or owners, who shall remain responsible for compliance with this section and permits thereunder. The property owner may delegate responsibility to the person occupying land for the duties imposed on the property owner under subsections D and G of this section. Such delegation shall be in writing in which the occupier of property accepts such responsibility filed with the engineer and shall be valid for such period as the delegee occupies the property, unless a shorter period is designated by the engineer. Thereafter, the property owner shall reassume responsibility.
- I. No provision of this section shall be construed to exempt an applicant for obtaining additional permits or meeting additional requirements of city, county, state or other appropriate public body with jurisdiction.

(Ord. 90-1052 §1, 1990: prior code §8-5-22)

13.08.220 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

(Ord. 99-1004 §19, 1999: prior code §8-5-21)

13.08.230 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and

adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Sanitary Sewer Design Standards, the City of Oregon City standard notes, or City of Oregon City standard drawings provide other design details, in which case the requirements of this chapter and the Public Works Sanitary Sewer Design Standards shall be complied with.

13.08.235 – Design Standards.

The current version of the Oregon City Public Works Sanitary Sewer Design Standards shall be adhered to for all new sewer construction and connections.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.08.240 – Stormwater and Groundwater Prohibited

- A. Stormwater, including street, roof, or footing drainage, shall not be designed or constructed in a manner to allow discharge into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system.
- B. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.
- C. Service laterals from building structure to the face of curb or edge of pavement line shall be maintained by the owner of said structure in such a manner as to prevent infiltration of ground water into the sanitary sewer system.
- D. Historic buildings established before the separation of stormwater and sanitary sewer systems may be exempt from groundwater and subsurface discharge into the sanitary sewer system.
- E. Properties may be exempt if removal of stormwater connections to sanitary sewer system is infeasible due to topography or public system constraints.

13.08.250 – Party Line Sewers Prohibited

No new sewer service lines shall be used by more than one property. Existing party lines shall be modified and separated where practicable per Oregon City Policies and Procedures when repairs or replacements of existing sewers is proposed.



Oregon City Municipal Code

Chapter 17.80 Communication Facilities

17.80.10 - Purpose.

The provisions of this chapter are designed to protect the visual, aesthetic, and historical features of Oregon City, ensure that wireless communications services are located, designed, installed, maintained, and removed in an appropriate manner for the safety, health, and welfare of the citizens of Oregon City, and to provide for development consistent with the Oregon City Comprehensive Plan by:

- A. Promoting maximum utilization and encourage collocation of new and existing wireless communication antennas to minimize the total number of support structures and towers throughout the city;
- B. Encouraging careful consideration of topography, greenways, and historical significance of potential telecommunication sites and the use of camouflaging and screening to ensure development has minimal impacts on the community, views, and historical areas;
- C. Encouraging the use of existing buildings, light or utility poles, or water towers as opposed to construction of new telecommunication towers; and
- D. Encourage the location of monopole telecommunication towers and antenna arrays in non-residential areas.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.30 - Applicability and exemptions.

- A. **Applicability.** All wireless communication facilities that are not exempt pursuant to this section shall conform to the standards specified in this chapter.
- B. **Exemptions.** The following are exempt from the provisions of this chapter and shall be allowed:
 1. Wireless communication facilities that were legally established prior to the effective date of this chapter;
 2. Temporary facilities used on the same property for sixty days or less;
 3. Temporary wireless communications facilities of all types that are used by a public agency solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes;
 4. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility;

5. Dish antennas used for residential purposes;
6. VHF and UHF receive-only television antennas and radio transmitter antennas on public facilities used for public safety, provided they are fifteen feet or less above the existing or proposed roof;
7. Amateur Stations on properties zoned residential are exempt from the standards of this chapter. Amateur Stations on properties zoned non-residential are exempt from the standards of this chapter, provided the antenna is fifteen (15) feet or less above the existing or proposed roof. Amateur Stations located on: (1) public facilities/property; or (2) properties zoned non-residential with an antenna in excess of fifteen feet above the existing or proposed roof, shall be reviewed under the Compatibility Review process set forth in this chapter and shall be subject to the Design Standards of Section 17.80.110; and
8. Wireless Communication Facilities for public safety are exempt from the following Sections: Section 17.80.090.C.17, Section 17.80.090.D.2, Section 17.80.090.D.5, and Section 17.80.100.
9. Small wireless facility within the right-of-way

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.035 Modifications to Existing Facilities.

All modifications and expansions to existing wireless communication facilities are permitted in every zone, subject to the requirements of this Section. Certain modifications are deemed minor in nature and are deemed “eligible modifications” These modifications include the addition, removal, and/or replacement of transmission equipment that do not make a substantial change to the physical dimensions (height, mass, width) of the existing tower, support structure, or base station. Replacement of an existing tower may also be considered an eligible modification if such replacement meets the standards in paragraph 4 below.

1. For the purpose of this Section, “substantial change” means the following:
 - a. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection by up to an additional 5% if necessary to avoid interference with existing antennas; or
 - b. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed 4) or more than 1 new equipment shelter; or
 - c. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection to the extent necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - d. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.
2. Increases to height allowed by this subsection above the existing tower shall be based on the existing height of the tower, excluding any tower lighting required in the original land use approval or in the proposed modification request.

3. To the extent feasible, additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.
4. To be considered an eligible modification, a replacement tower shall not exceed the height of the original tower by more than 10%, or the diameter of the original tower by more than 25% at any given point.

17.80]40 - Collocation of additional antenna(s) on existing support towers.

Except for “eligible modifications” authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]50 - Collocation of additional antenna(s) on support structures.

Except for “eligible modifications” authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
 1. Property is zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC; and
 2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
 3. Antenna(s) and auxiliary support equipment are setback a minimum of ten feet from each edge of the support structure and do not exceed a total height of twelve feet or a total width of eight feet, unless the antenna(s) is less than four inches in diameter and does not exceed a total height of twenty feet.
- B. Site Plan and Design Review. Required if the property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and 17.08.050.B.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]60 - Collocation of additional antenna(s) on existing utility poles, light standards, and light poles.

The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its facilities in the streets. The applicant shall pay all applicable fees due for city permits. All construction and maintenance of any and all of the applicant's Facilities within the streets incident to the applicant's provision of telecommunications services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the city regulating such construction.
- E. Common Users. The applicant's facilities shall be attached to utility poles, light standards, and light poles located within the streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's facilities, provided such collocation does not interfere with the applicant's facilities or jeopardize the physical integrity of the structure and provided the owner of the structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching facilities to utility poles, light standards, and light poles in the streets in a manner that minimizes the facilities' potential incompatibility with adjacent uses.
 - 1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
 - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
 - b. Triangular "top hat" style antenna mounts are prohibited;
 - c. The device used to mount the facilities does not project more than ten feet above the utility pole, light standard, or light pole;
 - d. Antennas will be mounted flush with the device referenced in Section 17.80.060.F.1.c. or the existing utility pole, light standard, or light pole, within a unicast-style top cylinder, or on davit arms that are no greater than five feet in length as measured from the center of the utility pole, light standard, or light pole;
 - e. The visual impact of any facilities located in the streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
 - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets

require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and

- g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in Section 17.80.060.F.2.
- 2. Replacement Utility Poles, Light Standards, and Light Poles. For purposes of this section, "replacement utility poles, light standards, and light poles" shall mean a utility pole, light standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate facilities; and b) does not result in an increase in the total number of utility, guy, or support poles in the streets. Facilities may be attached to replacement utility poles, light standards, and light poles in the streets, provided:
 - a. The replacement utility poles, light standards, and light poles are of sufficient integrity to support the facilities;
 - b. The replacement utility poles, light standards, and light poles, and any subsequent replacements, are no more the twenty feet taller than the original utility pole, light standard, or light pole; and
 - c. The utility pole, light standard, or light pole the replacement utility pole, light standard, or light pole replaces is promptly removed.
- 3. The applicant shall not locate any facilities, such as cabinets, at grade within the streets, but may connect its facilities in the streets to facilities located on property adjacent to the streets in accordance with applicable city codes and with the permission of the adjacent property owner.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.[0]70 - Construction or modification of a support tower.

Except for "eligible modifications" authorized in Section 17.80.035:

- A. Site Plan and Design Review. Required if the following exists:
 - 1. Property is zoned GI, CI, I, C, MUC-2 or MUE; and
 - 2. No adjacent parcel is zoned for residential use.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.
- C. Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, five hundred feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]80 - Site review process.

No wireless communications facilities, as defined in Section 17.80.020, may be constructed, collocated, modified to increase height, installed, or otherwise located within the city except as provided in this section or unless otherwise authorized by Section 17.80.035. Depending on the type and location of the wireless communication facility, the facility shall be subject to the following review unless collocation or an increase in height was granted through a prior land use process. A Conditional Use Review shall require Site Plan and Design Review to occur concurrently with the Conditional Use Review process.

- A. **Compatibility Review.** A wireless communication facility that, pursuant to Sections 17.80.030—17.80.050, is subject to a compatibility review shall be processed in accordance with Standards of Section 17.80.110. The criteria contained in Section 17.80.110 shall govern approval or denial of the compatibility review application. No building permit shall be issued prior to completion of the compatibility review process.
- B. **Site Plan and Design Review.** A wireless communication facility that, pursuant to Sections 17.80.040—17.80.070, is subject to site plan and design review shall be processed in accordance with the standards of Section 17.80.110 and Chapter 17.62, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.62 shall govern approval or denial of the site plan and design review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the site plan and design review process, including any local appeal.
- C. **Conditional Use Review.** A wireless communication facility that, pursuant to Sections 17.80.050—17.80.070, is subject to conditional use review, shall be processed in accordance with the Standards of Section 17.80.110 and Chapter 17.56, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.56 shall govern approval or denial of the conditional use review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the Conditional Use Review process, including any local appeal.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]90 - Permit application requirements.

- A. **Eligible Modification Requirements** – For an application under Section 17.80.035, the following information is required:
 - 1. Application fee;
 - 2. Planning Division land use application form;
 - 3. Description of the project design and dimensions;
 - 4. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.035;
 - 5. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process; and
 - 6. Elevations showing all improvements and connections to utilities.
- B. **Compatibility Review Requirements** — For an application under Sections 17.80.030.B.7, 17.80.040.A or 17.80.050.A, the following information is required:
 - 1. Application fee(s).
 - 2. Planning Division land use application form;

3. A narrative of the proposed project that includes a description of the following:
 - i. Need for the project;
 - ii. Rationale and supporting evidence for the location; and
 - iii. Description of the project design and dimensions.
 - iv. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.110
4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antenna(s) are collocated on or in structures directly across from or adjacent to the antenna(s);
5. Documentation that the auxiliary support equipment shall not produce sound levels in excess of standards contained in Section 17.80.110G., or designs showing how the sound is to be effectively muffled to meet those standards;
6. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process;
7. Documentation of the integrity of the support tower, support structure, utility pole, light standard, or light pole to safely handle the load created by the collocation;
8. Elevations showing all improvements and connections to utilities; and
9. Color simulations of the site after construction demonstrating compatibility.
- C. Site Plan and Design Review. For an application under Sections 17.80.040.B, 17.80.050B., 17.80.060A., or 17.80.070A. the following information is required:
 1. The information required in OCMC Chapter 17.80.90A.;
 2. Pre-application notes;
 3. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050 and all other applicable criterion as defined by the community development director; and
 4. Supplemental requirements listed in OCMC Chapter 17.80.90D. as needed.
- D. Conditional Use Review. For an application under Sections 17.80.050C., 17.80.060B., or 17.80.070B. the following information is required:
 The information required in OCMC Chapter 17.80.90.A;
 1. Pre-application notes;
 2. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050, 17.56, and all other applicable criterion as defined by the community development director as applicable;
 3. For an application under Section 17.80.070. Construction of Modification of a Support Tower, the requirements listed under Section 17.80.090D. Supplemental Information are required;
 4. Responses to conditional use review criteria under Chapter 17.56.010;

5. For an application under Section 17.80.050C. Collocation of Additional Antenna(s) on Support Structures, rationale for being unable to collocate in areas identified in Sections 17.80.050A. and 17.80.050B. shall be provided;
 6. For an application under Section 17.80.060B. Collocation of Additional Antenna(s) on Utility Poles, Light Standards, and Light Poles, rationale for being unable to collocate in areas identified in Section 17.80.060A. shall be provided; and
 7. For an application under Section 17.80.070B. Construction or Modification of a Support Tower, rationale for being unable to collocate in areas identified in Section 17.80.070A. shall be provided.
 8. Supplemental information listed in OCMC Chapter 17.80.90D.
- E. Supplemental Information. The applicant shall submit the following information for all applications subject to conditional use and site plan and design review:
1. The capacity of the support tower in terms of the number and type of antennas it is designed to accommodate.
 2. A signed agreement, as supplied by the city, stating that the applicant shall allow collocation with other users, provided all safety, structural, technological, and monetary requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
 3. Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, a statement documenting that notice of the proposal has been submitted to the Federal Aviation Administration and Oregon Aeronautics Division may be submitted. The review process may proceed and approval may be granted for the proposal as submitted, subject to Federal Aviation Administration approval. If Federal Aviation Administration approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed, and approved through an additional site plan and design review or conditional use review process. No building permit application shall be submitted without documentation demonstrating Federal Aviation Administration review and approval and Oregon Aeronautics Division review.
 4. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and auxiliary support equipment from at least five points within a one-mile radius. Such points shall be chosen by the provider with a review and approval by the community development director to ensure that various potential views are represented.
 5. Documentation that one or more wireless communications service providers will be using the support tower within sixty days of construction completion.
 6. A site plan, drawn to scale, that includes:
 - a. Existing and proposed improvements;
 - b. Adjacent roads;
 - c. Parking, circulation, and access;
 - d. Connections to utilities, right-of-way cuts required, and easements required;

- e. A landscape plan describing the maintenance plan and showing areas of existing and proposed vegetation to be added, retained, replaced, or removed; and
 - f. Setbacks from property lines or support structure edges of all existing and proposed structures. Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this requirement.
7. An alternatives analysis for new support towers demonstrating compliance with the Support Tower Location Requirements of Chapter 17.80.100.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.100 - Support tower location requirements.

No new support tower shall be permitted under the provisions of Chapter 17.80.070 unless the applicant demonstrates to the satisfaction of the community development director, and the results are verified by a State of Oregon certified professional engineer, that no existing collocation or modification possibility can accommodate the service needs of the applicant's proposed support tower. All proposals for new support towers must be accompanied by a statement and documentation from a qualified engineer, as determined by the community development director, that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or structure for one or more of the following reasons:

- A. No existing support towers or support structures are located within the geographic area required to meet the applicant's engineering requirements;
- B. Existing support towers or support structures are not of sufficient height to meet the applicant's engineering requirements;
- C. Existing support towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna(s) and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna(s);
- E. The applicant demonstrates that there are other limiting factors that render existing support towers and support structures unsuitable; or
- F. That fees, costs, or contractual provisions required by the owner in order to share or adapt to an existing support tower or support structure for collocation are unreasonable.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.110 - Design standards.

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless it qualifies as an “eligible modification” under Section 17.80.035 or an adjustment is obtained pursuant to the provisions of Section 17.80.120.

- A. Support Tower. The support tower shall be self-supporting.

- B. Height Limitation. Support tower and antenna heights shall not exceed the maximum heights provided below.
1. If the property is zoned GI, CI or I; and no adjacent parcel is zoned residential the maximum height of a support tower, including antennas, is one hundred twenty feet.
 2. If the property is zoned: a. GI, CI or I, and an adjacent parcel is zoned residential; or b. C, MUC-2 or MUE; the maximum height of a support tower, including antennas, is one hundred feet.
 3. If the property is zoned MUC-1, MUD or NC; the maximum height of a support tower, including antennas, is seventy-five feet.
 4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is seventy-five feet.
- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
1. New support towers of a height greater than seventy-five feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
 2. New support towers of a height between sixty feet and seventy-five feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
 2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
 - a. If the property is zoned GI, CI, I, C, MUC-2 or MUE; and no adjacent parcel is zoned for a residential use the underlying zone setback shall apply;
 - b. If the property is zoned:
 - i. GI, CI, I, C, MUC-2 or MUE and an adjacent parcel is zoned residential; or
 - ii. MUC-1, MUD or NC; the setback shall be a minimum of twenty-five feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
 - c. For all cases other than those identified in Section 17.80.110.D.2.a. and b. above, the setback shall be a minimum of twenty-five feet from all adjacent property lines.
- E. Auxiliary Support Equipment. The following standards shall be required.
1. If the property is zoned:
 - a. For GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, the auxiliary support equipment footprint shall not exceed an area of three hundred forty square feet and fifteen feet in height at the peak;

- b. For all cases other than those identified in Section 17.80.110.E.1.a. above, the auxiliary support equipment shall be:
 - i. Located underground or completely screened by landscaping or an architecturally significant masonry wall. The wall shall be finished with brick, stone, or stucco. The community development director may approve an alternate screening material if it is compatible with adjacent development and is architecturally significant. No exposed CMU is allowed on the exterior of the wall.
 - 2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.
- F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.
 - 1. If the property is zoned:
 - a. GI or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
 - b. For all cases other than those identified in Section 17.80.110.F.1.a. above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of six feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.
 - c. The community development director may approve an alternative landscaping plan that visually screens the facility and is consistent with the intent of this standard.
- G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:
 - 1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than fifty dB;
 - 2. For all other cases, the sound level shall not be greater than forty dB when measured at the nearest residential parcel's property line.
- H. Lighting.
 - 1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
 - 2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
 - 3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a city street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of twenty feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the city. All service providers with facilities within the city of Oregon City shall be required to report in writing to the community development director any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
 - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
 - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
 - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
 - d. Loss or termination of lease with the telecommunications facility for a period of six months or longer.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.120 - Adjustments.

Adjustments to the standards of this chapter may be approved by the planning commission at a duly noticed public hearing. The planning commission may grant an adjustment under either of the following circumstances:

1. The planning commission may grant an adjustment when a gap in the applicant's service exists and the gap can only be alleviated through the adjustment of one of more of the standards in

this section. If an adjustment is to be approved, the applicant must demonstrate each of the following:

- a. A gap in coverage or capacity exists in the wireless communication provider's service network that results in network users being regularly unable to connect with the provider's network, or maintain connection;
 - b. The proposed facility will fill the existing service gap. The gap would be filled if the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and
 - c. The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment under this subsection.
2. The planning commission may grant an adjustment to a standard when the proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding properties. For the purposes of this subsection, site characteristics shall include, but need not be limited to, the suitability of the proposed use considering size, shape, location, topography, existence of improvements, and natural features. Applicants for an adjustment under this provision must demonstrate that the adjustment will result in a lower level of impact on surrounding properties than would be generated if the standard were not adjusted. In considering the requested adjustment, the planning commission may consider the following:
 - a. Visual impacts;
 - b. Impacts on views;
 - c. Impacts on property values; and
 - d. Other impacts that the planning commission finds can be mitigated by an adjustment so that the proposed use will have greater compliance in not altering the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary use listed in the underlying district.
 3. Requests for adjustments under this subsection shall only be considered concurrently with the applicable Site Review Process as required by Section 17.80.080. If the Site Review Process required by Section 17.80.080 is a Compatibility Review or a Site Plan and Design Review, the inclusion of an adjustment will require that the application be subject to a Conditional Use Review under Section 17.80.090.C.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.130 - Temporary facilities.

In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new wireless communication facility, temporary wireless communication facilities shall be allowed subject to a Type I administrative review. Temporary wireless communication facilities shall not be in use in excess of six-month period. Temporary wireless communication facilities shall not have a permanent foundation, and shall be removed within thirty days of suspension of service they provide.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.140 - Removal for discontinuance of service.

Any wireless communication facility that has not provided service for six months shall be deemed a nuisance and subject to removal as provided in Oregon City Municipal Code Chapter 8.08. The planning manager may grant a six-month extension where a written request has been filed, within the initial six months period, to reuse the support tower or antenna(s).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.150 - Fees.

Notwithstanding any other provisions of this code, the community development director may require, as part of the application fees for land use permits, an amount sufficient to recover all of the city's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)



Community Development

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

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report. The applicant understands that all applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

December 28, 2020

HEARING DATE: Planning Commission: September 28, 2020
FILE NUMBER: GLUA 20-00033 LEG-20-00001 Public Works Code Amendments

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: Oregon City Public Works
C/O Josh Wheeler PE, Assistant City Engineer
PO Box 3040
Oregon City, OR 97045

REQUEST: Proposed code revisions to the Geologic Hazards Overlay District, and other ancillary Public Works related development code, including refinements to Public Utility Easements (PUE) and undergrounding utility requirements.

LOCATION(S): City Wide

I. BACKGROUND:

1. Existing Conditions

The City of Oregon City Public Works Department proposes changes to the following sections of the Municipal Code :

- 12.04 Streets, Sidewalks, and Public Places (Ordinance 18-1009, adopted July 3, 2019)
- 13.04 Water Service System (Ordinance 10-1003, adopted July 7, 2010)
- 13.08 Sewer Regulations (Ordinance 10-1003, adopted July 7, 2010)
- 13.24 Telecommunications Facilities (Ordinance 13-1014, adopted November 6, 2013)
- 13.34 Utility Facilities in Public Rights-of-Way (Ordinance 13-1014, adopted November 6, 2013)

- 16.12 Minimum Public Improvements and Design Standards for Development (Ordinance 18-1009, adopted July 3, 2019)
- 17.04 Definitions (Ordinance 18-1009, adopted July 3, 2019)
- 17.08 Low-Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.10 Medium Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.12 High-Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.24 NC Neighborhood Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.26 HC Historic Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.29 MUC Mixed-Use Corridor District (Ordinance 18-1009; adopted July 3, 2019)
- 17.31 MUE Mixed-Use Employment District (Ordinance 18-1009; adopted July 3, 2019)
- 17.32 C General Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.34 MUD Mixed-Use Downtown District (Ordinance 18-1009; adopted July 3, 2019)
- 17.35 Willamette Falls Downtown Design District (Ordinance 18-1009; adopted July 3, 2019)
- 17.36 GI General Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.37 CI Campus Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.39 I Institutional District (Ordinance 18-1009; adopted July 3, 2019)
- 17.44 US Geologic Hazards (Ordinance 10-1003; adopted July 7, 2010)
- 17.52 Off-Street Parking and Loading (Ordinance 18-1009; adopted July 3, 2019)
- 17.62 Site Plan and Design Review (Ordinance 18-1009; adopted July 3, 2019)
- 17.80 Communication Facilities (Ordinance 18-1005; adopted May 2, 2018)

These codes have been established and revised over the years. The most recent adopted revision is stated in parentheses.

2. Project Description

The City of Oregon City Public Works Department is implementing a number of projects which all require various changes to the City Code. Those projects are an enhanced Geologic Hazard Code, an Inflow/Infiltration Reduction Pilot Project, a new policy on Undergrounding Existing Overhead Utilities, and policy on Sidewalk Seating and Obstructions of a Sidewalk. Please refer to the *Detailed Summary of Proposed Changes* and the *GLUA 20-0003 Draft Code Revised August 18, 2020*, attached to the staff report for additional detail. Revision to the draft code that occur during the hearings process will be incorporated in updated versions of these two documents.

The proposed code revisions generally address the need for clarifications in technical development review and to address new policy direction on obstructions in the Right of Way. Larger policy questions about how to strike an appropriate balance between development interests and geologic hazard protections should be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework which could result in additional code revisions in the future.

Enhanced Geologic Hazard Code

Oregon City is keenly aware of its location in landslide country and its obligation to reduce and mitigate natural hazards risks in its community. Landslides in Newell Creek Canyon in the 1990s and early 2000s spurred action for the City to enhance geologic reporting and construction

requirements in areas of steep slope initially, and later historic landslides areas with the arrival of Lidar data for the region.

In October 2019, the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI) published a new State landslide hazards document titled “Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” (Exhibit 9). This document provides cities and counties with a high risk of landslides, such as Oregon City, additional tools and analysis to help them better meet Oregon Land Use Goal 7: Natural Hazards (Exhibit 10) by further reducing landslide risk in their communities. This document provides:

“Landslides are a chronic problem in our state, affecting both infrastructure and private property. Approximately 13,048 documented landslides have occurred in Oregon in the last 150 years The combination of geology, precipitation, topography, and seismic activity makes portions of Oregon especially prone to landslides. The Coast Range and the Cascades Range have the most significant landslide hazards in Oregon; these geographic areas and the valley between them contain the bulk of Oregon’s population. We know that precipitation, earthquakes, and human activity are the main triggers of landslides. While we cannot control precipitation and earthquakes, we can change our human activity. Addressing landslide risk is everyone’s responsibility and is codified in Oregon Revised Statute

(ORS) 195.2533: The Legislative Assembly declares that it is the policy of the State of Oregon that: Each property owner, each highway user and all federal, state and local governments share the responsibility for making sound decisions regarding activities that may affect landslide hazards and the associated risks of property damage or personal injury.”¹

As every jurisdiction chooses how best to respond to risk (legal or geologic) and the need to balance the sometimes competing Oregon Land Use Goals and community’s comprehensive Plan and policies, this important document should not be seen as a prescriptive path or regulatory document with approval criteria. Rather, it should be used as a guide to help evaluate the effectiveness of a jurisdiction’s approach to addressing geologic hazards in their community. Oregon City Development Services, does however, see value in referencing the document in the Geologic Hazards code as a background educational document for the public, applicants, and consultants to better understand the context of geologic hazards in development review.

“DOGAMI and DLCD collaborated on this Guide to help Oregon communities reduce potential losses from landslide events. To do this, we identify land use tools and strategies. The Guide is focused on land use planning approaches to reduce landslide hazard risk and is not intended to address the full range of efforts needed for overall landslide risk reduction and hazard preparedness. Land use planning to reduce landslide hazard risk uses comprehensive plan and implementation provisions (e.g., zoning code, building code, and so forth) and is based on science and policy. Science is a basis for policy, implementation, and decision-making, while policies also shape the science that is pursued and obtained. Much of the expressed need for this Guide (Chapter 4, section C, Key Questions from Interviewees, and Chapter 5, section C, Landslide

¹ Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (pages ii)

Guide Interviewees' Key Points) stemmed from communities that pursued and obtained lidar-based land slide mapping with DOGAMI.”²

The Guide is an omnibus look at geologic hazards within Oregon- with a goal of sharing knowledge/provide guidance to both jurisdictions and the general public within the framework of land use review. Chapters topics include types of landslide hazards, the role of geotechnical engineering, types of mitigation, the role of lidar mapping, review of existing codes, and links to other resources. The importance of lidar mapping is a strong theme in the Guide.

“Lidar, a form of laser technology, has significantly increased the ability to locate and map existing landslides. Lidar allows mappers to see the earth’s surface with a much higher level of detail than has ever been available, and as the technology continues to improve, so too does the level of detail. Lidar imagery even allows mappers to see the ground beneath vegetation and trees, as if the earth had been stripped bare. This gives geologists the ability to identify and map landslide features that may have previously been unrecognized or overlooked”³

As one of the earliest pilot areas, Oregon City has been fortunate to have access to Lidar data since 2006, which greatly influenced previous code changes in 2009/2011. Both during the creation of this current Guide and after its adoption, Oregon City staff consulted with staff from both DOGAMI and DLCD to understand the strengths and weaknesses of the current Geologic Hazards code, how it compared to other jurisdictions, and how it could be strengthened.

The Guide identifies the following features of a strong Geologic Hazard Zoning Codes (p.79.):

- Are supported by and incorporate the best available science-based landslide hazard maps and analysis.
- Have clear submittal requirements and approval criteria.
- Employ factors in addition to slope to determine when a geotechnical report is required.
- Define and establish the qualified geoprofessional(s) for the required report in accordance with state licensing regulations.
- Require geotechnical reports to determine whether a proposed development is within the community’s risk tolerance level and to properly condition development.
- Link requirements to degree of risk and geotechnical report recommendations.
- Address soil stabilization through grading, erosion control, vegetation management, and water management.
- Require monitoring by the geotechnical report author during construction.
- Are enforced.
- Contain strong grading, erosion control, and land use planning codes. These codes provide clarity in what is applicable; protect the people, property, and environment; and are effective in limiting or preventing deleterious soil movement.
- Are based on maps and reports that provide details on the hazard areas.

² Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (page 2)

³ Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (pages 2-3)

- Include specific references to the materials used to establish the code provisions (such as maps and reports) and have those materials adopted and incorporated into the regulatory provisions;
- Have clearly identified application materials (with checklists and handouts to help explain the information) and processes of review.
- Have information located on the community's website so that the code is clear and accessible.
- Have replaced outdated Unified Building Code or UBC references with current International Building Code or IBC references in the code.

In October 2019, DLCD and DOGAMI presented their new landslide guide to the Oregon City City Commission. The City Commission directed staff to review the current city code and determine if any enhancements were needed to achieve these objectives.

As part of furthering this effort, DLCD and DOGAMI commended Oregon City for its use of lidar data and generally meeting all the requirements for a strong geohazard code; however, they recommended improved tracking and reporting post development approval. Since that time, City staff have mapped in the City's GIS system all available geotechnical reports and indemnity agreements received from developers so that this information is now available to the public. In addition, staff identified areas where the code was inconsistent, ambiguous or was the source of confusion for applicants and revisions are proposed to address those issues.

The revisions proposed in this code update provide clarification to existing standards, references the new landslide guide, and codifies the waiver program the City currently follows. Construction specifications, calendar exceptions, and retaining wall standards have also been added. Density, review standards, and stormwater standards have been further clarified. In addition to providing additional data, these standards largely codify existing practice. As mentioned above, the more robust policy discussion about the extent to which development on steep slopes should be limited or development interests protected is reserved for consideration with the new comprehensive plan.

Inflow/Infiltration Reduction Pilot Project

This Pilot Project implements new construction recommended from the Sanitary Sewer Master Plan. Construction recommendations including capital improvement projects. Those projects include installing new storm sewers that will allow disconnection of existing storm sewers from the sanitary sewer system. The Plan also recommends the disconnection of private storm sewers from the sanitary sewer system as well as repair of private sanitary sewer laterals. These two construction projects will reduce inflow and infiltration, respectively, minimizing the amount of stormwater treated at the Tri-City Wastewater Treatment Plant. The Pilot Project is a 5-year project within the McLoughlin and Rivercrest neighborhoods. By using flow monitoring pre and post-construction, the City will determine the success of the Pilot Project. If successful and if budget allows, the City will continue beyond these neighborhoods into other areas of the City.

To implement this project, City Code and Sanitary Sewer Design Standards and Chapter 13.08 of the Oregon City Municipal Code need to be amended to address cross-connections, right of entry, condition of service lines, sewer rates, service lateral improvement program, and reduced rates. Other sections: failure to comply with rules and unlawful substances have also been

revised. Language has been proposed referencing the state administrative rule outlining that property on septic must connect to City sewer if the septic is failing and if that property is physically (of the proper elevation and within 300 feet) and legally available (in city limits or able to be annexed) to the existing public sewer. The code also now proposes to explicitly disallow any cross-connections - any place where connections of storm sewer connect with sanitary sewer. New party line sewers are proposed to be prohibited. Property owners are explicitly required to keep their pipes in good condition to prevent infiltration. The proposed code change also gives the right of public works staff to enter the property so that a service can be televised and inspected. The proposed code changes clarify the sewer rate establishment and reduced rate program to be in line with the water rate program. The service lateral improvement program is also proposed to be codified. Lastly, these code revisions designate the following as unlawful substances within sewer lines: Stormwater, Surface water, groundwater, roof runoff, and subsurface drainage. This follows standards engineering practice. A section prohibiting sending stormwater or groundwater to the sanitary sewer system has also been proposed.

In addition to these changes, staff has taken the opportunity to review the entire sanitary sewer Code - Section 13.08 - to ensure it meets best practices and standards. As a result, the code relating to Sewer Connection – Exemptions, Connections to Existing Work, and Applications Outside City Limits have been revised.

Revisions have also been proposed to Section 13.04 of the Oregon City Municipal Code – Water Service - in order to comply with the Sewer Code of 13.08. Various clarifications have been added to be in conformance with current practices and to be consistent with changes in 13.04.

The Sanitary Sewer Design Standards have proposed revisions to add that no stormwater should be conveyed to the sanitary sewer system. In addition, staff took advantage of the Standards being open to allow for for a greater number construction materials and processes to be used as well as changes to Drop Manholes to be in conformance with the current industry standards.

Undergrounding Existing Overhead Utilities Policy

The City of Oregon City Municipal Code currently requires all development to place utility lines underground. This code has been interpreted to apply to all new utilities as well as existing utilities. With the rising cost of moving existing utilities underground, the City is proposing changes to existing code to reduce the requirement to only those properties where undergrounding will have a greater impact and where it is proportional to do so.

The proposed changes create limits of when an existing overhead line must be placed underground-if the property is at least 200 feet long, at least 1.0 acre in size, or if the subdivision is 6 lots or more, the undergrounding requirement is waived for existing overhead lines. The code changes propose to more specifically define the public utility easement, being 10 feet in most zones, and 5 feet in certain other urban zones. This addresses a conflict that has existed within practice, policy, and the code for quite some time. Definitions of Easement have been updated to be consistent throughout code.

Sidewalk Obstructions Policy

In December 2019, the City Commission requested a review of the current ROW obstruction policies. In response, a new written policy outlining current practices of the Department with respect to the permitting of sidewalk seating and sidewalk obstructions in the downtown area

and 7th Street and amendments to Chapter 12.04 are proposed. These amendments more clearly define the types of obstructions that require a permit.

It should be noted that in summer 2020, the City Commission passed a resolution to waive the fee for sidewalk seating and allow the use of parklets in the right-of-way to address business needs during COVID-19. These code changes are separate from that Resolution. The purpose of the code change is to add a 3rd type of obstruction called 'temporary long term', which would be for temporary items (not attached to the ground) for a period of 61-365 days. The current code defines a temporary item for 0-60 days, and a permanent (attached) obstruction has an indefinite time period.

If adopted, this code change more clearly defines the temporary use of the right of way for items like sidewalk seating or parklets when meeting criteria set forth by the Public Works Department thru consultation with the City Commission.

1. **To implement the above projects, The City of Oregon City Public Works Department anticipates adopting revisions to the following chapters by Ordinance.** Please refer to the Detailed Summary of Proposed Changes for more information on specific recommend changes.

- 12.04 Streets, Sidewalks, and Public Places
- 13.04 Water Service System
- 13.08 Sewer Regulations
- 13.24 Telecommunications Facilities
- 13.34 Utility Facilities in Public Rights-of-Way
- 16.12 Minimum Public Improvements and Design Standards for Development
- 17.04 Definitions
- 17.08 Low-Density Residential Districts
- 17.10 Medium Density Residential Districts
- 17.12 High-Density Residential Districts
- 17.24 NC Neighborhood Commercial District
- 17.26 HC Historic Commercial District
- 17.29 MUC Mixed-Use Corridor District
- 17.31 MUE Mixed-Use Employment District
- 17.32 C General Commercial District
- 17.34 MUD Mixed-Use Downtown District
- 17.35 Willamette Falls Downtown Design District
- 17.36 GI General Industrial District
- 17.37 CI Campus Industrial District
- 17.39 I Institutional District
- 17.44 US Geologic Hazards
- 17.52 Off-Street Parking and Loading
- 17.62 Site Plan and Design Review
- 17.80 Communication Facilities

The City of Oregon City Public Works Department also proposes the following changes be adopted by Ordinance:

- Sanitary Sewer Design Standards
- Engineering Fee Schedule- (*adopting a new fee for Temporary Long-Term ROW obstruction through a separate process after code amendment approval*)

-
The City of Oregon City Public Works Department also proposes the following changes be adopted by Resolution:

- Sidewalk Obstructions Policy
- Undergrounding Private Utilities Policy

3. Public Notice and Comments

Public Works staff presented the proposal to the public at the following public meetings:

- Citizen Involvement Committee – December 2, 2019
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
- Development Stakeholders Group – November 14, 2019, and February 13, 2020
 (No published meeting minutes available for the 2-12-20 meeting)
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
 - o Discussed revisions to Geologic Hazards Code
- City Commission Work Session Meeting – December 10, 2019
 - o Discussed Existing unwritten sidewalk policy
- City Commission Work Session Meeting – October 8, 2019
 - o Presentation by DLCD and DOGAMI of new Landslide Guide (No published meeting minutes available)
- Planning Commission – September 23, 2019 (No published meeting minutes available)
 - o Overview of existing Geologic Hazard Code and preview during LEG 19-00003
- City Commission Work Session – June 9, 2020
 - o Presentation of Geologic Hazards Code
- Natural Resource Committee – June 10, 2020
 - o Presentation of Geologic Hazards Code
- City Commission Work Session – June 7, 2020
 - o Presentation of Sidewalk Obstructions and Chapter 16 and 17 revisions
- City Commission Work Session – May 20, 2020
 - o Presentation of Chapter 13 revisions on utilities
- September 23, 2020 Online Geologic Hazards Community Forum. Noticed as part of the Measure 56 Land Use Notice (Exhibit 11)

Only one written comment from AKS Engineering (Exhibit 12a) was received by the public at any of these informational meetings. AKS recommended revisions to sewer specifications, which were added to the revised Sanitary Sewer Design Standards as they provide additional direction for constrained areas and incorporated them into the proposed document.

GLUA 20-00033 LEG-20-00001 Public Works Code Amendments Land Use Public Comment

GLUA 20-00033 LEG-20-00001 Public Works Code Amendments

An overview of the public comment categories submitted to date can be found below. They are separated into technical questions and more policy questions. Please refer to the public comments matrix attached as an exhibit to this staff report for additional detail. The matrix will be updated throughout the Public Hearings process.

Technical Questions

“Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” (Exhibit 9) As discussed above, the Guide will be added as a reference document in OCMC 17.44 Geologic Hazards this document should not be seen as a prescriptive path or regulatory document with approval criteria. Oregon City Development Services, does, however, see value in referencing the document in the Geologic Hazards code as a background educational document for the public, applicants, and consultants to better understand the context of geologic hazards in development review.

The text of Oregon Land Use Goal 7 should be added or referenced in the code.

Goal 7, Areas Subject to Natural Hazards (Oregon DLCD, is one of the 19 Oregon Statewide Planning Goals.) It contains both requirements and guidelines that are intended to be implemented by local governments as part of their comprehensive plan and zoning efforts. As part of this planning effort, Goal 7 objectives must be balanced against the other goals and implemented in a way that makes sense for Oregon City. Evaluating and balancing the policy objectives set forth in the Goals is done on a city-wide legislative basis rather than as part of individual quasi-judicial development reviews as a means to streamline review as well as avoid ad hoc decision-making. Rather than adopt Goal 7 as a code criterion, the City has elected to to rely on the joint DLCD and DOGAM created Guide, discussed above, which provides more specific guidance on how to best implement the requirements of Goal 7. In fact, DLCD and DOGAMI staff have never raised any concerns that the current Geologic Hazards code does not meet Goal 7 requirements.

How do we trust the staff with the probability of risk based on existing data?

Acknowledging that there is always some risk with any development anywhere, City staff and its licensed consultants are the most qualified to evaluate this risk. They are educated, trained, hold professional engineering licenses and years of experience,. City staff also have geotechnical consultants available through on-call contracts to seek advice and analysis when a second opinion is appropriate. . Staff also rely on the Lidar data provided through DOGAMI and have relationships with DLCD and DOGAMI when needed, additional advisement is warranted.

Need to ensure an active discovery process during construction and not rely on applicant consultants

The City does not rely solely on an applicant consultant. Rather, in addition to staff qualification, the City has four geotechnical consultants available for on-call services. These consultants all have professional engineers, geologists, and structural engineers who can design, analyze, and advise on development or properties that are proposing to do work within a mapped geologic hazard.

Policy Questions Reserved for the 2040 Comprehensive Plan

Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan should be added to Comprehensive Plan as part of this project. In 2019, Clackamas County updated this Multi-Jurisdictional Natural Hazards Mitigation Plan (NHMP) to prepare for the long-term effects resulting from hazards. As part of this process, Oregon City also created an updated addendum that is incorporated as part of that

Plan. The relevant substance of the updated Plan and addendum will be considered in the upcoming Comprehensive Plan update process, and specific sections may be added or referenced as part of that review.

Holly Lane should be removed from Transportation System Plan, and a grade-separated interchange should be added to the intersection of Highway 213 and Beavercreek Road based on geohazard of Holly Lane area. As part of the 2013 Transportation Plan update, the City removed the grade-separated interchange at 213 and Beavercreek Road as a transportation project. Any discussion about Transportation Plan projects and their relationship with natural hazards can and should occur during the upcoming Comprehensive Plan update process, where these larger policy questions can be discussed with the context of all the State Land Use Goals and Oregon City Comprehensive Plan policies.

OCMC 17.44 Geologic Hazard Overlay should further restrict development. Oregon City is not doing enough, especially in very high-risk areas, and reductions in density should not be based on lots of record; they should be based on the area of the historic landslide. Any large-scale changes in the Geologic Hazards code that affect larger policy questions, such as striking the best balance between housing needs, hazard risk, and property rights, will be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework and could result in additional code revisions in the future.

II. DECISION-MAKING CRITERIA

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

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

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: Complies as Proposed. The proposal qualifies as initiated as a legislative request by the Public Works Director.

17.68.015 –Procedures.

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

17.50.170 - Legislative hearing process.

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

B. Planning Commission Review.

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

Finding: Complies as Proposed. This legislative action will follow the procedures found in OCMC 17.50.170 including meetings with the Planning Commission, and City Commission where applicable.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive Plan;

Finding: Complies as Proposed. This legislative action will be consistent with the applicable goals and policies of the Comprehensive Plan. Therefore, the proposed amendments are consistent with Criterion (A).

The proposed code changes implement several ancillary plans to the Oregon City Comprehensive Plan. Regular Updates to Ancillary Documents like the Sewer Master Plan assure consistency with the Oregon City Comprehensive Plan. The applicable sections of the Comprehensive Plan are addressed below as well as State Land Use Goals. No revisions to the Master Plans or Comprehensive Plan are proposed.

The 2004 Oregon City Comprehensive Plan contains criteria for approving changes to the comprehensive Plan and ancillary documents. Review of the Comprehensive Plan should consider:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

“Statements of Principle - Page 3.

Provide efficient and cost-effective services. Water, sewer, fire protection, police services, streets, storm drainage, and other public services are directly affected by land-use decisions. This Plan ensures that land-development decisions are linked to master plans for specific services such as water or sewer and to capital improvement plans that affect budgets and require taxes to build. The City Commission believes that citizens are economically well-served through compact urban form, redevelopment of existing areas, and public investments (for example, street improvements) that are carefully tied to private investments when development occurs.”

“Implementing the Plan – Page 4

The Oregon City Comprehensive Plan is implemented through City Codes, **ancillary plans**, concept plans, and master plans.

Ancillary plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive Plan.”

“Ancillary Plans. – Page 15

Since 1982, several documents have been adopted as ancillary to the 1982 Comprehensive Plan: the *Public Facilities Plan* (1990), *Oregon City Transportation System Plan* (2001), *Oregon City Downtown Community Plan* (1999), *Oregon City Waterfront Master Plan* (2002), *City of Oregon City Water Master Plan* (2003), *City of **Oregon City Sanitary Sewer Master Plan (2003)***, *Drainage Master Plan* (1988, updated in 1999 as the *City of Oregon City Public Works Stormwater and Grading Design Standards*), *Caufield Basin Master Plan* (1997), *South End Basin Master Plan* (1997), *Molalla Avenue Boulevard and Bikeway Improvements Plan* (2001), the *Oregon City Park and Recreation Master Plan* (1999), and the *Oregon City Trails Master Plan* (2004).”

Applicable Comprehensive Plan and Statewide Planning Goals and Policies

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.8

Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Finding: Complies as Proposed. This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when development is exempt. The revisions include a reference to the new State landslide document. This reference is made in addition to other State Documents that are to be referenced when reviewing a site

for geologic hazards. It is merely another reference to ensure a fully thought out review of the mapped geologic hazard. The revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can include steep slopes or historic landslide areas.

Other miscellaneous improvements have been made. The waiver process that the City has been using via in-house policy is now proposed to be codified. Additional criteria have been added to determine when a site work may occur outside of the codified months of the year. Retaining wall design requirements have been added. Language has been added, ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by implementing current scientific understanding of landslide susceptibility for lands currently mapped within the Geologic Hazard Overlay, ensuring that these conditions will be addressed by the applicants during the development review process. Including the DOGAMI landslide guide as an application submittal requirement will offer city staff and its consultants a better understanding of current conditions allowing them to make decisions about development that will reduce the likelihood of loss of life or property.

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy

Finding: Complies as Proposed. This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial, by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground in turn reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for downtown businesses in a way that supplements the business while also allowing for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis, whereas currently, the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require that all stormwater be redirected from the sanitary system back to the stormwater system. Currently, due to the City originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system, which contributes unnecessary flows to the Tri-City Wastewater Treatment Plant. As that Plant near capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing requires. The effect will be to stabilize sewer rates and system development charges rather than a continued substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exempt the current requirement that all existing overhead utilities be relocated underground. This imposes an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air

pollution, which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on developments.

Goal 9.2 Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.

Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Finding: Complies as Proposed. This legislative code amendment has been proposed as a response to what other public agencies, local business, and citizens have conveyed to the City.

Tri-City Sewer Treatment Plant, operated by Water Environment Services(WES), is nearing capacity, and WES has requested a reduction of stormwater flows into the sanitary sewer system. This is completed by inflow and infiltration reduction and is implemented by policy and code changes in OCMC Chapter 13.08.

The Downtown Oregon City Association and Oregon City Chamber of Commerce are partners with respect to the vitality of downtown businesses. The Chamber of Commerce requested the City review its policies with respect to sidewalk obstructions and temporary obstructions. Proposed amendments to OCMC Chapter 12.04 are in response to this request.

In October, 2019, DOGAMI / DLCD issued a document entitled "Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities.". In response, the Oregon City Planning Commission, the Oregon City City Commission, and citizens, proposed amendments to OCMC Chapter 17.44 have to address the Guide recommendations.

The Oregon City Development Stakeholders Group (DSG) requested the City look at the requirement to underground existing overhead utilities. During this investigation, the City met with Portland General Electric(PGE) to discuss the reasons this requirement has become expensive compared to previous years. In that discussion, a conversation also occurred concerning the provision for a Public Utility Easement (PUE) commonly used for electric, gas, telephone, cable, fiberoptic franchise utilities. While OCMC Chapters 13.24 and 13.34 provide regulation on franchise utilities, the development code had only minor references to the PUE. The code amendments within OCMC Chapter 16.12 reflect the discussions with not only PGE and the DSG, but also the City of Oregon City Community Development Department. These discussions led to the proposed revisions of not only reducing the undergrounding requirement but also more clearly regulating the provision for and use of the PUE.

All revisions relate to economic impacts and are intended to streamline the development process by providing clarity and common-sense solutions recommended by these proposed revisions.

Goal 11.1 Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policy 11.1.2

Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.

Policy 11.1.4

Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Policy 11.1.5

Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.

Policy 11.1.7

Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.

Finding: Complies as Proposed. This legislative code amendment relates to the provision of public facilities while also implementing Capital Improvement Plans.

Concerning proposed amendments to OCMC Chapter 12.04 on sidewalks and temporary obstructions, the purpose is to ensure the public sidewalk is maintained for use by the public while also allowing it to be used for seating for adjacent businesses.

Concerning proposed amendments to OCMC Chapter 13.08, the sewer amendments implement plans and programs set forth in the Sanitary Sewer Master Plan.

Proposed amendments to OCMC Chapter 16.12 provide a clearer definitive space for the franchise utilities to be located so that their service can be provided to all developments with ease of maintenance and reduced disruption of service.

Proposed amendments to OCMC Chapter 17.44 support safe development on underdeveloped or vacant buildable land where utilities exist and ensure that these developments are designed in a safer, effective, and more sustainable manner based on the current science available for geologic hazards.

Goal 11.2 Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting

the environment and meeting state and federal standards for sanitary sewer systems.

Policy 11.2.2

Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing Urban Growth Boundary. Plan strategically for future expansion areas.

Policy 11.2.4

Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Policy 11.2.5

Implement the City's wastewater policies through the *City of Oregon City Sanitary Sewer Master Plan*.

Finding: Complies as Proposed. This legislative code amendment proposes changes to OCMC Chapter 13.08 concerning sewer flows. These amendments are necessary to implement the inflow and infiltration (I&I) reduction plan. These amendments implement the City of Oregon City Sanitary Sewer Master Plan.

Goal 11.7 Private Utility Operations

Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Policy 11.7.1

Require local service lines in new subdivisions be placed underground.

Policy 11.7.2

Coordinate with private utility providers to install infrastructure during Street construction and maintenance to reduce the need to repeatedly cut into newly paved streets.

Policy 11.7.3

Adopt lighting practices in streets and other public facilities, and encourage them in private development, that reduce glare, light pollution, light trespass, and energy use, while maintaining even lighting ensuring good visibility and safety for the public.

Policy 11.7.4

Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

Finding: Complies as Proposed. This legislative code amendment provides for an appropriate Public Utility Easement (PUE) for the franchise utilities (electric, gas, telephone, cable, fiberoptic) and provides exemptions for the relocation of existing overhead utilities to underground. This exemption will not change the requirement to install all new utilities underground to be in line with Policy 11.7.1. The Pavement Cut Standards are not proposed to be amended as part of these amendments; therefore,

Policy 11.7.2 is retained. No changes to the lighting requirements are proposed; therefore, Policy 11.7.3 is retained. The details and clarification of the PUE will improve the execution of Policy 11.7.4.

Goal 12.5 Safety

Develop and maintain a transportation system that is safe.

Policy 12.5.1

Identify improvements that are needed to increase the safety of the transportation system for all users.

Policy 12.5.2

Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3

Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Finding: Complies as Proposed. These legislative code amendments will enhance safety thru the proposed revisions to OCMC 12.04 and 17.44. By ensuring proper space for pedestrians on sidewalks by regulating the seating in the right of way through the changes to the temporary obstruction codes, safety will be improved for pedestrians. By providing more stringent standards to the geologic hazard code, developers of vacant property will have safer properties to build on and those properties that could be affected by a landslide are less likely impacted.

Goal 13.1 Energy Sources

Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Finding: Complies as Proposed. This legislative code amendment will not affect the City's adopted public facilities master plans.

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

Finding: Complies as Proposed. This legislative action will have no negative effect on the provision of public facilities and services.

Inflow/Infiltration : The amendments to OCMC 13.04 and 13.08 will have no negative effect on the public water and sewer systems. In fact, the proposed amendments will improve the public systems by reducing the negative effects of inflow and infiltration currently being experienced by the system. These amendments implement improvements from the City's Sanitary Sewer and Stormwater Master Plans. Zoning is not impacted by this amendment. These amendments allow for proper implementation of the City's Stormwater and Grading Standards and Sanitary Sewer Standards.

Undergrounding overhead utilities and revising development standards as they relate to the Public Works Standards: The amendments to OCMC 13.24, 13.34, 16.12, and Chapter 17 will have no negative effect on the public transportation system. Reducing the requirement of moving existing utilities underground will retain more physical space for the transportation system and other utilities that may be needed within the public right of way. No impact to the City's Transportation System Plan or Utility Master Plans is anticipated. These amendments will not affect the zoning designations for any lands. However, these amendments will address conflicts within current development standards relating to

the provision of a PUE and adjustments to how setbacks are measured as a result as well as limiting development review for activities occurring solely with the City right-of-way. This amendment will remove those conflicts and let zoning standards and public works standards apply in concert with one another.

Sidewalks: The amendments to OCMC 12.04 will have no negative effect on the public transportation system. The amendment and subsequent policy will provide guidelines and requirements for the use of the public right of way, which should reduce the negative impacts experienced in the traveled way. This amendment ensures proper space for sidewalks as described in the City's Transportation System Plan. Zoning is not affected by this amendment.

Geologic Hazards: The amendments to OCMC 17.44 will have no negative effects to public transportation or utility systems. The amendments strengthen requirements to those properties seeking development within geologic hazards. This will enhance the safety of utilities and roadways and will further minimize negative impacts to those systems. No utility or transportation master plan is affected by this amendment. This amendment does not affect zoning. The current properties with mapped geologic hazards will remain as mapped. Therefore, the proposed amendments are consistent with Criterion (B).

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

Finding: Complies as Proposed.: Not applicable. None of the proposed amendments will have any impact on the existing or planned functions, capacity, and level of service of the transportation system. Therefore, the proposed amendments are consistent with Criterion (C).

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

STATEWIDE PLANNING GOAL 1:

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. Development of the Plan included a public involvement effort. The applicant, Oregon City Public Works Department, has presented the update for input to the Development Stakeholders Group on May 9, 2019. The update was provided on the City's website during the months of February through May 2019. Local civil engineering consultants and developers were notified via email on February 5, 2019 and April 24, 2019. The standards were presented in a City Commission Work Session on May 7, 2019. The City Commission considered these standards for approval on July 17, 2019. An online Geologic Hazards Community Forum was held on September 23, 2020, which was noticed as part of the Measure 56 Land Use Notice sent to all Oregon City households.

September 23, 2020, Virtual online Community Forum

The purpose of the Community Forum was to educate the public on the municipal code with respect to geotechnical issues, educate the public on various facets of geotechnical science, and to listen to concerns from the public so that the City may implement the best-revised code possible as it looks to update existing codes. The Community Forum consisted of a panel of speakers who spoke about geologic hazards in general, as well as the recommended code revisions. The meeting also contained a Question & Answer session. A link to the video will be added to the staff report as soon as it is uploaded to the city website.

Panel Members and Speaking Topics :

- Dr. Scott Burns, PhD - Portland State University, Department of Geology

Slopes and when to be concerned. History of Oregon City.

- George Freitag, CEG, LEG, LHG - GRI, Principal

Rainfall relationship to geologic hazards

- Tim Pfeiffer, PE, GE - Foundation Engineering, Senior Geotechnical Engineer

Geologic and Geotechnical Basis for the City of Oregon City Geologic Hazards Code

- Tricia Sears, Natural Hazards Planner - Dept. Of Land Conservation and Development (DLCD)

Geologic Hazards Planning in Oregon

- Josh Wheeler, PE - City of Oregon City, Assistant City Engineer

Proposed Code Updates to OCMC 17.44

STATEWIDE PLANNING GOAL 2:

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. Because the Plan is an ancillary document to the City's Comprehensive Plan, the application was processed pursuant to the legislative hearing process outlined in Section 17.50.170 of the Oregon City Municipal Code.

Goal 2 also provides that the public and "affected governmental units" be given the opportunity to review and comment on proposed amendments. In furthering that effort, the City has provided the Oregon Department of Fish and Wildlife notice of the proposed amendment and requested comment and no response was received.

STATEWIDE PLANNING GOAL 3: Agricultural Lands and GOAL 4: Forest Lands

Finding: Not Applicable. By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB, and therefore, those goals are not applicable.

STATEWIDE PLANNING GOAL 5:

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Complies as Proposed OAR 660-023-0250 specifies the circumstances that trigger Goal 5 review. In relevant part, an amendment affects a Goal 5 resource if the PAPA "amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource." The proposed amendments do not amend any Goal 5 adopted resource list or any standard

adopted in order to protect Goal 5 resources. Therefore, this Goal is met. These amendments further Goal 5 objectives by providing more rigorous review and greater clarity in the Natural Hazards Chapter 17.44 amendments. By clarifying and enhancing the geologic hazard code, natural resources will receive increased protection. The code revisions require stormwater evaluation, which relates to groundwater as well as overland flow and requires the applications to address any downstream impacts or regional impacts relating to stormwater flow, which in some cases relates to designated Natural Resources. No other code revisions relate to Goal 5. See responses under Comprehensive Plan Goal 7.1 for more information.

The first step in the general Goal 5 process is to compile an inventory of resources to determine which resources are significant. OAR 660-023-0030. The proposed amendment does not alter or amend the City's riparian or wetland inventories.⁴ The quantity, quality, and significance determinations for riparian resources similarly remain unchanged. Therefore, this inventory analysis step is not applicable to the City's adoption of The Geologic Hazards Overlay District Code amendments, or the other revisions to utility standards. The second step is determining a program to achieve Goal 5 based on "an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use." OAR 660-023-0040. A "conflicting use" is defined by OAR 660-023-0010 to include "a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource."

The proposed amendments add clarity to the existing standard; they generally do not further restrict or allow development. To the extent, changes occur, the only effects will be to further limit development that could conflict with riparian areas in favor of providing greater protection for Goal 5 inventoried riparian resources. Given that the proposed amendments will have a negligible impact on development, compliance with Goal 5 can be achieved through a very limited ESEE analysis. As a result, examples of the clarifications, along with a discussion of the identified ESEE consequences include:

- Additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can either include steep slopes or historic landslide areas or both.

With the minor amendments to the Geologic Hazards Overlay District Code amendments, the City has chosen to amend its program to achieve Goal 5 with respect to inventoried riparian resources by adopting additional measures to protect those resources from an identified conflicting development uses.

STATEWIDE PLANNING GOAL 6: Air and Water Quality

To maintain and improve the quality of the air, water and land resources of the state

Finding: Complies as Proposed. This application meets Goal 6 by how it addresses removing stormwater from the sanitary sewer system in the Code revisions of 13.08. This will improve the function of the Tri City Wastewater Treatment Plant as regulated by the Department of Environmental Quality (DEQ). See response under Comprehensive Plan Goal 11.2 for more information.

STATEWIDE PLANNING GOAL Goal 7: Areas Subject to Natural Hazards

To protect life and property from natural disasters and hazards.

Finding: Complies as Proposed This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when development is exempt from further review. The revisions include a reference to the new State landslide document that should be considered by applicants and result in a more robust analysis occurring as part of development review. The proposed code revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can either include steep slopes or historic landslide areas or both.

Other miscellaneous improvements have been made, including:

- The waiver of review in very limited circumstances where the impact of development are deemed to have a *de minimis* impact, as consistent with current city policy. requirements .
- Additional criteria that dictate when site work may occur.
- Retaining wall design requirements have been added.
- Language has been added ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by ensuring current science concerning landslide susceptibility will be addressed. By referencing the new DOGAMI landslide guide, the review requirements have added an additional tool to ensure potential landslide impacts are addressed. Additional tools should make the analysis more informed, potentially leading to reduced risk. If adopted, these standards will be implemented for the review and approval of properties with mapped geologic hazards.

STATEWIDE PLANNING GOAL Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Complies as Proposed. This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground, in turn, reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for

downtown businesses in a way that supplements the business while also allow for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis, whereas now the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require all stormwater to be redirected from the sanitary system back to the stormwater system. Currently, due to the City originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system, which contributes unnecessary flows to the Tri-City Wastewater Treatment Plant. As that Plant nears capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing will require stable rates and system development charges rather than a continued substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exempt the current requirement that all existing overhead utilities shall be relocated underground. This provides an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air pollution, which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on development.

Revisions to the Geologic Hazards Overlay District provided additional clarity in the development review process for all parties. Reducing uncertainty provides real value in the larger analysis a property owner makes in determining if a site will be developed or not.

STATEWIDE PLANNING GOAL 10: Housing

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

Finding: Complies as Proposed. Revisions to 16.12 and 17.44 positively impact housing. By reducing the burden on smaller developments through exemptions for undergrounding existing overhead utilities, the amendments will make developments cost-effective; therefore, enhancing the likely development of the City's buildable lands. By strengthening the geologic hazard code, the lands become more buildable with less risk due to the rigorous reviews necessary to ensure the site is safe. Without this code revisions, a site may have become unbuildable due to the lack of certainty.

STATEWIDE PLANNING GOAL 11: Urban Development

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 11 of the Oregon City Comprehensive Plan: Public Facilities. As stated in Section 11, the Code amendments are necessary to maintain compliance with Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly, and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. The proposed municipal code amendments are created to serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding: Complies as Proposed. Revisions to 12.04 enhance the pedestrian areas in the downtown area by ensuring proper areas are available for pedestrians while also allowing for sidewalk seating. Revisions to 16.12 allow for a proper Public Utility Easement (PUE) to ensure the actual right of way is clear of any additional utilities that could cause disruptions to service when under maintenance or create additional obstructions due to the settlement of sidewalk and roadways.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Finding: Not applicable. No land is being rezoned as part of this legislative application.

17.68.040 - Approval by the Commission. If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Finding: Not applicable. No Planning Commission recommendation will relate to OCMC 17.68.020 as no rezoning or annexation is occurring with this legislative application.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Finding: Not applicable. No land is being rezoned as part of this legislative application.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
- 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
- 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community

Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Complies as Proposed. Public Works attended PA 19-69 on December 3, 2019

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Complies as Proposed. Attendance at the Citizen Involvement Committee occurred on December 2, 2019 concerning the inflow/infiltration Policy and Code Amendments and the Undergrounding Overhead Utility Policy and Code amendments. The Citizen Involvement Committee was also invited to participate in the September 23, 2020 Geologic Hazards Webinar, which included a question and answer portion.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. *Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
1. *Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 2. *Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 3. *The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 4. *The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. *A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
1. *The project includes five or more residential units, including assisted living facilities or group homes;*
 2. *At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 3. *Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: Complies as Proposed.

Not applicable. Legislative actions are not subject to this standard.

III. Staff recommendation:

Based on the findings identified above and including all items entered into the record, the proposal to amend the Titles 12, 13, 16 and 17 of the Oregon City Municipal Code, is consistent with the Oregon City Comprehensive Plan and State Land Use Goals. Staff recommends approval of Planning file GLUA 20-00033 LEG-20-00001 Public Works Code Amendments.



MEMORANDUM

LEG 20-00001

Additional proposed revisions to Oregon City Municipal Code - Chapter 12.04

Based on comments at the City Commission Work Session on December 16, 2020, we have made the following additional proposed revisions to Oregon City Municipal Code – Chapter 12.04 :

1. Removed section 12.04.120.B.7.b.1 therefore removing any calendar restriction to the use of long term temporary obstructions

We also are providing a Resolution in an effort to address City Commission comments concerning sidewalk sales effectively allowing sales in the downtown and 7th street area.

Thank you,

Josh Wheeler, PE
Assistant City Engineer



MEMORANDUM

LEG 20-00001

Additional proposed revisions to Oregon City Municipal Code - Chapter 13.08

Based on comments at the City Commission Work Session on December 8, 2020, we have made the following additional proposed revisions to Oregon City Municipal Code – Chapter 13.08 :

1. Reviewed the entire document for gender neutral language
 - a. Changed 13.08.050.B., 13.08.060, and 13.08.070.
2. Changed 13.08.190 to replace the word “tenement” with “co-op”.

We also reviewed proposed code revisions in 13.04 and 17.80 for non-gender neutral references and found none; therefore, no additional revisions were made.

Thank you,

Josh Wheeler, PE
Assistant City Engineer

Chapter 13.04 - WATER SERVICE SYSTEM

13.04.010 - Application for service.

When water service is requested where connection of the premises to the city mains is required, applications must be made ~~to the City on printed forms furnished by the water office~~, signed by the owner, or agent of the premises to be served, and the applicant must state fully and truly all the purposes for which water may be required, and must agree to conform to the rules and regulations that are now in force or may hereafter be adopted for the proper operation of the water system. The charges for supplying a water service connection shall be in accordance with a schedule of charges adopted by the city commission. All new water service connections shall be metered.

(Prior code § 3-3-1)

13.04.020 - Use by applicant only.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his application, or to supply in any way other persons or families.

(Prior code § 3-3-2)

13.04.030 - Permits—Renewal—Change of service.

- A. The city issues engineering permits for water line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by ~~the contractor and inspected by~~ employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy. (Prior code § 3-3-3)

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.04.040 - Service pipe—Approval.

Service pipes, of all sizes, within or without the premises, whether for domestic, commercial or fire protection purposes, must be approved by the city.

(Prior code § 3-3-4)

13.04.050 - Service pipe—Installation.

The installation of all service pipes from the main to ~~a point at the curb line the meter box~~ shall be made by ~~the contractor and inspected by~~ employees of the water department.

(Prior code § 3-3-5)

13.04.060 - Stopcock and shutoff box.

A stopcock of approved pattern and material will be placed, and protected by means of ~~the meter a suitable~~ box, which will be furnished and installed by the ~~contractor and inspected by the~~ water department.

(Prior code § 3-3-6)

13.04.070 - Stop and waste cocks.

Just inside the basement wall a stop and waste cock of approved pattern, protected from frost, must in all cases be placed in a convenient location, by means of which the pipes in the building may be

drained at night during freezing weather. If the building is not provided with a basement, the stop and waste cock must be placed near the outside wall thereof. All stores and offices in the building must have separate shutoffs.

(Prior code § 3-3-7)

13.04.080 - Service pipes—Repair and protection.

The service pipe, within the premises, and throughout its entire length to the curb cock must be kept in repair, and protected from freezing at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe.

(Prior code §3-3-8)

13.04.090 - Temporary disconnection.

Should it be desired to discontinue the use of all water supplied to the premise for a period of not less than fifteen days, notice must be given, and payment in full of all arrears made at the [utility billing](#) office. The water will then be turned off, and turned on again on application, without charge; provided however, no remission of rates will be made for a period of less than fifteen days.

(Prior code §3-3-9)

13.04.100 - Service for each house.

Hereafter, a separate service direct to the tap in the main, will be required for each house or business that is to be supplied with water ~~;- provided that when there are two houses on an inside lot the service shall be divided at the curb, and a~~ separate meter provided for each place to be so supplied. Where two or more separate residential or business buildings are presently served by a single service the water superintendent may require separate meter installations wherever possible. A Double Check Valve Assembly (DCVA) is required for services that are commercial in nature (includes multi-family dwellings)

(Prior code §3-3-10)

13.04.110 - Discontinuance—Defective fixtures.

Water will not be furnished where there are defective or leaking faucets, toilets or other fixtures, or where there are toilets or urinals without self-closing valves, or tanks without self-acting float valves; and when such may be discovered the water superintendent shall have authority to immediately install a meter.

(Prior code §3-3-11)

13.04.120 - Plumber's report.

~~Plumbers doing any work by which additional water may be drawn from the city mains, must report the same at the water department as soon as the work is completed, or within twenty-four hours thereafter. Contractors must obtain a "hydrant meter" from the City for any unmetered City water usage.~~

(Prior code §3-3-13)

13.04.130 - Shut-off for repairs.

The water may at any time be shut off from the mains without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages. Water for steam boilers for power purposes will not be furnished by direct pressure from the city mains; tanks for holding an ample reserve of water shall always be provided by the owners of the boilers. While water is temporarily shut off from the mains, the hot water faucets should be kept open by the occupants of the premises to allow the

steam to escape from the water heater, and should damage result to meters by reason of steam or hot water, the owner shall be charged for repairs.

(Prior code §3-3-14)

13.04.140 - Right-of-entry.

Agents of the ~~Public Works~~~~water De~~partment may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from the city mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, and for the purpose of fixing water rates for the premises.

(Prior code §3-3-15)

13.04.150 - Emergency regulations.

Under emergency conditions the city manager may enforce such regulation of the use of water as conditions require.

(Prior code §3-3-16)

13.04.160 - Water for building purposes.

Water for building purposes may be obtained at the rates herein prescribed.

(Prior code §3-3-18)

13.04.170 - Fire protection pipes.

Pipes to be used for fire purposes only will be allowed within buildings only where such pipes are entirely disconnected from those used for any other purposes, and have a separate connection to the mains. A Double Check Detector Assembly (DCDA) is required for all stand alone fire lines and is to be installed in a vault as close to the property line as possible. The connection with the city main must be made as prescribed in Sections 13.04.050 and 13.04.060.

(Prior code §3-3-19)

13.04.180 - Use of meters.

- A. The ~~Public Workssuperintendent of the water De~~partment and its agents shall have the right at any time to attach a meter to, or detach a meter from the service pipe of such places and of such places only, as he may deem best; and where water is supplied through a meter to charge for the quantity of water used or measured at the regular established meter rates. When a meter fails to register accurately, the charge shall be according to the average quantity used daily, as shown by the meter when in order.
- B. The ~~Public Works Department and its agents~~~~water superintendent~~ shall immediately install a meter for any unmetered consumer who is found guilty of violating any of the rules and regulations of the water department.
- C. Any householder desiring metered water service may obtain the service by making written application to the city for the installation of a meter and by agreeing to pay for the quantity of water used or measured at the regular established meter rates.

(Prior code §3-3-20)

13.04.190 - Ownership of meters.

All meters, ~~except such as are required to be purchased by the water users,~~ shall be and remain the property of the city, and may be removed whenever the Public Works Department superintendent may decide to do so.

(Prior code §3-3-21)

13.04.200 - Use of private water and city water.

Buildings supplied with water other than that furnished by the city, may obtain city water at meter rates; provided, that no physical connection shall in any way, directly or indirectly exist between the private system and the city's water system. Approved ackflow protection is required immediately behind the meter when potential for cross connection exists (wells). The backflow assembly must be tested in place before city water is turned on. When a connection is found to exist the water will be shut off.

(Prior code §3-3-22)

13.04.210 - Testing and correcting meters.

When any consumer whose water supply is metered shall make a complaint that the bill for any particular month is excessive, the water superintendent will, upon request, have the meter reread.

(Prior code §3-3-23)

13.04.220 - Failure to comply with rules.

Should anyone fail to comply with the rules and regulations established as conditioned to the use of water, or to pay the water rates at the time and manner hereafter provided, the water may be shut off until payment is made of the amount due, including delinquent payment penalty fees, as well as with five dollars in addition the amount for the expense of turning the water on. Failure to comply with required annual testing of backflow assemblies will also result in discontinuation of water service.

(Prior code §3-3-24)

13.04.230 - Authority to turn on water.

After the water has been shut off at the curb cock, if it should be turned on by any person other than an employee of the water department, the water will be again shut off, a section of the service pipe removed, and service will not be furnished until the arrears, current month and an additional charge for the reasonable cost of disconnection and resumption of service, as determined by administrative policy, are paid. If the curb cock is damaged from being operated by parties other than city agents, the party who is responsible will be billed for city agents to repair.

(Prior code §3-3-25)

13.04.240 - Water charged to premises.

All charges for furnishing water within the city shall be chargeable to the premises where water is supplied. Whenever any charge for furnishing water shall not be paid when due on or before the fifteenth day following the due date shown on the billing, the same shall become delinquent and shall be subject to a delinquent payment penalty fee and discontinuance of service. Written notice of shutoff of water shall be given by mail at least fifteen days in advance of such shutoff. After water service has been discontinued, water shall not again be furnished until all outstanding charges shall have been paid in full. All charges for furnishing water or for services relating to the furnishing of water shall be a lien on the property to which the water or water services are supplied. Enforcement of the lien may be commenced at any time after the charge or charges are delinquent for thirty days by suit in equity following the procedures for foreclosure of a mortgage.

(Prior code §3-3-26)

13.04.250 - Applications.

Applications for permits to connect premises with the city water system, or requests to turn off water, shall, in all cases, be in writing and signed by the owner, lessee, or agent of the premises to be served.

(Prior code §3-3-27)

13.04.260 - Water rates.

- A. Water Rates in City. The rates for water furnished by the city to each user within the city limits shall be established by city commission resolution.
- B. Water Rates Outside City. The rates for water furnished by the city to each user outside of the city limits shall be one and one-half times the rate charged to users within the city limits.

~~C. Senior Citizen or Disabled Rates. The principal residence of a person sixty-five years of age or older or certifiable disabled, residing in a residence with a three-quarter inch meter may qualify for a special user rate if meeting certain income criteria as established by city commission resolution. Senior or disabled citizens requesting the special user rate shall make annual written application for this rate and shall certify as to meeting the income criteria established by the city commission.~~

(Prior code §3-3-28)

13.04.270 - Meter sizes.

The minimum meter sizes shall be as follows:

<u>Unit</u>	<u>Size in Inches</u>
1 unit	$\frac{3}{4}$
2—4 units	1 (or two $\frac{3}{4}$ " for duplexes)
5—10 units	1- $\frac{1}{2}$
11—30 units	2 disc
31—50 units	2 compound

All services shall have the proper size meters as designated by the water superintendent and approved by the city ~~engineer~~manager on existing and future meter installations, and the user shall pay the minimum charge per Section 13.04.260 above for large-size meters. [Proper backflow protection is required on all services 2" and greater in size.](#)

(Prior code §3-3-29)

~~13.04.280 — Reduced rates and financial assistance Water rates for hardship and handicapped users. The commission may grant water users under sixty-five years in hardship and handicap cases the same adjusted minimum water rates applicable to senior citizens and under their same restrictions. An owner-occupied residence with a 5/8 x 3/4 inch water meter may qualify for a reduced user rate, or other financial assistance, if the income of its residents meets certain criteria. Customers requesting the reduced user rates, or other financial assistance, shall make written application and shall certify as to meeting the income criteria established.~~

(Prior code §3-3-30)

13.04.300 - Cost participation.

In the event it is necessary for any developer to extend a city water main larger than necessary to serve the particular development, the city may agree to participate with the developer in the excess cost, said cost participation may be paid from the water fund.

(Prior code §3-3-32)

13.04.310 - Water connection—Required.

- A. All new residences, other new buildings, or any other new use requiring domestic water must be connected to the city water service if the same is available at the time of construction and prior to the use thereof.
- B. All residential and other uses connected to a public water supply system must be connected to the city system within sixty days of the city water being made available. ~~In the event the existing meter or tap does not meet city standards, required modifications will be performed by the city and the reasonable costs thereof as determined by administrative policy shall be paid by the user. These costs shall be in lieu of the connection charge ordinarily imposed. All water connections must meet current City standards and regulations.~~

C. Domestic – backflow prevention is required on services that:

- are commercial in nature (includes multi-family dwellings),
- are greater than or equal to two-inches in diameter,
- have piping higher than 32 feet above the water main, or
- have a potential hazard to the public water supply, in the discretion of the Oregon City Water Division (includes new or existing wells)

Irrigation – backflow prevention is required on all irrigation systems.

(Prior code §3-3-33)

13.04.315 - Definitions.

The following definitions shall apply to this chapter:

"Back-flow" means any reversal of the normal flow of water from the distribution system that may allow contamination or pollution of the public water supply and render it nonpotable.

"Back-flow prevention device or assembly" means any devices or assemblies or methods approved by the appropriate regulatory agencies for use in the prevention of back-flow.

"Contamination" means an impairment of the quality of water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, wastes, etc.

"Cross-connection" means any actual or potential piping connection or structural arrangement allowing the introduction of any liquid, gas, material or substance into any potable water system, thereby rendering it nonpotable.

"Distribution system" means the network of storage facilities, pumps, pipes, valves and other appurtenances between the source and the point of delivery of potable water in the public water system.

"Nonpotable water" means potable water that has been chemically, biologically or physically altered and thereby rendered unfit for human consumption.

"Point of delivery" means the terminal end of a service connection between the distribution system and the consumer's water system at which point the city of Oregon City loses its jurisdiction of and sanitary control over the potable water supply.

"Pollution" means an impairment of the quality of water to a degree that does not create a hazard to public health, but affects the aesthetic qualities of such water for domestic use.

"Potable water" means water from any source that has been investigated by the health agency having jurisdiction, and has been approved for human consumption.

"Public water supply" means the distribution system supplying potable water to the city of Oregon City consumers.

"Regulatory agencies" means one or more of the following agencies whose specifications and requirements, as presented in their associated publications are accepted as industry standards:

American Water Works Association—Standards C510, C511 and Manual M14.

American Water Works Association, Pacific Northwest Section—Cross-Connection Control Manual, ~~Sixth~~ Seventh Edition, ~~December 1995~~ 2012.

Department of Human Services—OAR 333-~~061-0025~~ (9), OAR 333-~~061-0070~~ (4), OAR 333-~~061-0071~~.

University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research—Manual of Cross Connection Control, ~~Ninth~~ Tenth Edition, ~~December 1993~~ 2009.

"Service connection" means the supply piping between the distribution system main and the consumer's water system, normally terminating at the downstream end of the water meter.

"Unprotected cross-connection" means any cross-connection which may exist that allows the introduction of any liquid, gas, material or substance into the public water supply, thereby rendering it nonpotable.

(Ord. 04-1006 §1, 2004: Ord. 98-1001 (part), 1998)

13.04.320 - Control of cross-connections.

The city shall establish, maintain and monitor an on-going cross-connection control program which shall be administered by the public works director and/or their designated appointee(s). Information pertaining to the policies and procedures of the program can be obtained from the public works director.

(Ord. 98-1001 (part), 1998)

13.04.330 - Back-flow prevention ~~devices~~ assemblies.

The public water supply shall be protected from any existing and/or future unprotected cross-connections by the installation of ~~a back-flow~~ an approved backflow prevention ~~device~~ assembly at or near the point of delivery according to standards and procedures established by one or more of the defined regulatory agencies. Back-flow prevention shall be required in circumstances where an unprotected cross-connection condition may exist. Failure to install an approved back-flow ~~device~~ assembly or conduct a required annual test on a back-flow ~~device~~ assembly shall result in denial or discontinuation of water service.

(Ord. 04-1006 §2, 2004: Ord. 98-1001 (part), 1998)

13.04.340 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Water Distribution System Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Water Distribution System Design Standards shall be complied with.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)



Oregon City Municipal Code

Chapter 12.04 Streets, Sidewalks, and Public Places

12.04.003 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall be given the meaning set forth in OCMC 17.04, unless the context dictates applying a different meaning.

12.04.005 - Jurisdiction and management of the public rights-of-way.

- A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
- B. 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, including the subsurface under and air space over these areas.
- C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.
- E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

12.04.031 - Liability for sidewalk injuries.

- A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

- B. If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this ordinance imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

12.04.032 - Required sidewalk repair.

- A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.
- B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.
1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.
 2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.
- C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
- D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.

12.04.033 - City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the Public Works Director shall carry out the needed work on the sidewalk. Upon completion of the work, the Public Works Director shall submit an itemized statement of the cost of the work to the finance director. The City may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the Public Works Director for the health, safety and general welfare of the residents of the City.

12.04.034 - Assessment of costs.

Upon receipt of the report, the Finance Director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

12.04.040 – Sidewalks—Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of OCMC 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a

retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

12.04.060 - Retaining walls—Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.070 - Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in OCMC 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

12.04.080 - Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

12.04.110 - Excavations—Nuisance—Penalty.

Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.120 - Obstructions—Permit required.

- A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.

1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.

4. Signage that acts as an obstruction is approved through OCMC 15.28

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers, ~~and~~ debris dumpsters, and seating.
 - a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.
2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);

d. Handicap Accessible accessible route complying with Americans with Disability Act (ADA) standards.

- ~~e~~f. Alternative routes if necessary;
- ~~f~~e. Minimizing obstruction area; and
- ~~g~~f. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
 - a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;

- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the City Engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

7. Types

- a. A short-term temporary obstruction is allowed for a period of not more than 60 consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.
- b. A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.
- ~~1. Sidewalk seating and planters that act as temporary obstructions shall be limited to March 15 to November 30 of each calendar year.~~

8. Signage that acts as an obstruction is approved through OCMC 15.28

- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

12.04.130 - Obstructions—Sidewalk sales and displays.

- A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
- B. The City Commission may, in its discretion, designate certain areas of the City to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided on a regular basis. A business in a designated area will be required to obtain a Renewable Right of Way Permit for this use if sales are intended to last longer than 60 days. A temporary obstruction permit may be issued for sales that occur less than 61 days.

12.04.140 - Obstructions—Nuisance—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer

prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

12.04.194 - Traffic sight obstructions.

All streets shall comply with the Traffic Sight Obstructions in OCMC 10.32.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

12.04.280 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Chapter 13.08 - SEWER REGULATIONS

13.08.010 - Sewer connections—Required.

- A. All water closets, privies, sinks, bathtubs and drains containing or carrying sewerage in all houses located within the boundaries of any sewer district heretofore established or that may hereafter be established and in which persons are residing shall be connected with the public system of sewers, and within the time specified in the ordinance creating the sewer district.
- B. It is unlawful for any person to reside in any house or upon any premises within the boundaries of any sewer district in the city, after the time specified for connecting the house or premises as provided in the ordinance establishing the sewer district in which the house or premises is located unless the house or premises has been connected with the sewer system owned and operated by the City as provided in this section.

(Prior code §8-5-1)

13.08.015 – Sewer connections – Exemptions

Properties may remain on septic if the public sewer is not physically and legally available as defined by OAR 340-071-0160

13.08.16 – Cross Connections.

Sanitary sewers may not connect or convey any sewage to storm sewers.

13.08.020 - Connection required—Notice.

It shall be the duty of the chief of police to ascertain all houses and premises in the districts, whose owners have not complied with the ordinance providing for the connection of the privies, located therein or upon such premises, and to post a notice thereon, that it shall be unlawful for any person to reside in the house or upon the premises, while the water closets, sinks, bathtubs and drains used in connection with the house or premises, remain unconnected with the public sewer in such district.

(Prior code §8-5-2)

13.08.030 - Privies.

All property owners within a sewer district are required to close and properly fill with earth all privy vaults, cesspools and septic tanks within the time specified in the ordinance establishing the sewer district and hereafter it is unlawful for any property owner to dig or make use of any cesspool, privy vault or septic tank within any sewer district in which there has been a public sewer constructed to serve the premises.

(Prior code §8-5-3)

13.08.040 - Engineer—Approval required.

All connections made with any public sewer or drain in the city shall be made according to the specifications made or approved by the engineer.

(Prior code §8-5-4)

13.08.050 - Engineer—Permits.

- A. The city issues engineering permits for sewer line work in the right-of-way either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. The engineer is authorized to grant such permits as ~~he may~~ deemed necessary for allowing persons to tap the public sewers, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection. (Prior code §8-5-5)

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.08.060 - Bond required.

No person shall be authorized by the engineer to do this work of making connections with any of the public sewers or drains until ~~that person~~ he has furnished and filed a surety company bond in the office of the recorder in the sum of five hundred dollars conditioned that ~~to he will~~ indemnify and save harmless the city from all loss or damage that may be occasioned in any way by accident or the want of care or skill ~~on his part~~ in the prosecution of such work or that may be occasioned by reason of any opening ~~by him~~ made or caused to be made in a street, market place, or public ground in making of any public or private sewer or drain as aforesaid; and conditioned also ~~to that he will~~ promptly at the proper time replace and restore the street and pavement over the opening to as good state and condition as ~~it was~~ found ~~it~~ previous to the opening of the same, and ~~to that he will~~ conform in all respects to the rules and regulations which may from time to time be established by the commission in relation to putting junctions and tapping of the sewers and drains.

(Prior code §8-5-6)

13.08.070 - Acceptance of connection by city.

Each person so licensed who shall make connections with the sewers or drains, shall keep in repair and good order the whole of the work executed ~~by him~~ until the same is accepted by the engineer, or such other person as may be designated for that purpose, which acceptance shall be given in writing, and shall not be given until the expiration of one year after the completion of the work.

(Prior code §8-5-7)

13.08.080 - Notification of engineer.

After the permit has been issued notice in writing must in all cases be left in the office of the engineer by the person who is about to make the connection with any sewer or drain, stating the time when the work will be ready for inspection previous to making the connection.

(Prior code §8-5-8)

13.08.090 - Connections to existing work.

- A. No drain pipe can be extended from work previously done and accepted, or new connection at any time be made with such work unless previous notice of at least twenty-four hours is given to the engineer and permit issued.
- B. In case it shall be necessary to connect a drain or sewer pipe with a public sewer when no junction is left in the same, the new connection with the public sewer can only be made when an officer of the city, duly authorized, is present to see the whole of the work done.

C. Connections from new development shall connect to the system of drains and sewers operated by the City of Oregon City. Alternative connections may be allowed solely at the discretion of the City Engineer.

(Prior code §8-5-9)

13.08.100 - Barriers.

All openings and obstructions in any street must be carefully guarded by the person holding the permit authorizing such opening or obstructions at all times with sufficient barriers, and during the nighttime shall be indicated by colored lights, and such other precautions shall be taken as shall be necessary to guard the public against accidents, and at all times the work shall be so done as to cause the least inconvenience to property owners and the general public.

(Prior code §8-5-10)

13.08.110 - Condition of fixtures.

It is unlawful for any person in possession of premises into which a pipe or other connection with the public sewers or drains has been laid for the purpose of carrying off animal refuse from privies or water closets, slops from kitchens, or other purposes, to allow the same to remain without good and perfect fixtures so attached as to allow a sufficiency of water to be so applied as to properly carry off such matters and to keep the same unobstructed.

(Prior code §8-5-11)

13.08.115 – Condition of service lines.

The service pipe, within the premises, as defined in the Sanitary Sewer Design Standards, and throughout its entire length must be kept in good repair at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe.

13.08.120 - Permit revocation.

Any person authorized to make connections with sewers or drains who shall be guilty of any violation of the provisions of this chapter shall be immediately deprived of his permit.

(Prior code §8-5-12)

13.08.125 – Right of Entry

Agents of the Public Works Department may have free access to view the inside of private sewer laterals located on private property that connect to city mains by a camera. Public Works Department staff will not enter into private property without notice and consent of the property owner.

13.08.130 - Development and user charges.

The city may also establish connection charges and sewer user fees. The amounts of such charges and fees shall be set by resolution of the city commission. Any connection charge shall be no greater than the amount necessary to reimburse the city for its average cost in inspecting and installing connections.

(Ord. 91-1021 §4, 1991)

13.08.140 - Applications outside city limits.

An applicant owning property outside the city limits may apply for permission to connect with the sewer in like manner as one within the city limits and outside of a created sewer district. An applicant owning property outside the City limits, but within the Urban Growth Boundary, may be forced to connect to public sewer, and annex to the City, if the septic is failing and the public sewer is physically and legally available as defined in OAR 340-071-0160. The City may charge different rates for those properties not within City limits.

(Prior code §8-5-14)

13.08.150 - Permit issuance—Connection supervision.

When permission is granted by the commission and the fees paid by the applicant a copy of the permit shall be given to the engineer who, at the expense of the applicant, shall superintend the connection of the sewer with the sewer system in the sewer district in which the privilege has been granted and upon the completion of the connection shall return the same to the recorder with his endorsement of the time and place of connection.

(Prior code §8-5-15)

13.08.155 – Sewer rates.

A. Sewer Rates. The rates for sewer furnished by the city to each user within the city limits shall be established by city commission resolution.

13.08.158 – Service lateral improvement program.

When a sewer service falls into disrepair as determined by the Public Works Department, a fee may be assessed to the property owner. The fee may be paid at one time or through a payment program. The fee for repairing or replacing the service shall be in accordance with a schedule of charges adopted by the city commission.

13.08.159 - Reduced rates and financial assistance

An owner-occupied residence with a 5/8 x 3/4 inch water meter may qualify for a reduced user rate, or other financial assistance, if the income of its residents meets certain criteria. Customers requesting the

reduced user rates, or other financial assistance, shall make written application and shall certify as to meeting the income criteria established.

13.08.160 - Entry in lien record.

The recorder shall enter the permit in the docket of the city liens immediately following the entered matter which relates to the system of that sewer district to which permission to connect has been granted, and shall credit the fees paid to the general fund.

(Prior code §8-5-16)

13.08.165 – Failure to comply with rules

Should anyone fail to comply with the rules and regulations established as conditioned to the use of sewer, or to pay the sewer rates or fees at the time and manner hereafter provided, the property may be assessed fines or liens to recover the costs associated with unpaid rates or fees. Failure to pay the charges imposed by this chapter shall subject the user and the premises to the collection and lien provisions imposed for water charges.

13.08.170 - Private connections prohibited.

It is unlawful for any person to connect a private sewer from his property with a private sewer on any other property which is connected with the public sewers without first having made the foregoing application and paying the amount computed by the recorder, as the charge for the privilege, it shall also be unlawful to connect any lot or premises, either directly or indirectly, lying outside of the limits of a sewer district with any public sewer without first complying with the provisions of this chapter.

(Prior code §8-5-17)

13.08.180 - Unlawful substances.

It is unlawful for any person to permit to be drained, any oils, greases, chemicals, storm water, surface water, ground water, roof runoff, subsurface drainage, liquids and substances which might be detrimental to the sewage treatment plant, into any sewer, drain or pipe leading to the plant from any premises in the city.

(Prior code §8-5-18)

13.08.190 - Sanitary requirements.

In factories and workshops where there are fifteen persons or less of each sex, there shall be provided by the proprietor or owner one water closet for each sex, and one for each additional fifteen persons of each sex or minimum thereof. Toilets shall be separate in all cases. Every tenement-co-op or lodging house shall be provided with one water closet for every ten rooms or minimum thereof, and one sink for each floor. All residences and public halls shall be provided with at least one water closet and one sink.

(Prior code §8-5-19)

~~13.08.200 – Collection.~~

~~The charges imposed by this chapter shall be charged against the occupants and/or owner of the affected premises and shall be collectible with and in the same manner as charges imposed for water service. Failure to pay the charges imposed by this chapter shall subject the user and the premises to the collection and lien provisions imposed for water charges.~~

(Prior code §8-5-20)

13.08.210 - STEP systems.

- A. "STEP system" which means a septic tank effluent pump system, meeting the standards and specifications of the city engineer (hereinafter "engineer"), shall be permitted as an alternative to the standard sewer used in the city. Such system shall be owned, operated, and maintained by the city as provided in this section.
- B. The engineer shall require, as a condition of approval of any STEP system that the property owner utilizing such system grant the city any easements, permits of entry, or licenses which are necessary or convenient for the construction, operation, or maintenance of the STEP system.
- C. Generally, sewer service through normal sewer facilities (i.e. house sewer, laterals, trunks, and treatment plants) shall be provided when available. However, if service through such normal sewer facilities is unavailable, the engineer may permit use of a STEP system, on an interim basis, when such sewer service is determined by the engineer to be practical, and necessary or convenient to the use of the property proposed to be served or when such service is required by the city. The use of a STEP system is declared to be an interim service to served properties and each property owner shall provide the city with a nonremonstrance agreement, waiving all objections, jurisdictional or otherwise, to participation in the formation of a local improvement district to provide such normal sewer facilities in future. The city may record any such waiver of remonstrances in the deed records of the county.
- D. Installation, operation, and, before acceptance by the city, maintenance of a STEP system shall be in accordance with the directions of the engineer and at the expense of the owner of the property serviced by such system. Upon installation, inspection and approval by the engineer, and acceptance by the city, the STEP system shall be owned by the city, which shall thereafter be responsible for maintenance of the system, except as provided in this section. No STEP system shall be accepted unless and until all easements, licenses, and permits necessary for control of the operation, use, and maintenance of such system have been granted. The city may record in the deed records of the county any such easement, license, or permit granted. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the connection with the public sewer.
- E. The costs of electricity necessary to operate the STEP system shall be borne by the property owner. Any STEP system which is rendered nonoperational by virtue of failure to pay for such costs shall cause the property benefited to be deemed unavailable for human habitation. The owner or occupier of the property served shall be entitled to written notice at least five days before a declaration by the city that the property is to be declared unavailable for occupancy and such person may request in writing a hearing before the city manager prior to such declaration. The decision of the city manager shall be final.
- F. Subject to applicable constitutional limitation, the property owner shall permit entry on the site served for purposes of installation, maintenance, inspection, observation, measurement, sampling or testing of the STEP system. The property owner shall agree to such entry evidenced by a written permit of entry, as a condition precedent to the permit for the use of the STEP system.
- G. The property owner shall be liable for damage to any portion of the STEP system if not caused by the city. The STEP system permit shall indicate that the owner agrees to assume such liability and such assumption shall be a condition precedent to issuance of the permit.
- H. Application for use of a STEP system shall be made by the property owner or owners, who shall remain responsible for compliance with this section and permits thereunder. The property owner may delegate responsibility to the person occupying land for the duties imposed on the property owner

under subsections D and G of this section. Such delegation shall be in writing in which the occupier of property accepts such responsibility filed with the engineer and shall be valid for such period as the delegee occupies the property, unless a shorter period is designated by the engineer. Thereafter, the property owner shall reassume responsibility.

- I. No provision of this section shall be construed to exempt an applicant for obtaining additional permits or meeting additional requirements of city, county, state or other appropriate public body with jurisdiction.

(Ord. 90-1052 §1, 1990: prior code §8-5-22)

13.08.220 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

(Ord. 99-1004 §19, 1999: prior code §8-5-21)

13.08.230 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Sanitary Sewer Design Standards, the City of Oregon City standard notes, or City of Oregon City standard drawings provide other design details, in which case the requirements of this chapter and the Public Works Sanitary Sewer Design Standards shall be complied with.

13.08.235 – Design Standards.

The current version of the Oregon City Public Works Sanitary Sewer Design Standards shall be adhered to for all new sewer construction and connections.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.08.240 – Stormwater and Groundwater Prohibited

- A. Stormwater, including street, roof, or footing drainage, shall not be designed or constructed in a manner to allow discharged into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system. (Language from City of Oregon City Sanitary Sewer Design Standards, §2.00, paragraph three, page 10)
- B. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.

- C. Service laterals from building structure to the face of curb or edge of pavement line shall be maintained by the owner of said structure in such a manner as to prevent infiltration of ground water into the sanitary sewer system.
- D. Historic buildings established before the separation of stormwater and sanitary sewer systems may be exempt from groundwater and subsurface discharge into the sanitary sewer system.
- E. Properties may be exempt if removal of stormwater connections to sanitary sewer system is infeasible due to topography or public system constraints.

13.08.250 – Party Line Sewers Prohibited

No new sewer service lines shall be used by more than one property. Existing party lines shall be modified and separated where practicable per Oregon City Policies and Procedures when repairs or replacements of existing sewers is proposed.



Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.80 Communication Facilities

17.80.10 - Purpose.

The provisions of this chapter are designed to protect the visual, aesthetic, and historical features of Oregon City, ensure that wireless communications services are located, designed, installed, maintained, and removed in an appropriate manner for the safety, health, and welfare of the citizens of Oregon City, and to provide for development consistent with the Oregon City Comprehensive Plan by:

- A. Promoting maximum utilization and encourage collocation of new and existing wireless communication antennas to minimize the total number of support structures and towers throughout the city;
- B. Encouraging careful consideration of topography, greenways, and historical significance of potential telecommunication sites and the use of camouflaging and screening to ensure development has minimal impacts on the community, views, and historical areas;
- C. Encouraging the use of existing buildings, light or utility poles, or water towers as opposed to construction of new telecommunication towers; and
- D. Encourage the location of monopole telecommunication towers and antenna arrays in non-residential areas.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.[0]30 - Applicability and exemptions.

- A. **Applicability.** All wireless communication facilities that are not exempt pursuant to this section shall conform to the standards specified in this chapter.
- B. **Exemptions.** The following are exempt from the provisions of this chapter and shall be allowed:
 1. Wireless communication facilities that were legally established prior to the effective date of this chapter;
 2. Temporary facilities used on the same property for sixty days or less;
 3. Temporary wireless communications facilities of all types that are used by a public agency solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes;
 4. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility;

5. Dish antennas used for residential purposes;
6. VHF and UHF receive-only television antennas and radio transmitter antennas on public facilities used for public safety, provided they are fifteen feet or less above the existing or proposed roof;
7. Amateur Stations on properties zoned residential are exempt from the standards of this chapter. Amateur Stations on properties zoned non-residential are exempt from the standards of this chapter, provided the antenna is fifteen (15) feet or less above the existing or proposed roof. Amateur Stations located on: (1) public facilities/property; or (2) properties zoned non-residential with an antenna in excess of fifteen feet above the existing or proposed roof, shall be reviewed under the Compatibility Review process set forth in this chapter and shall be subject to the Design Standards of Section 17.80.110; and
8. Wireless Communication Facilities for public safety are exempt from the following Sections: Section 17.80.090.C.17, Section 17.80.090.D.2, Section 17.80.090.D.5, and Section 17.80.100.
9. Small wireless facility within the right-of-way

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.035 Modifications to Existing Facilities.

All modifications and expansions to existing wireless communication facilities are permitted in every zone, subject to the requirements of this Section. Certain modifications are deemed minor in nature and are deemed “eligible modifications” These modifications include the addition, removal, and/or replacement of transmission equipment that do not make a substantial change to the physical dimensions (height, mass, width) of the existing tower, support structure, or base station. Replacement of an existing tower may also be considered an eligible modification if such replacement meets the standards in paragraph 4 below.

1. For the purpose of this Section, “substantial change” means the following:
 - a. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection by up to an additional 5% if necessary to avoid interference with existing antennas; or
 - b. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed 4) or more than 1 new equipment shelter; or
 - c. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection to the extent necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - d. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.
2. Increases to height allowed by this subsection above the existing tower shall be based on the existing height of the tower, excluding any tower lighting required in the original land use approval or in the proposed modification request.

3. To the extent feasible, additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.
4. To be considered an eligible modification, a replacement tower shall not exceed the height of the original tower by more than 10%, or the diameter of the original tower by more than 25% at any given point.

17.80]40 - Collocation of additional antenna(s) on existing support towers.

Except for “eligible modifications” authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]50 - Collocation of additional antenna(s) on support structures.

Except for “eligible modifications” authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
 1. Property is zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC; and
 2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
 3. Antenna(s) and auxiliary support equipment are setback a minimum of ten feet from each edge of the support structure and do not exceed a total height of twelve feet or a total width of eight feet, unless the antenna(s) is less than four inches in diameter and does not exceed a total height of twenty feet.
- B. Site Plan and Design Review. Required if the property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and 17.08.050.B.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]60 - Collocation of additional antenna(s) on existing utility poles, light standards, and light poles.

The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its facilities in the streets. The applicant shall pay all applicable fees due for city permits. All construction and maintenance of any and all of the applicant's Facilities within the streets incident to the applicant's provision of telecommunications services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the city regulating such construction.
- E. Common Users. The applicant's facilities shall be attached to utility poles, light standards, and light poles located within the streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's facilities, provided such collocation does not interfere with the applicant's facilities or jeopardize the physical integrity of the structure and provided the owner of the structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching facilities to utility poles, light standards, and light poles in the streets in a manner that minimizes the facilities' potential incompatibility with adjacent uses.
 - 1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
 - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
 - b. Triangular "top hat" style antenna mounts are prohibited;
 - c. The device used to mount the facilities does not project more than ten feet above the utility pole, light standard, or light pole;
 - d. Antennas will be mounted flush with the device referenced in Section 17.80.060.F.1.c. or the existing utility pole, light standard, or light pole, within a unicast-style top cylinder, or on davit arms that are no greater than five feet in length as measured from the center of the utility pole, light standard, or light pole;
 - e. The visual impact of any facilities located in the streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
 - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets

require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and

- g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in Section 17.80.060.F.2.
- 2. Replacement Utility Poles, Light Standards, and Light Poles. For purposes of this section, "replacement utility poles, light standards, and light poles" shall mean a utility pole, light standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate facilities; and b) does not result in an increase in the total number of utility, guy, or support poles in the streets. Facilities may be attached to replacement utility poles, light standards, and light poles in the streets, provided:
 - a. The replacement utility poles, light standards, and light poles are of sufficient integrity to support the facilities;
 - b. The replacement utility poles, light standards, and light poles, and any subsequent replacements, are no more the twenty feet taller than the original utility pole, light standard, or light pole; and
 - c. The utility pole, light standard, or light pole the replacement utility pole, light standard, or light pole replaces is promptly removed.
- 3. The applicant shall not locate any facilities, such as cabinets, at grade within the streets, but may connect its facilities in the streets to facilities located on property adjacent to the streets in accordance with applicable city codes and with the permission of the adjacent property owner.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.[0]70 - Construction or modification of a support tower.

Except for "eligible modifications" authorized in Section 17.80.035:

- A. Site Plan and Design Review. Required if the following exists:
 - 1. Property is zoned GI, CI, I, C, MUC-2 or MUE; and
 - 2. No adjacent parcel is zoned for residential use.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.
- C. Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, five hundred feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]80 - Site review process.

No wireless communications facilities, as defined in Section 17.80.020, may be constructed, collocated, modified to increase height, installed, or otherwise located within the city except as provided in this section or unless otherwise authorized by Section 17.80.035. Depending on the type and location of the wireless communication facility, the facility shall be subject to the following review unless collocation or an increase in height was granted through a prior land use process. A Conditional Use Review shall require Site Plan and Design Review to occur concurrently with the Conditional Use Review process.

- A. **Compatibility Review.** A wireless communication facility that, pursuant to Sections 17.80.030—17.80.050, is subject to a compatibility review shall be processed in accordance with Standards of Section 17.80.110. The criteria contained in Section 17.80.110 shall govern approval or denial of the compatibility review application. No building permit shall be issued prior to completion of the compatibility review process.
- B. **Site Plan and Design Review.** A wireless communication facility that, pursuant to Sections 17.80.040—17.80.070, is subject to site plan and design review shall be processed in accordance with the standards of Section 17.80.110 and Chapter 17.62, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.62 shall govern approval or denial of the site plan and design review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the site plan and design review process, including any local appeal.
- C. **Conditional Use Review.** A wireless communication facility that, pursuant to Sections 17.80.050—17.80.070, is subject to conditional use review, shall be processed in accordance with the Standards of Section 17.80.110 and Chapter 17.56, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.56 shall govern approval or denial of the conditional use review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the Conditional Use Review process, including any local appeal.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]90 - Permit application requirements.

- A. **Eligible Modification Requirements** – For an application under Section 17.80.035, the following information is required:
 - 1. Application fee;
 - 2. Planning Division land use application form;
 - 3. Description of the project design and dimensions;
 - 4. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.035;
 - 5. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process; and
 - 6. Elevations showing all improvements and connections to utilities.
- B. **Compatibility Review Requirements** — For an application under Sections 17.80.030.B.7, 17.80.040.A or 17.80.050.A, the following information is required:
 - 1. Application fee(s).
 - 2. Planning Division land use application form;

3. A narrative of the proposed project that includes a description of the following:
 - i. Need for the project;
 - ii. Rationale and supporting evidence for the location; and
 - iii. Description of the project design and dimensions.
 - iv. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.110
4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antenna(s) are collocated on or in structures directly across from or adjacent to the antenna(s);
5. Documentation that the auxiliary support equipment shall not produce sound levels in excess of standards contained in Section 17.80.110G., or designs showing how the sound is to be effectively muffled to meet those standards;
6. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process;
7. Documentation of the integrity of the support tower, support structure, utility pole, light standard, or light pole to safely handle the load created by the collocation;
8. Elevations showing all improvements and connections to utilities; and
9. Color simulations of the site after construction demonstrating compatibility.
- C. Site Plan and Design Review. For an application under Sections 17.80.040.B, 17.80.050B., 17.80.060A., or 17.80.070A. the following information is required:
 1. The information required in OCMC Chapter 17.80.90A.;
 2. Pre-application notes;
 3. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050 and all other applicable criterion as defined by the community development director; and
 4. Supplemental requirements listed in OCMC Chapter 17.80.90D. as needed.
- D. Conditional Use Review. For an application under Sections 17.80.050C., 17.80.060B., or 17.80.070B. the following information is required:
 The information required in OCMC Chapter 17.80.90.A;
 1. Pre-application notes;
 2. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050, 17.56, and all other applicable criterion as defined by the community development director as applicable;
 3. For an application under Section 17.80.070. Construction of Modification of a Support Tower, the requirements listed under Section 17.80.090D. Supplemental Information are required;
 4. Responses to conditional use review criteria under Chapter 17.56.010;

5. For an application under Section 17.80.050C. Collocation of Additional Antenna(s) on Support Structures, rationale for being unable to collocate in areas identified in Sections 17.80.050A. and 17.80.050B. shall be provided;
 6. For an application under Section 17.80.060B. Collocation of Additional Antenna(s) on Utility Poles, Light Standards, and Light Poles, rationale for being unable to collocate in areas identified in Section 17.80.060A. shall be provided; and
 7. For an application under Section 17.80.070B. Construction or Modification of a Support Tower, rationale for being unable to collocate in areas identified in Section 17.80.070A. shall be provided.
 8. Supplemental information listed in OCMC Chapter 17.80.90D.
- E. Supplemental Information. The applicant shall submit the following information for all applications subject to conditional use and site plan and design review:
1. The capacity of the support tower in terms of the number and type of antennas it is designed to accommodate.
 2. A signed agreement, as supplied by the city, stating that the applicant shall allow collocation with other users, provided all safety, structural, technological, and monetary requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
 3. Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, a statement documenting that notice of the proposal has been submitted to the Federal Aviation Administration and Oregon Aeronautics Division may be submitted. The review process may proceed and approval may be granted for the proposal as submitted, subject to Federal Aviation Administration approval. If Federal Aviation Administration approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed, and approved through an additional site plan and design review or conditional use review process. No building permit application shall be submitted without documentation demonstrating Federal Aviation Administration review and approval and Oregon Aeronautics Division review.
 4. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and auxiliary support equipment from at least five points within a one-mile radius. Such points shall be chosen by the provider with a review and approval by the community development director to ensure that various potential views are represented.
 5. Documentation that one or more wireless communications service providers will be using the support tower within sixty days of construction completion.
 6. A site plan, drawn to scale, that includes:
 - a. Existing and proposed improvements;
 - b. Adjacent roads;
 - c. Parking, circulation, and access;
 - d. Connections to utilities, right-of-way cuts required, and easements required;

- e. A landscape plan describing the maintenance plan and showing areas of existing and proposed vegetation to be added, retained, replaced, or removed; and
 - f. Setbacks from property lines or support structure edges of all existing and proposed structures. Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this requirement.
7. An alternatives analysis for new support towers demonstrating compliance with the Support Tower Location Requirements of Chapter 17.80.100.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.100 - Support tower location requirements.

No new support tower shall be permitted under the provisions of Chapter 17.80.070 unless the applicant demonstrates to the satisfaction of the community development director, and the results are verified by a State of Oregon certified professional engineer, that no existing collocation or modification possibility can accommodate the service needs of the applicant's proposed support tower. All proposals for new support towers must be accompanied by a statement and documentation from a qualified engineer, as determined by the community development director, that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or structure for one or more of the following reasons:

- A. No existing support towers or support structures are located within the geographic area required to meet the applicant's engineering requirements;
- B. Existing support towers or support structures are not of sufficient height to meet the applicant's engineering requirements;
- C. Existing support towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna(s) and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna(s);
- E. The applicant demonstrates that there are other limiting factors that render existing support towers and support structures unsuitable; or
- F. That fees, costs, or contractual provisions required by the owner in order to share or adapt to an existing support tower or support structure for collocation are unreasonable.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.110 - Design standards.

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless it qualifies as an “eligible modification” under Section 17.80.035 or an adjustment is obtained pursuant to the provisions of Section 17.80.120.

- A. Support Tower. The support tower shall be self-supporting.

- B. Height Limitation. Support tower and antenna heights shall not exceed the maximum heights provided below.
1. If the property is zoned GI, CI or I; and no adjacent parcel is zoned residential the maximum height of a support tower, including antennas, is one hundred twenty feet.
 2. If the property is zoned: a. GI, CI or I, and an adjacent parcel is zoned residential; or b. C, MUC-2 or MUE; the maximum height of a support tower, including antennas, is one hundred feet.
 3. If the property is zoned MUC-1, MUD or NC; the maximum height of a support tower, including antennas, is seventy-five feet.
 4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is seventy-five feet.
- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
1. New support towers of a height greater than seventy-five feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
 2. New support towers of a height between sixty feet and seventy-five feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
 2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
 - a. If the property is zoned GI, CI, I, C, MUC-2 or MUE; and no adjacent parcel is zoned for a residential use the underlying zone setback shall apply;
 - b. If the property is zoned:
 - i. GI, CI, I, C, MUC-2 or MUE and an adjacent parcel is zoned residential; or
 - ii. MUC-1, MUD or NC; the setback shall be a minimum of twenty-five feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
 - c. For all cases other than those identified in Section 17.80.110.D.2.a. and b. above, the setback shall be a minimum of twenty-five feet from all adjacent property lines.
- E. Auxiliary Support Equipment. The following standards shall be required.
1. If the property is zoned:
 - a. For GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, the auxiliary support equipment footprint shall not exceed an area of three hundred forty square feet and fifteen feet in height at the peak;

- b. For all cases other than those identified in Section 17.80.110.E.1.a. above, the auxiliary support equipment shall be:
 - i. Located underground or completely screened by landscaping or an architecturally significant masonry wall. The wall shall be finished with brick, stone, or stucco. The community development director may approve an alternate screening material if it is compatible with adjacent development and is architecturally significant. No exposed CMU is allowed on the exterior of the wall.
 - 2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.
- F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.
 - 1. If the property is zoned:
 - a. GI or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
 - b. For all cases other than those identified in Section 17.80.110.F.1.a. above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of six feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.
 - c. The community development director may approve an alternative landscaping plan that visually screens the facility and is consistent with the intent of this standard.
- G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:
 - 1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than fifty dB;
 - 2. For all other cases, the sound level shall not be greater than forty dB when measured at the nearest residential parcel's property line.
- H. Lighting.
 - 1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
 - 2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
 - 3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a city street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of twenty feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the city. All service providers with facilities within the city of Oregon City shall be required to report in writing to the community development director any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
 - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
 - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
 - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
 - d. Loss or termination of lease with the telecommunications facility for a period of six months or longer.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.120 - Adjustments.

Adjustments to the standards of this chapter may be approved by the planning commission at a duly noticed public hearing. The planning commission may grant an adjustment under either of the following circumstances:

1. The planning commission may grant an adjustment when a gap in the applicant's service exists and the gap can only be alleviated through the adjustment of one of more of the standards in

this section. If an adjustment is to be approved, the applicant must demonstrate each of the following:

- a. A gap in coverage or capacity exists in the wireless communication provider's service network that results in network users being regularly unable to connect with the provider's network, or maintain connection;
 - b. The proposed facility will fill the existing service gap. The gap would be filled if the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and
 - c. The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment under this subsection.
2. The planning commission may grant an adjustment to a standard when the proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding properties. For the purposes of this subsection, site characteristics shall include, but need not be limited to, the suitability of the proposed use considering size, shape, location, topography, existence of improvements, and natural features. Applicants for an adjustment under this provision must demonstrate that the adjustment will result in a lower level of impact on surrounding properties than would be generated if the standard were not adjusted. In considering the requested adjustment, the planning commission may consider the following:
- a. Visual impacts;
 - b. Impacts on views;
 - c. Impacts on property values; and
 - d. Other impacts that the planning commission finds can be mitigated by an adjustment so that the proposed use will have greater compliance in not altering the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary use listed in the underlying district.
3. Requests for adjustments under this subsection shall only be considered concurrently with the applicable Site Review Process as required by Section 17.80.080. If the Site Review Process required by Section 17.80.080 is a Compatibility Review or a Site Plan and Design Review, the inclusion of an adjustment will require that the application be subject to a Conditional Use Review under Section 17.80.090.C.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.130 - Temporary facilities.

In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new wireless communication facility, temporary wireless communication facilities shall be allowed subject to a Type I administrative review. Temporary wireless communication facilities shall not be in use in excess of six-month period. Temporary wireless communication facilities shall not have a permanent foundation, and shall be removed within thirty days of suspension of service they provide.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.140 - Removal for discontinuance of service.

Any wireless communication facility that has not provided service for six months shall be deemed a nuisance and subject to removal as provided in Oregon City Municipal Code Chapter 8.08. The planning manager may grant a six-month extension where a written request has been filed, within the initial six months period, to reuse the support tower or antenna(s).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.150 - Fees.

Notwithstanding any other provisions of this code, the community development director may require, as part of the application fees for land use permits, an amount sufficient to recover all of the city's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

REFERENCE LINK TO PREVIOUS AGENDA ITEMS AND EXHIBITS FOR GLUA 20-00033 LEG-20-00001 PUBLIC WORKS CODE AMENDMENTS

September 28, 2020 Planning Commission Meeting

[Commission Report.pdf](#) (0.04 MB)
[GLUA 20-00033 LEG 20-00001 Staff Report.pdf](#) (0.56 MB)
[Exhibit 1 Public Works Code Amendments Overview.pdf](#) (1.27 MB)
[Exhibit 2 Public Works Code Amendments FAQ.pdf](#) (0.14 MB)
[Exhibit 3 Detailed Summary of Proposed Changes.pdf](#) (0.28 MB)
[Exhibit 4 GLUA 20-00033 Draft Code Revised September 21, 2020.pdf](#) (2.97 MB)
[Exhibit 5 Sanitary Standards -Proposed Revisions.pdf](#) (0.41 MB)
[Exhibit 6 Sidewalk Obstructions Policy.pdf](#) (0.43 MB)
[Exhibit 7. Undergrounding Utilities Policy- Proposed Revisions.pdf](#) (0.85 MB)
[Exhibit 8 Applicant's Narrative.pdf](#) (0.48 MB)
[Exhibit 9 Preparing for Landslide Hazards A Land Use Guide For Oregon Communities.pdf](#) (19.86 MB)
[Exhibit 10.Goal 7 Natural Hazards.pdf](#) (0.02 MB)
[Exhibit 12 Public Comment Matrix \(as of 9.21.20\).pdf](#) (1.02 MB)

November 9, 2020 Planning Commission Meeting

[Commission Report 11.9.20.pdf](#) (0.04 MB)
[October 30, 2020 Memo from Josh Wheeler, Assistant City Engineer.pdf](#) (0.13 MB)
[OCMC 13.08 -Sewer Regulations Revised for 11.9.20 PC Hearing.pdf](#) (0.09 MB)
[OCMC 16.12 Minimum Public Improvements - Revised for 11.9.20 PC Hearing.pdf](#) (0.40 MB)
[OCMC 17.44 Geologic Hazards Revised for 11.9.20 PC Hearing.pdf](#) (0.27 MB)
[OCMC 17.80 Revised for 11.9.20 PC Hearing.pdf](#) (0.26 MB)
[September 23, 2020 Geologic Hazards Presentation Final.pdf](#) (10.28 MB)
[September 23, 2020 Q&A Session Geologic Hazards Webinar.pdf](#) (0.19 MB)
[GLUA 20-00022 LEG 20-00001 PW Code Amendments Public Comment Matrix 11.09.20- Combined.pdf](#) (13.39 MB)
[New Public Comment: October 10, 2020 Mike Mitchell Email and Public Works Response.pdf](#) (0.18 MB)
[New Public Comment: September 14, 2020 Paul Edgar Email.pdf](#) (0.48 MB)
[New Public Comment: September 30, 2020 Paul Edgar Email.pdf](#) (0.01 MB)
[New Public Comment: September 29, 2020 Paul Edgar Email 2.pdf](#) (0.10 MB)
[New Public Comment: September 29, 2020 Paul Edgar Email 1.pdf](#) (0.90 MB)

November 18, 2020 City Commission Hearing

[Staff Report.pdf](#) (0.04 MB)
[Public Comment Matrix.pdf](#) (13.39 MB)
[October 30, 2020 Memo from Josh Wheeler, Assistant City Engineer.pdf](#) (0.13 MB)
[September 23, 2020 Geologic Hazards Presentation Final.pdf](#) (10.28 MB)
[September 23, 2020 Q&A Session Geologic Hazards Webinar.pdf](#) (0.19 MB)

December 8, 2020 City Commission Worksession

Infiltration and Inflow (I/I) Abatement Program Municipal Code Amendments
[Staff Report.pdf](#) (0.05 MB)
[Proposed Code Amendments - OCMC 13.08.pdf](#) (0.09 MB)

December 16, 2020 City Commission Worksession

Proposed Code Amendments to Oregon City Municipal Code Chapter 12.04
[Staff Report.pdf](#) (0.04 MB)
[OCMC Chapter 12.04 with Redlines.pdf](#) (0.14 MB)

December 16, 2020 City Commission Hearing

Request for Continuance of the Public Works Code Amendments to January 6, 2021 (GLUA 20-33, LEG 20-01
[Staff Report.pdf](#) (0.04 MB)

The following meeting agendas, videos, staff report and exhibits for this project are available for viewing at <https://www.orcity.org/meetings> and are part of the record.

Citizen Involvement Committee – December 2, 2019
City Commission Work Session Meeting – December 10, 2019
City Commission Work Session Meeting – October 8, 2019
Planning Commission – September 23, 2019
City Commission Work Session – June 9, 2020
Natural Resource Committee – June 10, 2020
City Commission Work Session – June 7, 2020
City Commission Work Session – May 20, 2020

Planning Commission Meeting- September 28, 2020
Planning Commission Meeting- October 26, 2020
Planning Commission Meeting- November 9, 2020
City Commission Hearing - November 18, 2020
City Commission Worksession- December 8, 2020
City Commission Worksession- December 16, 2020
City Commission Hearing- December 16, 2020



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 01/06/2020

SUBJECT:

Second Reading of Ordinance No. 21-1002, Amending the Development Agreement with John Jones Construction, Inc.

STAFF RECOMMENDATION:

Staff recommends that the City Commission approve the second reading and final adoption of Ordinance No. 21-1002.

EXECUTIVE SUMMARY:

The City and John Jones Construction, Inc. desire to amend a development agreement to extend it to March 19, 2023. The City Commission approved the first reading of this Ordinance at the 12/16/2020 meeting and now it's back for the second reading and final adoption.

BACKGROUND:

The City has received a request from a developer to extend the duration of a development agreement.

The City entered into a development agreement with John Jones Construction, Inc. ("Jones") in 2008 whereby Jones would construct a stormwater facility to accommodate 442 current and future lots in the area. The cost of construction was to be reimbursed to Jones to the extent these lots were issued a building permit within the life of the agreement. The agreement was subsequently amended on two separate occasions to extend the time period for reimbursement of the cost; first in December of 2009 and again in December of 2019.

Now, with the Development Agreement, as previously amended, scheduled to expire on December 31, 2020, and with there still being additional potentially developable lots for which Jones could receive additional reimbursement, the City and Jones desire to amend the Development Agreement, as previously amended, by extending the time period for reimbursement of the cost to March 19, 2023, fifteen (15) years from the date

the Development Agreement was originally entered into which, per ORS, is the maximum duration a development agreement may be entered into with a city.

The City Commission approved the first reading of this Ordinance at the December 16, 2020 meeting.

OPTIONS:

1. Approve second reading and final adoption of Ordinance No. 21-1002.
2. Deny Ordinance No. 21-1002 and provide staff with direction.

ORDINANCE NO. 21-1002

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING ORDINANCE 08-1003, A DEVELOPMENT AGREEMENT WITH JOHN JONES CONSTRUCTION, INC., PURSUANT TO ORS 94.504 TO 94.528, AS AMENDED BY ORDINANCE 09-1003 AND ORDINANCE 19-1017

WHEREAS, on March 19, 2008, Ordinance 08-1003 approved a Development Agreement between The City of Oregon City (the "City") and John Jones Construction, Inc. ("Jones"), pursuant to the provisions of ORS 94.504 to 94.528, to mutually accomplish the two goals of a 4-lot residential subdivision ("Wild Horse") for Jones and a sub-regional stormwater facility (the "facility") for the City whereby Jones would construct the facility at the northeast corner of Maplelane Road and Thayer Road to serve 442 homes (which includes an additional 438 homes of capacity over the 4 lots that the City could require Jones to undertake) in five existing or future developments in a single stormwater management facility, thereby saving the City stormwater funding due to economies of scale; and

WHEREAS, the City agreed to provide reimbursement to Jones from future connections for the construction of the facility in excess of the size and capacity needed to serve Jones's 4-lot subdivision; and

WHEREAS, on December 2, 2009, Ordinance 09-1003 approved an amendment to the Development Agreement to accept the facility that Jones constructed, set the final costs of the facility at \$1,169,334.84 (resulting in a per lot cost of \$2,645.55 for the 442 current and future lots, with this amount to be reimbursed to Jones to the extent these lots were issued a building permit within the life of the agreement), and extend the agreement and the time period for repayment of the cost to ten (10) years from the Amendment date; and

WHEREAS, on December 18, 2019, Ordinance 19-1017 approved an amendment to the Development Agreement to extend the agreement and the time period for repayment of the cost to December 31, 2020; and

WHEREAS, the Development Agreement, as amended, is scheduled to expire on December 31, 2020; and

WHEREAS, there exist additional potentially developable lots for which, if the Development Agreement were in effect, Jones would continue to be reimbursed to the extent the City collects the per lot cost of \$2,645.55 when those lots are issued a building permit; and

WHEREAS, a longer period for the Development Agreement is requested so that Jones can receive additional reimbursement for construction of the facility; and

WHEREAS, pursuant to ORS 94.522, a development agreement may be amended by mutual consent of the parties to the agreement, and the governing body of a city shall amend a development agreement by adoption of an ordinance setting forth the amendments to the agreement; and

WHEREAS, pursuant to ORS 94.504(8)(a), the maximum duration of a development agreement entered into with a city is fifteen (15) years; and

WHEREAS, March 19, 2023 is fifteen (15) years from the date the Development Agreement was executed and the maximum it can be extended; and

WHEREAS, Jones would like to extend for a longer period; and

WHEREAS, extending the time period for reimbursement to a date beyond March 19, 2023 would require the execution of a new agreement that would require both parties to provide consideration; and

WHEREAS, the City and Jones desire to enter into a new development agreement in the future whereby Jones would provide consideration in exchange for the City extending the time period for reimbursement beyond the existing statutory maximum; and

WHEREAS, the City and Jones desire to amend the Development Agreement, as previously amended, by extending the time period for reimbursement of the cost to March 19, 2023, to allow the City and Jones adequate time to enter into a new development agreement in the future.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Ordinance 08-1003, as amended by Ordinance 09-1003 and Ordinance 19-1017, remains as approved except for the amendment as outlined in Attachment 1.

Section 2. The City Commission approves the amendment included as Attachment 1. The amendment extends the agreement term to March 19, 2023.

Read for the first time at a regular meeting of the City Commission held on the 16th day of December 2020, and the City Commission finally enacted the foregoing ordinance this 6th day of January 2021.

RACHEL LYLES SMITH,
Commission President

Attested to this 6th day of January 2021,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

DEVELOPMENT AGREEMENT AMENDMENT

This AGREEMENT is made by and between the CITY OF OREGON CITY, an Oregon municipal corporation, (the "City") and JOHN JONES CONSTRUCTION, INC., an Oregon Corporation ("Jones") this 16th day of December 2020.

WHEREAS, the City and Jones agreed to and entered into a Development Agreement on March 19, 2008 (Exhibit 1) for a zone change (Planning File No. ZC 07-06) for the Jones property (Tax Lot 3400) to R-6; a 4-lot residential subdivision ("Wild Horse") (Planning File No. TP 07-09, and revised Conditions of Approval) on the City Property (Tax Lot 3200); a Water Resource Exemption (Planning File No. WR 07-26); and a sub-regional stormwater facility; and

WHEREAS, the City and Jones amended the Development Agreement on December 2, 2009 (Exhibit 2) to accept the facility that Jones constructed, set the final costs of the facility at \$1,169,334.84 (resulting in a per lot cost of \$2,645.55 for 442 current and future lots, with this amount to be reimbursed to Jones to the extent these lots were issued a building permit within the life of the agreement), and extend the agreement and the time period for reimbursement of the cost to ten (10) years from the amendment date; and

WHEREAS, the City and Jones amended the Development Agreement on December 18, 2019 (Exhibit 3) to extend the agreement and the time period for repayment of the cost to December 31, 2020; and

WHEREAS, the Development Agreement, as amended, is scheduled to expire on December 31, 2020; and

WHEREAS, there exist additional potentially developable lots for which, if the Development Agreement were in effect, Jones would continue to be reimbursed to the extent the City collects the per lot cost of \$2,645.55 when those lots are issued a building permit; and

WHEREAS, the City and Jones desire to amend the Development Agreement by extending the time period for reimbursement of the cost to March 19, 2023; and

WHEREAS, the Oregon City Commission duly noticed and held a public hearing on the proposed Development Agreement amendment on December 16, 2020, at which time the City Commission accepted public testimony on the proposed Development Agreement amendment; and

WHEREAS, at the end of the public hearing, the City Commission voted to approve the Development Agreement amendment as adopted by City Ordinance 21-1002.

NOW, THEREFORE, based on the foregoing recitals, the City and Jones, hereby agree to the following:

1. **Effective Date, Term and Modification:** This Development Agreement amendment shall be effective upon signature by both parties and shall extend the agreement and the time period for reimbursement of the cost to March 19, 2023. This Development Agreement amendment may be modified or terminated sooner only upon the written agreement signed by the authorized representatives of both parties.

2. All other terms of the Development Agreement, as previously amended, are unchanged by this amendment.

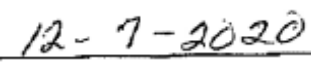
CITY OF OREGON CITY:

Tony Konkol, City Manager

Date



John Jones



Date

Approved as to form:

City Attorney

Attachments:

Exhibit 1 – Development Agreement, March 19, 2008

Exhibit 2 – Amendment 1 to the Development Agreement, December 2, 2009

Exhibit 3 – Amendment 2 to the Development Agreement, December 18, 2019

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After Recording Return To:
City Recorder: Nancy Ide
City of Oregon City
P.O. Box 3040
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2008-029736



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DEVELOPMENT AGREEMENT

This AGREEMENT is made by and between the CITY OF OREGON CITY, an Oregon municipal corporation, (the "City") and JOHN JONES CONSTRUCTION, INC., an Oregon Corporation ("Jones") this 19th day of March 2008.

WHEREAS, Jones owns approximately 41,169 square feet of real property located at 14453 Thayer Road, more specifically identified as TL 3400 on Clackamas County Map 3-2E-4CD (the "Jones Property"), zoned by the City as R-10 (Single-Family Residential); and

WHEREAS, the City owns a stormwater facility of approximately 19,948 square feet located at 18453 Elder Road, more specifically identified as TL 3200 on Clackamas County Map 3-2E-4CD (the "City Property"), zoned by the City as R-6 (Single-Family Residential); and

WHEREAS, the City desires to construct a sub-regional stormwater facility in the Thayer Road/Maplelane Road intersection area to serve over four hundred homes in five existing or future developments in a single stormwater management facility; thereby saving stormwater funding due to economies of scale; and

WHEREAS, the City Commission approved Resolution 08-01 to include this sub-regional stormwater facility in the Capital Facilities Improvements Plan on February 6, 2008; and

WHEREAS, the City initiated discussions in 2006 with Jones regarding the potential use of TL 3400 for a sub-regional stormwater facility prior to Jones owning said property; subsequently Jones purchased TL 3400, included it in the annexation Planning File AN 06-04, and received City and voter annexation approval in the November 2006 election; and

WHEREAS, the City Planning Commission recommended approval of a zone change (Planning File No. ZC 07-06) for the Jones property (Tax Lot 3400) to R-6; a 4-lot residential subdivision (Planning File No. TP 07-09, Staff Report at Exhibit 1 and revised Conditions of Approval at Exhibit 2) on the City Property (Tax Lot 3200); and a Water Resource Exemption (Planning File No. WR07-26) on January 14, 2008 with conditions that require Jones to agree to a zone change, lot line adjustment, dedicate street right-of-way to the City and construct certain public improvements that are larger or with greater capacity than needed to serve Jones's subdivision, and

WHEREAS, the Jones and City properties are adjacent to each other and a Lot Line Adjustment (Planning File No. LL 07-19) has been approved by the Community Development Director to align the two properties as shown on Exhibit 3 to accommodate the desired results of a 4-lot subdivision for Jones and a sub-regional stormwater facility for the City; and

WHEREAS, the Lot Line Adjustment/Partition Plat states that the adjusted Parcel 1 shall be retained by the City and that the adjusted Parcel 2 shall be retained by Jones (Exhibit 4); and

WHEREAS, the City and Jones desire to enter into a development agreement to mutually accomplish the two goals of a 4-lot subdivision and a sub-regional stormwater facility; and

WHEREAS, the City has agreed to provide reimbursement to Jones for the construction of public improvements in excess of the size and capacity needed to serve Jones's subdivision; and

WHEREAS, a statutory development agreement, pursuant to ORS 94.504 to 94.528, is an appropriate mechanism for the City and Jones to enter into an agreement for the land exchange, zone change, lot line adjustment, subdivision approval, the dedication and construction of the needed and over-sized public improvements, and to set forth the terms by which the City will pay for and reimburse Jones for the cost of the pond improvements beyond what is needed to serve Jones's subdivision, provided the improvements comply with minimum City design standards; and

WHEREAS, ORS 271.310 permits a city to exchange property for property of "equal or superior useful value" for public use. ORS 271.350 requires the city to appraise both properties prior to the exchange. ORS 271.340 requires the property accepted by the public body to be not less than the value of the property relinquished; and

WHEREAS, the City commissioned an appraisal through Hanna, McEldowney & Associates (HMA) to appraise both properties. HMA's appraisal report (Exhibit 5) dated October 15, 2007 is presented and incorporated herein by this reference; and

WHEREAS, the HMA appraisal report certifies that the City's current stormwater pond property (Tax Lot 3200) is currently appraised at \$225,000 before the trade and lot line adjustment and the future City property (Tax Lot 3400) is currently appraised at \$300,000 after the trade but before the lot line adjustment; and

WHEREAS, under the proposed exchange, the City's land value of \$300,000 after the trade is more than the City's land value of \$225,000 prior to the trade and thus meets the requirements of ORS 271.340; and

WHEREAS, the City's City Commission duly noticed and held a public hearing on the proposed development agreement on March 5, 2008, at which time the City Commission accepted public testimony on the proposed development agreement; and

WHEREAS, at the end of the public hearing, the City Commission voted to approve the development agreement as adopted by City Ordinance 08-1003.

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

1. **Subdivision Approval (TP 07-09)**: The CITY hereby approves the zone change (Planning File No. ZC 07-06) and 4-lot subdivision application presented by Jones (City

Planning File No. TP 07-09) as reflected in the ZC07-06/TP 07-09 Staff Report and Notice of Decision, attached to this Development Agreement as Exhibit 1, and incorporated herein by this reference (the "Subdivision Approval" or the "Development"). Both parties agree to be bound by and to implement the terms and conditions of the Subdivision Approval, attached as Exhibit 1 and incorporated herein by this reference, except as those terms and conditions are specifically modified and clarified by this Development Agreement.

2. Maplelane Sub-regional Stormwater Facility (MSSF): The MSSF improvements including those street improvements detailed in paragraph 3 shall be paid for on an individual lot basis. The City requires the MSSF to serve the sub-regional area for at least 442 lots (442 lots shall be the "basis" for all calculations as detailed in the Cost Share Analysis - Exhibit 6). The Jones' subdivision only requires a stormwater facility sized for four lots. The estimated additional 438-home capacity is in excess of what the City can require Jones to undertake. Jones has provided an Engineer's Estimate (Exhibit 7) for the estimated construction costs of the stormwater facility improvements totaling \$631,149 (\$725,822 with 15% contingencies). Exhibits 7 and 8 detail construction cost distribution based on this Engineer's Estimate and the City's interest calculation sheet that shows an interest rate of 5.6% (1.5% over the Local Government Investment Pool rate). Once construction is completed and final costs are obtained, both parties agree to amend this Development Agreement to clarify final cost distribution through the City Commission. The current estimated per lot cost for the MSSF with interest is $\$687,752 (\$790,738) / 442 \text{ lots} = \$1,556 (\$1,789)$.

As building permits are issued for homes in this 4-lot subdivision, the CITY shall collect the then-applicable stormwater System Development Charge (SDC) and MSSF fee from the building permit applicant, and issue to Jones a check for up to a total of \$6,224 (\$7,156) except as otherwise determined through paragraph 7 (see Exhibit 9 – Schedule of Charges based on Estimated Costs). Since these fees collected by the CITY for the four buildable lots in this Development are insufficient to pay the total facility costs, the CITY shall repay Jones in two ways. First, the City will reimburse Jones \$136,928 (\$157,432) except as otherwise determined through paragraph 7 (see Exhibit 9 – Schedule of Charges based on Estimated Costs) for the 88 existing homes (Walnut Grove I and II) already connected to the existing pond at the time of City acceptance of the MSSF. Second, the City shall collect stormwater fee-in-lieu-of payments from the other new homes in the drainage basin flowing into the new stormwater facility and pay these fees to Jones not less than quarterly upon receipt of the fees with a total payment not to exceed \$544,600 (\$626,150) except as otherwise determined through paragraph 7.

3. Thayer and Maplelane Road Construction: Jones shall construct full Collector and Minor Arterial Street improvements for Thayer and Maplelane Roads, respectively, across the new pond lot frontages as part of the stormwater facility improvements.

- a. Jones shall construct Thayer Road with the following improvements: Centerline monument boxes, Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved half-street width of 23 feet (6-foot half of a turn lane, 11-foot travel lane and 6-foot bike lane), curb, gutter, 6-foot concrete sidewalk, 5-foot planter strip with street trees, dual ADA ramps at the corner, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights. All street

improvements shall be in compliance with the CITY'S municipal code, street standards, and its Transportation System Plan.

- b. Jones shall construct Maplelane Road with the following improvements: Centerline monument boxes, Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved half-street width of 32 feet (6-foot half of a turning lane, 12-foot travel lane, 6-foot bike lane, and a 8-foot parking space), curb, gutter, 7-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights. All street improvements shall be in compliance with the CITY'S municipal code, street standards, and its Transportation System Plan.

4. **Construction Schedule:** The stormwater and water quality facility and street improvements (known as Stormwater Facility improvements) as a proportional share shall be included as a condition of the four-lot subdivision. These improvements shall be completed and accepted by the City prior to final plat approval. The stormwater facility improvements construction shall commence within 30 days of the agreement approval or design approval, whichever is later, unless otherwise approved by the City Engineer due to weather conditions, and be completed within two years from the date of this agreement.

5. **Fees, Charges and SDCs:** The CITY and Jones agree that no other dedications, SDCs, assessments and improvement costs, other than what is set out in Exhibit 8 as modified by future mutual agreement addenda to set the final costs, will be imposed on or exacted against Jones or its successors or assigns with respect to the Property for final plat approval or building permits. The parties agree that this agreement shall not affect property taxes against any part of the Jones' Development.

6. **City Construction Plan Review:** The CITY shall use best efforts to review and provide comments to Jones on their construction plans, tree survey and any review applications within 30 days of submission of those applications.

7. **Agreement to be Adopted by Ordinance:** This Agreement shall be adopted by the CITY as a Development Agreement under ORS Chapter 94 and an Ordinance and, upon adoption, will serve as the Land Use Approval of the preliminary subdivision plan for 4 lots of this Development. The subdivision approval will consist of the findings and conclusions contained in the Approval and conditions attached as Exhibit 1 & 2 as modified and clarified in this Agreement. The subsequent final cost amendment to this agreement shall also be adopted by the CITY as a Development Agreement amendment and an Ordinance.

8. **Effective Date, Term and Modification:** This Development Agreement shall be effective upon signature by both parties and shall have a term of two years from the effective date. This Development Agreement may be modified or terminated sooner than two years only upon the written agreement signed by the authorized representatives of both parties. Subsequent Development Agreement amendments for the final cost shall reset the term as agreed upon by the two parties.

9. **City Land Division Requirements Control:** Review of the requirements set out in the subdivision approval (Exhibit 1) shall occur as provided in OCMC Title 16.

10. **Attorneys Fees:** In the event legal action is brought by the city or Jones 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.

11. **Completion of Public Improvements:** Construction of the public improvements shall be completed within two years of the effective date of this Agreement.

12. **City Financial Obligations Contingent on Budget Process:** All City obligations to expend moneys under this Agreement shall be contingent upon future appropriations as part of the local budget process.

13. **Dispute Resolution Process:** If a dispute arises between or among the parties regarding breach of this Agreement or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation as set forth below. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation in accordance with Step 2 below. Lastly, the matter shall be submitted to arbitration in accordance with Step 3 below.

Step 1 – Negotiation. The persons designated by each of the disputing parties will negotiate on behalf of the entity they represent. The issues of the dispute shall be reduced to writing and each negotiator shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each representative, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt mutual agreement on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties (notwithstanding any other provision of this Agreement), who shall each bear their own costs and fees therefor. If the issue is resolved at this Step 2, then a written determination of such resolution shall be signed by each representative and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Clackamas County, Oregon, in accordance with the rules of the Arbitration Service of Portland (ASP). The arbitration shall be before a single arbitrator; nothing shall

prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the ASP panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 30 days of arbitration. The arbitration award may be recorded as a judgment. Notwithstanding any other provision of this Agreement, the costs, fees and expenses for arbitration shall be borne equally by the parties.

15. **Remedies for Breach:** Should either party breach this Agreement, remedies available under Oregon law for breach of contract are available to the parties, including damages and injunctive relief.

16. **Controlling Law and Venue for Disputes:** This Agreement shall be deemed to have been entered into in the State of Oregon and shall be construed and interpreted in accordance with the laws of Oregon. Any litigation or proceedings arising out of or connected with this Agreement shall be heard and decided in Oregon Circuit Court for Clackamas County.

17. **Entire Agreement:** The CITY and Jones acknowledge and agree that no promises or representations have been made that do not appear written herein and that this Agreement contains the entire agreement of the parties as to this Agreement.

18. **Severability Clause:** The parties to this Agreement agree that if any term, provision, covenant, condition or portion of this Agreement is held to be illegal, invalid, void, voidable or unenforceable, the remainder of the provisions shall remain in full force and effect as a separate contract and shall in no way be affected, impaired or invalidated.

19. **Assignment:** Jones may not assign all or any portion of its right and interest in and to this Development Agreement, whether by disposition of its property or otherwise, whether by direct or indirect assignment or transfer, by operation of law or by any stock sale, merger, consolidation or other means in any one or more transactions, without the prior written consent of the City, which consent shall not be unreasonably withheld.

CITY OF OREGON CITY:

[Signature]
City Manager

3/31/08
Date

State of Oregon
County of Clackamas

The foregoing instrument was acknowledged before me on this 31st day of March, 2008, by Larry Patterson as City Manager of the City of Oregon City, on behalf of said City.



[Signature]
Notary Public for Oregon
My Commission expires: 12-01-09

John Jones Construction, Inc.:

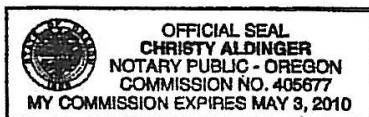
[Signature]

3-26-08
Date

State of Oregon
County of Clackamas

The foregoing instrument was acknowledged before me on this 26th day of March, 2008, by John Jones as an authorized member of John Jones Construction, Inc..

[Signature]
Notary Public for Oregon
My Commission expires: May 3, 2010



DEVELOPMENT AGREEMENT AMENDMENT

This AGREEMENT is made by and between the CITY OF OREGON CITY, an Oregon municipal corporation, (the "City") and JOHN JONES CONSTRUCTION, INC., an Oregon Corporation ("Jones") this 2nd day of December 2009.

WHEREAS, Jones and the City agreed to and entered into a Development Agreement on March 19, 2008 (Exhibit 1) for a zone change (Planning File No. ZC 07-06) for the Jones property (Tax Lot 3400) to R-6; a 4-lot residential subdivision ("Wild Horse") (Planning File No. TP 07-09, and revised Conditions of Approval) on the City Property (Tax Lot 3200); a Water Resource Exemption (Planning File No. WR07-26); and a sub-regional stormwater facility; and

WHEREAS, Jones has completed construction of the sub-regional stormwater facility; and

WHEREAS, the City and Jones agreed in the Development Agreement under section 7 to adopt the final costs as a amendment to the original Development Agreement and ordinance; and

WHEREAS, the City and Jones desire to amend the original development agreement to mutually set the final costs of the sub-regional stormwater facility and set a time period for repayment of the cost; and

WHEREAS, the Oregon City Commission duly noticed and held a public hearing on the proposed development agreement amendment on October 21, 2009, at which time the City Commission accepted public testimony on the proposed development agreement amendment; and

WHEREAS, at the end of the public hearing, the City Commission voted to approve the development agreement as adopted by City Ordinance 09-1003; and

WHEREAS, the final costs for the pond have been determined and the cost per each of the 442 lots that will use the pond needs to be finalized.

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

1. Maplelane Sub-regional Stormwater Facility (MSSF): The MSSF improvements including those street improvements shall be paid for on an individual lot basis. The City requires the MSSF to serve the sub-regional area for at least 442 lots (442 lots shall be the "basis" for all calculations as detailed in the Final Cost Share Analysis - Exhibit 2). The Jones' subdivision only requires a stormwater facility sized for four lots. The estimated additional 438-home capacity is in excess of what the City can require Jones to undertake. Jones has provided an accounting of the final costs (Exhibit 3) for the construction costs of the stormwater facility

improvements totaling:

\$901,685.53	Construction Cost including profit
\$267,649.31	Interest
\$1,169,334.84	Total

Exhibits 4 and 5 detail construction cost distribution based on the final costs and the City's interest calculation sheet that shows an interest rate of 6.5% (matches Jones construction loan percentage) over the ten (10) year agreement period.

The final per lot cost for the MSSF with interest is \$1,169,334.94 / 442 lots = \$2,645.55.

As building permits are issued for homes in the Wild Horse 4-lot subdivision, the CITY shall collect the then-applicable stormwater System Development Charge (SDC) and MSSF fee from the building permit applicant, and issue to Jones a check for up to a total of \$10,582.20 except as otherwise determined through paragraph 7 (see Exhibit 6 – Schedule of Charges based on Final Costs). Since these fees collected by the CITY for the four buildable lots in this Development are insufficient to pay the total facility costs, the CITY shall repay Jones in two ways. First, the City will reimburse Jones for the 88 existing homes (Walnut Grove I and II) already connected to the existing pond at the time of City acceptance of the MSSF:

\$232,808.40	(88 lots X \$2,645.55/lot)
(\$21,806.88)	Paid amount to Jones on 6/23/08
(\$111,625.00)	Paid amount to Jones on 1/14/09
<u>(\$32,094.57)</u>	Unpaid Technical Plan Check Fee
\$67,281.95	Amount Due to Jones

except as otherwise determined through paragraph 7 (see Exhibit 6 – Schedule of Charges based on Final Costs).

Second, the City shall collect stormwater fee-in-lieu-of payments from the other 350 new homes in the drainage basin flowing into the new stormwater facility to the extent they are issued building permits within the life of this Development Agreement and pay these fees to Jones not less than quarterly upon receipt of the fees with a total payment not to exceed \$925,942.50 except as otherwise determined through paragraph 7.

2. Fees, Charges and SDCs: The CITY and Jones agree that no other dedications, SDCs, assessments and improvement costs, other than what is set out in Exhibit 6 will be imposed on or exacted against Jones or its successors or assigns with respect to Wild Horse subdivision for final plat approval or building permits. The parties agree that this agreement shall not affect property taxes against any part of the Wild Horse subdivision.

3. Agreement Amendment to be Adopted by Ordinance: This Agreement Amendment shall be adopted by the CITY as a Development Agreement under ORS Chapter 94 and an Ordinance.

4

4. **Effective Date, Term and Modification:** This Development Agreement amendment for the final cost shall be effective upon signature by both parties and shall have a term of ten (10) years from the Amendment's effective date. This Development Agreement Amendment may be modified or terminated sooner than ten (10) years only upon the written agreement signed by the authorized representatives of both parties.

5. **Attorneys Fees:** In the event legal action is brought by the city or Jones 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.

6. **City Financial Obligations Contingent on Budget Process:** All City obligations to expend moneys under this Agreement shall be contingent upon future appropriations as part of the local budget process.

7. **Dispute Resolution Process:** If a dispute arises between or among the parties regarding breach of this Agreement or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation as set forth below. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation in accordance with Step 2 below. Lastly, the matter shall be submitted to arbitration in accordance with Step 3 below.

Step 1 – Negotiation. The persons designated by each of the disputing parties will negotiate on behalf of the entity they represent. The issues of the dispute shall be reduced to writing and each negotiator shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each representative, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt mutual agreement on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties (notwithstanding any other provision of this Agreement), who shall each bear their own costs and fees therefor. If the issue is resolved at this Step 2, then a written determination of such resolution shall be signed by each representative and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Clackamas County, Oregon, in accordance with the rules of the Arbitration Service of Portland (ASP). The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the ASP panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless

otherwise agreed to by the parties. The decision shall be issued within 30 days of arbitration. The arbitration award may be recorded as a judgment. Notwithstanding any other provision of this Agreement, the costs, fees and expenses for arbitration shall be borne equally by the parties.

8. **Remedies for Breach:** Should either party breach this Agreement, remedies available under Oregon law for breach of contract are available to the parties, including damages and injunctive relief.

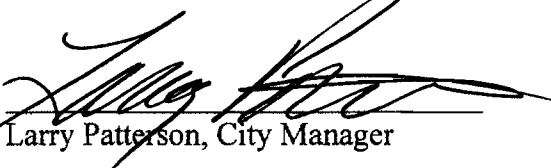
9. **Controlling Law and Venue for Disputes:** This Agreement shall be deemed to have been entered into in the State of Oregon and shall be construed and interpreted in accordance with the laws of Oregon. Any litigation or proceedings arising out of or connected with this Agreement shall be heard and decided in Oregon Circuit Court for Clackamas County.

10. **Entire Agreement:** The CITY and Jones acknowledge and agree that no promises or representations have been made that do not appear written herein and that this Agreement contains the entire agreement of the parties as to this Agreement.

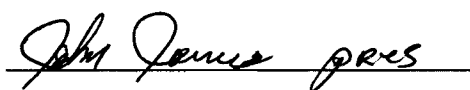
11. **Severability Clause:** The parties to this Agreement agree that if any term, provision, covenant, condition or portion of this Agreement is held to be illegal, invalid, void, voidable or unenforceable, the remainder of the provisions shall remain in full force and effect as a separate contract and shall in no way be affected, impaired or invalidated.

12. **Assignment:** Jones may not assign all or any portion of its right and interest in and to this Development Agreement, whether by disposition of its property or otherwise, whether by direct or indirect assignment or transfer, by operation of law or by any stock sale, merger, consolidation or other means in any one or more transactions, without the prior written consent of the City, which consent shall not be unreasonably withheld.

CITY OF OREGON CITY:

 12-02-09
Larry Patterson, City Manager Date

John Jones Construction, Inc.:

 10-14-09
Date

Approved as to form:


City Attorney

DEVELOPMENT AGREEMENT AMENDMENT

This AGREEMENT is made by and between the CITY OF OREGON CITY, an Oregon municipal corporation, (the "City") and JOHN JONES CONSTRUCTION, INC., an Oregon Corporation ("Jones") this 18th day of December 2019.

WHEREAS, the City and Jones agreed to and entered into a Development Agreement on March 19, 2008 (Exhibit 1) for a zone change (Planning File No. ZC 07-06) for the Jones property (Tax Lot 3400) to R-6; a 4-lot residential subdivision ("Wild Horse") (Planning File No. TP 07-09, and revised Conditions of Approval) on the City Property (Tax Lot 3200); a Water Resource Exemption (Planning File No. WR 07-26); and a sub-regional stormwater facility; and

WHEREAS, the City and Jones amended the Development Agreement on December 2, 2009 (Exhibit 2) to accept the facility that Jones constructed, set the final costs of the facility at \$1,169,334.84 (resulting in a per lot cost of \$2,645.55 for 442 current and future lots, with this amount to be reimbursed to Jones to the extent these lots were issued a building permit within the life of the agreement), and extend the agreement and the time period for reimbursement of the cost to ten (10) years from the amendment date; and

WHEREAS, the Development Agreement, as amended, is scheduled to expire on December 2, 2019; and

WHEREAS, there exist additional potentially developable lots for which, if the Development Agreement were in effect, Jones would continue to be reimbursed to the extent the City collects the per lot cost of \$2,645.55 when those lots are issued a building permit; and

WHEREAS, the City and Jones desire to amend the Development Agreement by extending the time period for reimbursement of the cost to December 31, 2020; and

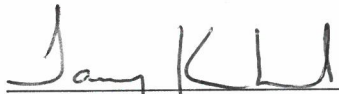
WHEREAS, the Oregon City Commission duly noticed and held a public hearing on the proposed Development Agreement amendment on December 4, 2019, at which time the City Commission accepted public testimony on the proposed Development Agreement amendment; and

WHEREAS, at the end of the public hearing, the City Commission voted to approve the Development Agreement amendment as adopted by City Ordinance 19-1017.

NOW, THEREFORE, based on the foregoing recitals, the City and Jones, hereby agree to the following:

1. **Effective Date, Term and Modification:** This Development Agreement amendment shall be effective upon signature by both parties and shall extend the agreement and the time period for reimbursement of the cost to December 31, 2020. This Development Agreement amendment may be modified or terminated sooner only upon the written agreement signed by the authorized representatives of both parties.
2. All other terms of the Development Agreement, as previously amended, are unchanged by this amendment.

CITY OF OREGON CITY:

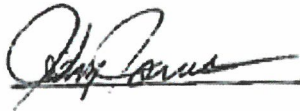


Tony Konkol, City Manager

12-23-19

Date

John Jones Construction, Inc.:

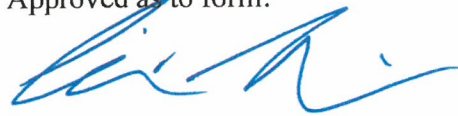


John Jones, President

11-25-19

Date

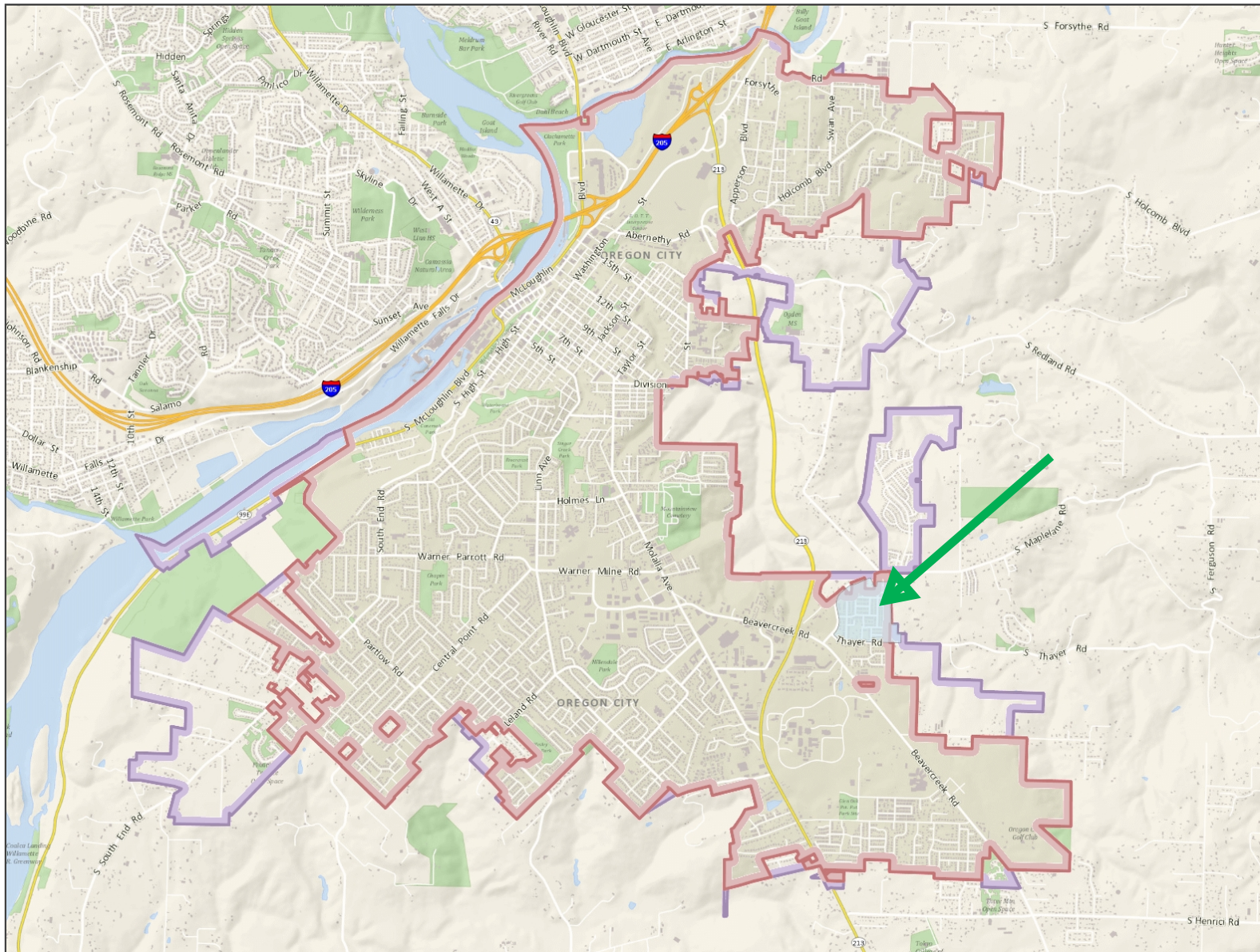
Approved as to form:



City Attorney

Oregon City GIS Map

Item 7b.



Legend

- Street Names
- Thayer Rd Pond Fee Area
- City Limits
- UGB
- Basemap

Notes

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 11/21/2019



0 4,500 9,000 Feet

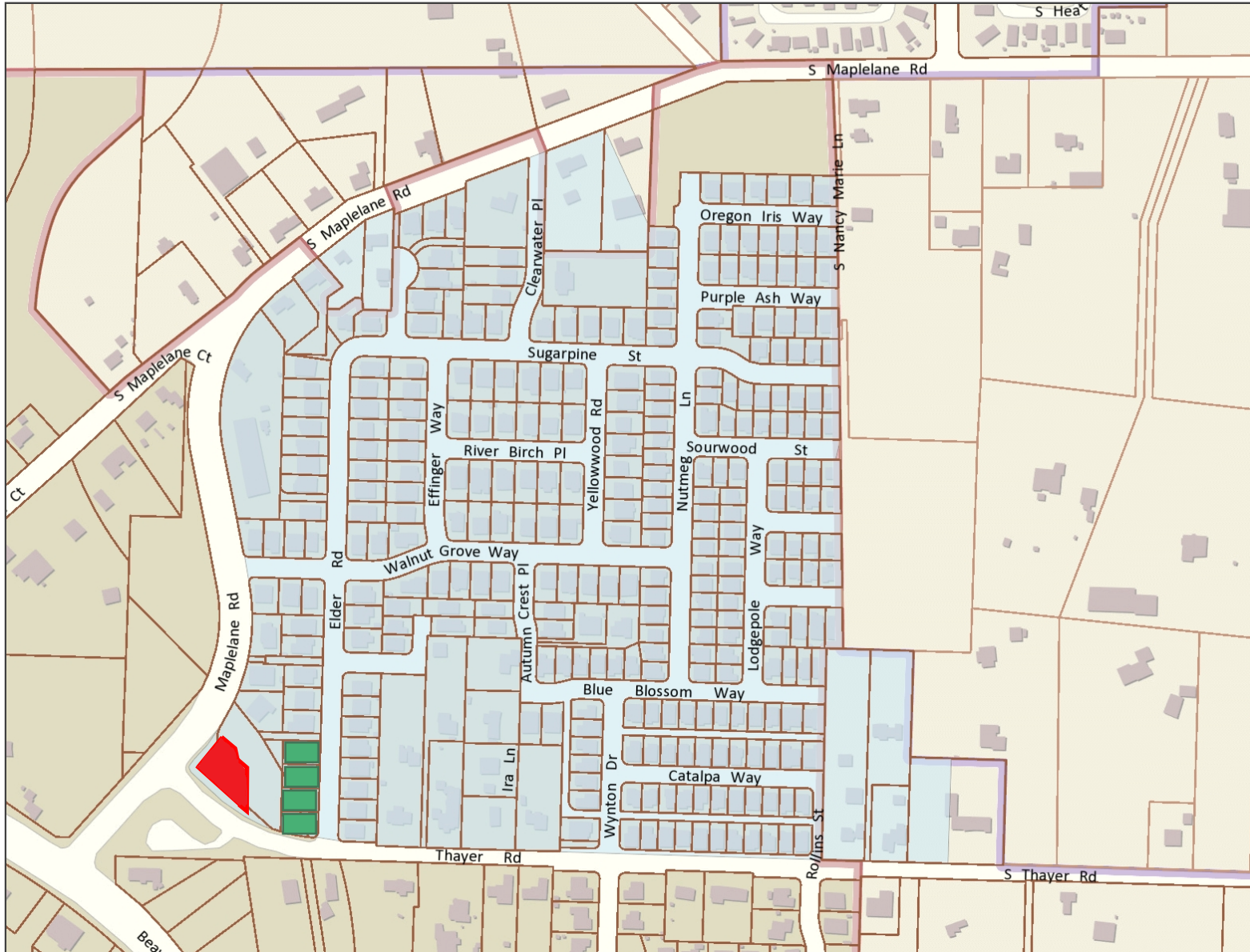
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City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orecity.org



Oregon City GIS Map

Item 7b.



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- Thayer Rd Pond Fee Area
- City Limits
- UGB
- Basemap
- Thayer Rd Pond fee area
- Thayer Rd Pond stormwater facility
- Developer properties

Notes



0 400 800 Feet

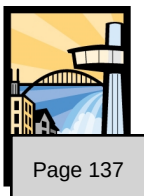
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The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 11/21/2019

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



Page 137



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 01/06/2021
From: Community Development Director Laura Terway

SUBJECT:

Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

STAFF RECOMMENDATION:

Approval of Resolution No. 20-37.

EXECUTIVE SUMMARY:

The Guidelines for Transportation Analyses is used by consultants to assemble the components of a proper traffic study to address transportation impacts created by new development. The Guidelines identify the items which transportation engineers need to analyze to demonstrate that development will minimize traffic impacts. The results of the analysis demonstrate how much impact a development will have on the transportation system which are reviewed against the criteria in the Oregon City Municipal Code in order to determine if any capacity or safety improvements such as a turn lane or traffic signal are needed due to the increase in traffic. The Guidelines for Transportation Impact Analyses were last updated in 2005 and the proposed minor changes bring the Guidelines in line with current codes, standards, and practices.

The City Commission preliminary reviewed the changes on December 2, 2020 and asked staff to review the policy for the following:

1. Require the City's review be completed by a Professional Engineer licensed in Oregon. *Section 2.4 has been modified to implement this request.*
2. The language in section 1.1 be reworded for clarity in plain language. *The goals of the current TSP in section 1.1 have been reworded and summarized for clarity.*
3. The off-site impacts are properly analyzed in section 2.2. *Staff did not identify any off-site calculation or analysis which should be included and thus no additional changes were made related to this request.*

4. Accessory dwelling units are subject to review. *Staff believes that requiring a ADU to conduct a transportation study is not allowed by law and it would it provide a benefit due to the relatively minor transportation impact.*

BACKGROUND:

The Guidelines for Transportation Analyses is used by consultants to complete proper Traffic Impact Study (TIS) documents and Transportation Analysis Letters (TAL) to address impacts created by new development. The Guidelines identify the items which transportation engineers need to analyze to demonstrate that development will minimize traffic impacts. The results of the analysis demonstrate how much impact a development will have on the transportation system. The results of the analysis are then reviewed against the criteria in the Oregon City Municipal Code in order to determine if any improvements such as a turn lane or traffic signal is needed due to the increase in traffic.

Transportation Impact Analyses (TIAs) are one element of a multi-pronged approach to assessing the transportation needs of the community and implementing projects and policies to satisfy those needs in conformance with the city's Comprehensive Plan. Though the TIAs include ways to analyze off-site impacts of a development, a variety of other methods identify projects needed to improve the transportation system throughout the city.

Areawide Plans

Regional and city-wide transportation planning efforts that lead to the adoption of Metro's Regional Transportation Plan (RTP) and Oregon City's Transportation System Plan (TSP) focus on area-wide policies and projects. They account for regional growth with a planning horizon of 20 to 30 years. The planning assumptions built into the RTP and TSP account for regional growth with specific allocations of population and employment in each transportation analysis zone (TAZ), including the 39 zones that comprise Oregon City. The RTP and TSP also account for through traffic using facilities such as I-205 and external trips that originate outside Oregon City and pass through the city or terminate within the city.

The RTP and TSP establish standards for regional facilities including arterial and collector streets. The long-range plans include project lists as well as programmatic financial information. Project lists are divided into "funded" and "non-funded" categories, indicating the struggle agencies are having in attempting to match needs with financial resources.

Subarea Plans and Corridor Studies

Subarea plans are undertaken to provide a greater degree of specificity for a portion of the city and to refine the projects identified in the TSP. The Beaver Creek Concept Plan is one example undertaken in Oregon City. The planning assumptions and general concept were consistent with the Comprehensive Plan and the TSP, but focused on a specific area, among other things, a more detailed plan for local and collector streets

which may differ from the standards street designs in the Municipal Code. Sometimes these lead to TSP amendments including the addition of projects to the TSP project lists and often cause the project cost estimates to be updated.

Corridor plans, such as the Meyers Road Corridor Plan, serve to bridge the effort from planning to implementation. Again, these plans are consistent with the TSP, but seek to provide additional refinement in terms of the specific location and the details of the basic roadway configuration, such as the length of turn lanes or the location of pedestrian islands.

Another refinement study focused on the OR 213/Beavercreek Road intersection. The need for this study was identified in the TSP and led to the amendment of the TSP for alternate mobility targets and a new project which developers pay a proportional share.

Transportation Impact Analyses

These are the most geographically limited and most focused of the transportation studies. They are tied to specific land use proposals. The TIAs are undertaken by developers' traffic engineers and are submitted to the city as part of the land use process. City staff and the city's transportation engineering consultant review the TIAs and use the results to help develop conditions of approval for the land use action to comply with the criteria in the Municipal Code. One of the key elements of the TIAs is the calculation of trips generated by the development; these trips are directly used by the city to calculate Transportation System Development Charges (SDC fees) that help fund project identified in the TSP and specified in the city's capital projects list.

In Oregon City, TIAs come in two varieties: Transportation Analysis Letters (TALs) and full TIAs. The former are for smaller projects where the impact is fairly limited; full TIAs require more extensive data collection and traffic operations analyses.

For TALs, the focus is on the immediate environs of the project including the site access, on site circulation, sight distance, and safety concerns. Assessing the operational aspects of the street network, such as assessing the amount of delay encountered by a motorist, is usually not required because of the low number of trips generated by qualifying developments. The city's Guidelines for Transportation Impact Analyses give the city the right to require the developer to do a full analysis even for small projects.

TIAs are also tailored to the size and predicted impact of a development proposal. The requirements for TIAs include all elements for TALs, but require much more, including collection of traffic volume data from specified intersections and analysis of the operations (including delay experienced by motorists and queuing at intersections), additional safety analyses and historical crash data. Depending on the size of the development and the volume of traffic generated by it, the intersection analysis may range from a few close by intersections to twenty or more. As indicated above, the TIAs are used by city staff to craft the conditions of approval for a development, including mitigating off-site impacts.

TIAs provide key information about the transportation needs not adjacent to the development project, such as the need for turn lanes that provide access to the site. A TIA that indicates a significant impact at an intersection may trigger a condition of approval that causes the developer to install a traffic signal, add a turn lane, or contribute a significant amount of money to such an improvement to be implemented in the future by the city. In most cases, projects identified by a TIA are specified in the TSP or are consistent with its goals and policies. TIAs are useful in helping determine when TSP project need to be implemented, rather than identifying new projects.

There are additional analyses required for a TIA when rezoning is proposed. Generally known as a Transportation Planning Rule compliance analysis, the TIA requires an analysis of the impact of the project for the TSP planning horizon year for the additional impact caused by the proposed rezoning. This is because the rezoning may cause additional impacts above what was assumed in the TSP.

As described, the analyses conducted to determine transportation needs are conducted on several levels. Regional or citywide plans identify the overall transportation needs. Subarea plans and corridor studies help to refine the needs identified in the larger plans and help move the earlier planning efforts toward implementation. Analyses required of developers identify specific requirements needed to support that development and for the city to assure the development complies with the criteria in the Municipal Code, including requiring construction of portions of the transportation system. The TIA required of a developer is also used to assess transportation SDC fees and to help the city identify timing of TSP project implementation.

Site Traffic Impact Study procedures were first approved on December 15, 1990 and replaced by the Guidelines for Transportation Analyses (Resolution 05-30) on November 2, 2005. The proposed update will bring the Guidelines in line with current codes, standards, and policies. Staff has proposed to update the Guidelines for Transportation Analyses. The proposed TIA updates include:

1. Amending the Transportation System Plan (TSP) Goals to be consistent with the currently adopted TSP.
2. Clarifications and details to direct consultants how to properly address Traffic Impacts created by a development.
3. Revisions based on current standards in the area of Traffic Engineering.
4. Revisions based on the most recent adopted Mobility Standards.
5. Clarifications on who is qualified to submit a TIS or TAL.

Staff has presented the proposed changes to the Planning Commission and Transportation Advisory Committee (TAC), neither of who identified any concerns. The TAC requested staff pass along to the City Commission that they support the changes, in particular the multi-modal reference. The City Commission preliminary reviewed the changes on December 2, 2020 and asked staff to review the policy for the following:

5. Require the City's review be completed by a Professional Engineer licensed in Oregon.

Staff Response: Section 2.4 has been modified to implement this request. Language provided below.

The City's review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.

6. The language in section 1.1 be reworded for clarity in plain language;

Staff Response: The goals of the current TSP in section 1.1 have been reworded and summarized for clarity. Language provided below.

1. Health and Safety: *Enhance the health and safety of residents.*

Ensure that the transportation system maintains and improves individual health and safety by maximizing the comfort and convenience of multi-modal transportation options in the City.

2. Effective and Efficient: *Emphasize effective and efficient management of the transportation system.*

Optimize travel capacity and improve travel conditions by better managing residents' travel demands, meeting more daily needs within our own community, making transportation facilities as smart and efficient as possible, and being strategic about transportation investments.

3. Sustainability: *Foster a sustainable transportation system.*

Build a transportation system that is environmentally and fiscally sustainable and that focuses on decreasing vehicle emissions and transportation related greenhouse gas emissions.

4. Equitable, Balanced, and Connected: *Provide an equitable, balanced, and connected multi-modal transportation system.*

Provide a complete transportation system throughout Oregon City that provides multi-modal travel options and connects people to jobs, schools, services, recreation, social and cultural institutions within the City.

5. Fundable: *Identify solutions and funding to meet system needs.*

The City will identify transportation investments that can be made with available funding to accommodate community growth.

6. Convenient and Available: *Increase the convenience and availability of pedestrian, bicycle, and transit modes.*

Strengthen the pedestrian and bicycle systems in all areas of the City, and work with local transit providers such as TriMet, Canby Area Transit (CAT), South Clackamas Transportation District (SCTD), etc. to cost-effectively improve coverage and frequency to achieve greater ridership productivity.

7. Prosperity: *Ensure the transportation system supports a prosperous and competitive economy.*

Support a prosperous and competitive economy by preserving and enhancing business opportunities and ensuring the efficient movement of people and goods.

8. Compliant: *Comply with state and regional transportation plan.*

The City will meet the requirements of state and regional transportation plans, such as the Oregon Transportation Planning Rule, the Oregon Highway Plan, the Metro 2035 Regional Transportation Plan (RTP) and the Metro Regional Functional Transportation Plan (RFTP).

7. The off-site impacts are properly analyzed in section 2.2

Staff Response: Section 2.2 identifies the general contents of the transportation analysis generally. The guidelines identify the information that is needed in a transportation study in order to assess if a project complies with the applicable criteria in the Oregon City Municipal Code. The TIA Guidelines include a variety of mechanisms to review off-site impacts including, but not limited to, the following:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site.
- Roads through and adjacent to the proposed development.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour. Any additional intersections or roadway links that may be adversely affected as a result of the proposed development may also be reviewed.
- All intersections needed for signal progression analysis.
- Analyzing traffic impact at various years, including existing conditions, full build-out, phases of development any additional intersections or roadway links that may be adversely affected as a result of the proposed development (if applicable), and a 20-year/TSP horizon year (if applicable).
- Road alignment, intersection angles, cul-de-sacs, and block standards.
- Intersection sight distance.
- Inherent safety issues are associated with the design and location of driveways, pedestrian, bicycle, or transit safety.
- Review proposed streets and frontage improvements for compliance with functional classification, typical sections, access management, traffic calming and other attributes as appropriate in the TSP.
- Traffic counts.
- Trip generation.
- Trip distribution using METRO's regional planning model.
- Intersection operational analysis.
- Intersection design features and queuing.
- Access spacing.
- Sight distance.
- Crash history.
- Safe Routes to School.
- Traffic control and turn lane warrants.

In addition, the standards and code are broad enough to include additional analysis of any issues. Staff did not identify any off-site calculation or analysis which should be included and thus no additional changes were made related to this request.

8. Accessory dwelling units are subject to review.

Response: The Commission identified a desire to require a transportation analysis letter (TAL) to analyze the impacts of parking associated with an accessory dwelling unit (ADU). An ADU is a second small dwelling right on the same grounds (or attached to) a detached single-family house, such as: an apartment over the garage, a tiny house in the backyard, or a basement apartment.

ORS 197.312(5) limits the ability of Oregon City to require onsite parking for ADUs and other unreasonable regulations.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

The language does not go as far as defining the extent to which the regulation of on-street parking and off-site transportation impacts is reasonable. However, staff suspects that requiring a TAL is unreasonable because:

- The cost of requiring an applicant to hire a transportation engineer to conduct a study and paying the city to have a second transportation engineer review the study is high relative to the cost of the ADU and the low impact on the transportation system an ADU would have.
- Having the City review a transportation study is discretionary and thus requires a Type II public review (which is about 4 months), as opposed to the right to build an ADU which is an over the counter approval without public review.
- The known transportation impact of an ADU is incredibly small, similar impact projects such as home additions do not have to do the study to analyze the impact to street parking. Due to the limited impact and limitations to onsite parking, the value of the TAL would provide is limited.
- The overall impact to the transportation system is analyzed in other means, such as in the TSP which assumes development and redevelopment throughout the city.

- Street parking is open to the public (unless otherwise restricted; such as ADA stalls) and parking in unauthorized spots or blocking the street is better addressed in other processes such as in Code Enforcement.

Staff believes that requiring an ADU to conduct a transportation study is not a reasonable regulation nor would it provide a benefit due to the relatively minor transportation impact.

OPTIONS:

1. Approval of Resolution No. 20-37.
2. Approval of Resolution No. 20-37 with amendments.
3. Deny Resolution No. 20-37 and provide staff further direction.

RESOLUTION NO. 20-37

A RESOLUTION ADOPTING UPDATED GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES

WHEREAS, the impact of traffic generated from new development is a serious concern of the City of Oregon City; and

WHEREAS, the City recognizes the balance between property owner's rights to develop their property and the need for a safe, reliable, and adequate transportation system; and

WHEREAS, previously a Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990 was published; and

WHEREAS, the Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990 was replaced by the Guidelines for Transportation Analyses by Resolution 05-30 on November 2, 2005; and

WHEREAS, the City desires to update the document once again to bring the document into compliance with current City Code and practices for Traffic Impact Letters and Traffic Impact Studies.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Commission, by this Resolution, adopts the Guidelines for Transportation Analyses, attached to this Resolution as Exhibit "A".

Section 2. The effective date for the Guidelines for Transportation Analyses shall be the date this Resolution is adopted, signed, and approved. This Resolution is effective immediately upon adoption by the City Commission.

Section 3. The Guidelines for Transportation Analyses adopted by this Resolution shall supersede the Guidelines for Transportation Analyses, as adopted November 2, 2005.

Approved and adopted at a regular meeting of the City Commission held on the 6th day of January 2021.

RACHEL LYLES SMITH,
Commission President

Attested to this 6th day of January 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit:
Exhibit A. Guidelines for Transportation Analyses

CITY OF OREGON CITY

GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES



Adopted : NOVEMBER 2, 2005
Revised : January 6, 2021

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi-modal transportation system to accommodate expected growth through year 2035. *The Guidelines for Transportation Impact Analyses* are consistent with the TSP Goals (summarized below):

1. Health and Safety: *Enhance the health and safety of residents*

Ensure that the transportation system maintains and improves individual health and safety by maximizing the comfort and convenience of multi-modal transportation options in the City.

2. Effective and Efficient: *Emphasize effective and efficient management of the transportation system*

Optimize travel capacity and improve travel conditions by better managing residents' travel demands, meeting more daily needs within our own community, making transportation facilities as smart and efficient as possible, and being strategic about transportation investments.

3. Sustainability: *Foster a sustainable transportation system*

Build a transportation system that is environmentally and fiscally sustainable and that focuses on decreasing vehicle emissions and transportation related greenhouse gas emissions.

4. Equitable, Balanced, and Connected: *Provide an equitable, balanced, and connected multi-modal transportation system.*

Provide a complete transportation system throughout Oregon City that provides multi-modal travel options and connects people to jobs, schools, services, recreation, social and cultural institutions within the City.

5. Fundable: *Identify solutions and funding to meet system needs.*

The City will identify transportation investments that can be made with available funding to accommodate community growth.

6. Convenient and Available: *Increase the convenience and availability of pedestrian, bicycle, and transit modes.*

Strengthen the pedestrian and bicycle systems in all areas of the City, and work with local transit providers such as TriMet, Canby Area Transit (CAT), South Clackamas Transportation District (SCTD), etc. to cost-effectively improve coverage and frequency to achieve greater ridership productivity.

7. Prosperity: *Ensure the transportation system supports a prosperous and competitive economy.*

Support a prosperous and competitive economy by preserving and enhancing business opportunities and ensuring the efficient movement of people and goods.

8. Compliant: *Comply with state and regional transportation plan.*

The City will meet the requirements of state and regional transportation plans, such as the Oregon Transportation Planning Rule, the Oregon Highway Plan, the Metro 2035 Regional Transportation Plan (RTP) and the Metro Regional Functional Transportation Plan (RFTP).

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a

responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.015, is "to promote public health, safety, and general welfare through standards and regulations...and to facilitate adequate provision for transportation...." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENT PROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter (TAL)** and for a **Transportation Impact Study (TIS)**. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TISs depending on the type, location, and size of the development being proposed.

Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence area?
- How will the proposed development meet current city standards for roadway design?
- How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific policies in the TSP will be needed to accommodate the proposed development?

- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term “City Engineer” is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term “City Engineer” should be taken to mean the “City Engineer or his/her designee including but not limited to designated staff or City consultant.” The City’s review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City’s transportation analysis requirements, in lieu of a TIS, when a development meets all of the following criteria:

- A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.
Examples of common developments generating fewer trips than these threshold levels are: a subdivision

containing 24 or fewer single-family residences, a general office building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

- B. The development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1)
- C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to replace or supercede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 Potential for Expansion of the Scope of Work

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the TIS checklist, described in more detail in Section 9.0. The lack of a submission of a TIS or TAL will result in a determination of "Incomplete".

A determination of Completeness is not a determination that the applicant's data, methods, accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed "complete," the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant's responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all applicable criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City's decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.

The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge

of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.

3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size Standards.
4. Site plan showing that all public roads meet Oregon City's Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.
6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.
7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.
9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional information specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

1. Table of Contents – Listings of all sections, figures, and tables included in the report.
2. Executive Summary – A summary of key points, findings, conclusions, and recommendations including a mitigation plan.
3. Introduction:
 - Proposed land use action including site location, zoning, building size, and project scope.
 - Map showing the proposed site, building footprint (s), access driveways, and/or parking facilities.
 - Map of the study area that shows site location and surrounding roadway facilities
4. Existing Conditions:
 - Existing site conditions and adjacent land uses.
 - Roadway characteristics of transportation facilities located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
 - Existing lane configurations and traffic control devices at the study area intersections.
 - Existing traffic volumes and operational analysis of the study area roadways and intersections.
 - Roadway and intersection crash history analysis.
 - Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.
5. Background Conditions (without the proposed land use action)
 - Approved in-process developments and funded transportation improvements in the study area.
 - Traffic growth assumptions.
 - Addition of traffic from other planned developments.
 - Background traffic volumes and operational analysis.
6. Full Buildout Traffic Conditions (with the proposed land use action)
 - Description of the proposed development plans.
 - Trip generation characteristics of proposed project (including trip reduction documentation).
 - Trip distribution assumptions.
 - Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
 - Site circulation and parking.
 - Intersection and site-access driveway queuing analysis. Recommended roadway and intersection

mitigation measures (if necessary).

7. Conclusions and recommendations

8. Appendix- With dividers or tabs

- Traffic count summary sheets.
- Crash analysis summary sheets.
- Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
- Signal, left-turn, and right-turn lane warrant evaluation calculations.
- Intersection analysis – Roundabout vs. Traffic Signal
- Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access (es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines
- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the

vicinity of the site. The following considerations shall form the basis of establishing the study area. The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed development.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.
- All intersections needed for signal progression analysis

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.
Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.
- **Full Buildout** – The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents.

A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00AM to 9:00AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than 60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis shows that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from METRO's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgement must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non-pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study

area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location

All LOS definitions should be consistent with the most recent version of the *HCM*. The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's *Analysis Procedures Manual*.

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable performance upon full buildout of the proposed land use action as defined below.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

- A. For intersections within the regional center, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 3. Intersections located on the regional center boundary shall be considered within the regional center.
- B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
 1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements. For unsignalized intersections outside of the boundaries of the regional center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 and Beaver Creek Road, the following mobility standards apply:
 1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
 - I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

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

7.9.2 Intersection Design Features and Queuing Calculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in OCMC 16.12 and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the AASHTO *Policy on Geometric Design of Highways and Streets*. At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. The intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. The approach is forecast to serve fewer than forty (40) vehicles per day, and
3. The intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic*

Control Devices (MUTCD).

Special Attention Items

Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed – not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the AASHTO *Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY

Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent four-year period. The intent of the evaluation is to identify any apparent trends in the data that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year by type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL

For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)

The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants

An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items

The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.

The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.

Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants

The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the major street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.
- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.
- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.
- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways** – The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.
- **Local Streets** – Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the *AASHTO Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools)
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name: _____

City Reference Code: _____

Provided? Page No.
 Yes No _____ Study Required Comment: _____ Date: _____

BACKGROUND INFORMATION

Yes No _____ Oregon PE Stamp and Signature

INTRODUCTION AND SUMMARY

EXISTING CONDITIONS

Yes No _____ Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area

Yes No _____ Analysis Periods Correct (☐ AM, ☐ Mid-day, ☐ PM ☐ Afternoon, _____ Saturday _____,

Yes No _____ Existing Traffic Operations (Existing LOS, traffic volumes (new counts _____), speeds _____, crash data _____)

IMPACTS

Yes No _____ Trip Generation - Daily, peak hour trips generated by site development

Yes No _____ Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth

Yes No _____ Future year 20-year analysis required for zone change or conditional use

Yes No _____ Signal Warrant Analysis

Yes No _____ Turn Lane Warrant Analysis

Yes No _____ Access Spacing Standards

Yes No _____ Analysis of intersection and stopping sight distance at frontage road access point(s)

Yes No _____ Identify safe route to school or school bus stop (Contact with school district)

Yes No _____ Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)

Yes No _____ Identify accessibility to public transit

Yes No _____ Account for planned roadway improvements at future build year ☐ and 20-year horizon

MITIGATION

Yes No _____ Identify need for right/left turn lanes, storage capacity and length

Yes No _____ Identify possible corrections of any LOS deficiencies

Yes No _____ Identify any access deficiencies (including transit/pedestrian/bicycle connections)

Yes No _____ Identify any TDM measures

FIGURES

Yes No _____ Vicinity Map

Yes No _____ Site Plan

Yes No _____ Existing peak hour turn movement volumes (counts conducted within previous 12 months)

Yes No _____ Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)

Yes No _____ Approved Projects Peak Hour Traffic Volumes (see sample)

Yes No _____ Programmed transportation improvements and transportation mitigation outlined in study

TABLES

Yes No _____ Intersection Performance Existing Conditions

Yes No _____ Project Trip Generation

Yes No _____ Intersection Level of Service

OTHER

Yes No _____ Technical appendix - sufficient material to convey complete understanding of traffic issues (e.g. HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

Completed By: _____

[SEAL]

Date: _____

CITY OF OREGON CITY

GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES



Adopted : NOVEMBER 2, 2005
Revised : January 6, 2021

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi-modal transportation system to accommodate expected growth through year 2035. *The Guidelines for Transportation Impact Analyses* are consistent with the TSP Goals (summarized below):

1. Health and Safety: *Enhance the health and safety of residents*

Ensure that the transportation system maintains and improves individual health and safety by maximizing the comfort and convenience of multi-modal transportation options in the City.

2. Effective and Efficient: *Emphasize effective and efficient management of the transportation system*

Optimize travel capacity and improve travel conditions by better managing residents' travel demands, meeting more daily needs within our own community, making transportation facilities as smart and efficient as possible, and being strategic about transportation investments.

3. Sustainability: *Foster a sustainable transportation system*

Build a transportation system that is environmentally and fiscally sustainable and that focuses on decreasing vehicle emissions and transportation related greenhouse gas emissions.

4. Equitable, Balanced, and Connected: *Provide an equitable, balanced, and connected multi-modal transportation system.*

Provide a complete transportation system throughout Oregon City that provides multi-modal travel options and connects people to jobs, schools, services, recreation, social and cultural institutions within the City.

5. Fundable: *Identify solutions and funding to meet system needs.*

The City will identify transportation investments that can be made with available funding to accommodate community growth.

6. Convenient and Available: *Increase the convenience and availability of pedestrian, bicycle, and transit modes.*

Strengthen the pedestrian and bicycle systems in all areas of the City, and work with local transit providers such as TriMet, Canby Area Transit (CAT), South Clackamas Transportation District (SCTD), etc. to cost-effectively improve coverage and frequency to achieve greater ridership productivity.

7. Prosperity: *Ensure the transportation system supports a prosperous and competitive economy.*

Support a prosperous and competitive economy by preserving and enhancing business opportunities and ensuring the efficient movement of people and goods.

8. Compliant: *Comply with state and regional transportation plan.*

The City will meet the requirements of state and regional transportation plans, such as the Oregon Transportation Planning Rule, the Oregon Highway Plan, the Metro 2035 Regional Transportation Plan (RTP) and the Metro Regional Functional Transportation Plan (RFTP).

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.015, is "to promote public health, safety, and general welfare through standards and regulations...and to facilitate adequate provision for transportation..." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENT PROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter (TAL)** and for a **Transportation Impact Study (TIS)**. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TISs depending on the type, location, and size of the development being proposed.

Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a

comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence area?
- How will the proposed development meet current city standards for roadway design?
- How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific policies in the TSP will be needed to accommodate the proposed development?
- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term "City Engineer" is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term "City Engineer" should be taken to mean the "City Engineer or his/her designee including but not limited to designated staff or City consultant." The City's review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIS, when a development meets all of the following criteria:

- A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.

Examples of common developments generating fewer trips than these threshold levels are: a subdivision containing 24 or fewer single-family residences, a general office building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

- B. The development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1)
- C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to

replace or supercede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 Potential for Expansion of the Scope of Work

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the

City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the TIS checklist, described in more detail in Section 9.0. The lack of a submission of a TIS or TAL will result in a determination of “Incomplete”.

A determination of Completeness is not a determination that the applicant’s data, methods, accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed “complete,” the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant’s responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all applicable criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City’s decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.

The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.
3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size

Standards.

4. Site plan showing that all public roads meet Oregon City's Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.
6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.
7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.
9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional information specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

1. Table of Contents – Listings of all sections, figures, and tables included in the report.
2. Executive Summary – A summary of key points, findings, conclusions, and recommendations including a mitigation plan.
3. Introduction:
 - Proposed land use action including site location, zoning, building size, and project scope.
 - Map showing the proposed site, building footprint (s), access driveways, and/or parking facilities.
 - Map of the study area that shows site location and surrounding roadway facilities
4. Existing Conditions:
 - Existing site conditions and adjacent land uses.
 - Roadway characteristics of transportation facilities located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
 - Existing lane configurations and traffic control devices at the study area intersections.
 - Existing traffic volumes and operational analysis of the study area roadways and intersections.
 - Roadway and intersection crash history analysis.
 - Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.
5. Background Conditions (without the proposed land use action)
 - Approved in-process developments and funded transportation improvements in the study area.
 - Traffic growth assumptions.
 - Addition of traffic from other planned developments.
 - Background traffic volumes and operational analysis.
6. Full Buildout Traffic Conditions (with the proposed land use action)
 - Description of the proposed development plans.

- Trip generation characteristics of proposed project (including trip reduction documentation).
- Trip distribution assumptions.
- Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
- Site circulation and parking.
- Intersection and site-access driveway queuing analysis. Recommended roadway and intersection mitigation measures (if necessary).

7. Conclusions and recommendations

8. Appendix- With dividers or tabs

- Traffic count summary sheets.
- Crash analysis summary sheets.
- Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
- Signal, left-turn, and right-turn lane warrant evaluation calculations.
- Intersection analysis – Roundabout vs. Traffic Signal
- Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access (es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines

- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the vicinity of the site. The following considerations shall form the basis of establishing the study area.

The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed development.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.
- All intersections needed for signal progression analysis

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be

completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.

Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.

- **Full Buildout** – The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents.

A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00AM to 9:00AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than

60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis shows that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development.

The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from METRO's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgement must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non-pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location

All LOS definitions should be consistent with the most recent version of the *HCM*. The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's *Analysis Procedures Manual*.

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable performance upon full buildout of the proposed land use action as defined below.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

A. For intersections within the regional center, the following [mobility standards](#) apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this [standard](#) applies to the intersection as a whole. For unsignalized intersections, this [standard](#) applies to movements on the major street. There is no performance [standard](#) for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this [standard](#) applies to the intersection as a whole. For unsignalized intersections, this [standard](#) applies to movements on the major street. There is no performance [standard](#) for the minor street approaches.
3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following [mobility standards](#) apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this [standard](#) applies to the intersection as a whole. For unsignalized intersections, this [standard](#) applies to movements on the major street. There is no performance [standard](#) for the minor street approaches.

C. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this [standard](#) applies to the intersection as a whole. For unsignalized intersections, this [standard](#) applies to movements on the major street. There is no performance [standard](#) for the minor street approaches. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following [mobility standards](#) apply:

1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 2. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements. For unsignalized intersections outside of the boundaries of the regional center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 and Beavercreek Road, the following [mobility standards](#) apply:
1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the city adopts new performance measures that identify alternative [mobility](#) targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced [mobility standards](#) for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

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

7.9.2 Intersection Design Features and Queuing Calculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in OCMC 16.12 and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition

shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the *AASHTO Policy on Geometric Design of Highways and Streets*. At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. The intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. The approach is forecast to serve fewer than forty (40) vehicles per day, and
3. The intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic Control Devices* (MUTCD).

Special Attention Items

Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed – not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the *AASHTO Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY

Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent four-year period. The intent of the evaluation is to identify any apparent trends in the data that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year by type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL

For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed

development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)

The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants

An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items

The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.

The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.

Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants

The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the

street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.

- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.
- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.
- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways** – The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.
- **Local Streets** – Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the *AASHTO Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools)
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name: _____

City Reference Code: _____

Provided? Page No.
 Yes No _____ Study Required Comment: _____ Date: _____

BACKGROUND INFORMATION

Yes No _____ Oregon PE Stamp and Signature

INTRODUCTION AND SUMMARY

EXISTING CONDITIONS

Yes No _____ Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area

Yes No _____ Analysis Periods Correct (☐ AM, ☐ Mid-day, ☐ PM ☐ Afternoon, _____ Saturday _____, _____

Yes No _____ Existing Traffic Operations (Existing LOS, traffic volumes (new counts _____), speeds _____, crash data _____)

IMPACTS

Yes No _____ Trip Generation - Daily, peak hour trips generated by site development

Yes No _____ Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth

Yes No _____ Future year 20-year analysis required for zone change or conditional use

Yes No _____ Signal Warrant Analysis

Yes No _____ Turn Lane Warrant Analysis

Yes No _____ Access Spacing Standards

Yes No _____ Analysis of intersection and stopping sight distance at frontage road access point(s)

Yes No _____ Identify safe route to school or school bus stop (Contact with school district)

Yes No _____ Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)

Yes No _____ Identify accessibility to public transit

Yes No _____ Account for planned roadway improvements at future build year ☐ and 20-year horizon

MITIGATION

Yes No _____ Identify need for right/left turn lanes, storage capacity and length

Yes No _____ Identify possible corrections of any LOS deficiencies

Yes No _____ Identify any access deficiencies (including transit/pedestrian/bicycle connections)

Yes No _____ Identify any TDM measures

FIGURES

Yes No _____ Vicinity Map

Yes No _____ Site Plan

Yes No _____ Existing peak hour turn movement volumes (counts conducted within previous 12 months)

Yes No _____ Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)

Yes No _____ Approved Projects Peak Hour Traffic Volumes (see sample)

Yes No _____ Programmed transportation improvements and transportation mitigation outlined in study

TABLES

Yes No _____ Intersection Performance Existing Conditions

Yes No _____ Project Trip Generation

Yes No _____ Intersection Level of Service

OTHER

Yes No _____ Technical appendix - sufficient material to convey complete understanding of traffic issues (e.g. HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

Completed By: _____

[SEAL]

Date: _____

Summary of Proposed Draft Amendments to the Guidelines for Traffic Impact Analyses

For City Commission – 12.29.20 Draft

This is a summary. Please notify staff of any errors or omissions.

Page Number / Section	Summary	Explanation
Cover Sheet		
Page 1	Added original adoption date and new revision date.	This is a date change to show the most recent version of the guideline
1.1 Transportation Planning and Transportation Impact Analyses		
Page 2	Update TSP Goals to plain language and add specificity.	Allow the goals of the Transportation System Plan which were included as a cross-reference to be more readable.
Page 2	Added the acronym TIA	TIA is the acronym for Traffic Impact Analyses and is a commonly used expression
Page 2	Added a statement about what transportation facilities are defined as.	This summarizes for applicants the entire list of modes of transportation that should be considered.
Page 2	Changed the Transportation System Plan (TSP) Goals. Expected growth from the TSP is through 2035.	Goals changed from 2001 to 2013. Updated the expected growth year.
Page 3	Added a statement on what to do when conflicts occur with other documents. Deleted general potential conflicts with OCMC	Allows OCMC to govern if/when a conflict exists rather than trying to list potential conflicts.
1.3 The Level of Analysis and Documentation		
Page 4	Adjusted reference of code.	Code reference has changed.
2.2 Content of Transportation Impact Analyses Generally		
Page 4-5	Added that the impacts are “multi” modal. Added that mobility standards shall be addressed. Added the TSP projects should be addressed. Added that phasing should be addressed.	These additions were items that have been regularly required by the City’s traffic consultant but were not listed within this document.
2.4 Responsibilities and Authority for the City		
Page 5	Added designated City staff and City consultant as authority persons for review using the document	This reflects current practices.
Page 5	Added that the City’s review of the TAL or TIS shall include a Professional Traffic Engineer registered in the State of Oregon or a	Requires city review of studies to include certification or qualification in transportation engineering.

	Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030.	
3.0 Transportation Impact Analysis Documents		
Page 5	Added ADUs, lot line adjustments and right of way permits as exempt from completing a Traffic Impact Analysis. Some clarification wording was also added.	The items of exemption have historically been exempted, but were not stated in the document. Cleaned up some wording for clarification.
3.1 Determining the Required Level of Transportation Analysis and Documentation		
Page 6	Changed multi-family review requirement to 42 or fewer units.	This has been changed to be in compliance with industry standards.
Page 6	Changed LOS to Mobility	This change was made to reflect what we now called Level of Service (LOS) standards which is Mobility Standards.
4.3 Completeness Review		
Page 8	Defined that incompleteness will result if no TIS or TAL is received as part of the application. Defined what completeness is.	This is the current process. This was provided for clarification.
5.0 Transportation Analysis Letter Contents		
Page 9	Added that all engineers preparing TALs should be registered in the State of Oregon	Provides clarification
Page 9	Added requirement to show driveway spacing.	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement for driveway width	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement to consider sight obstructions	Enhances study to capture all possible traffic conflicts and align with City Code
Page 9	Added requirement to address safety issues	Enhances study to capture all possible traffic conflicts and align with City Code
6.0 Transportation Impact Study Contents		
Page 9	Removed requirement to use a checklist	Current practice only recommends, does not require
Page 10	Added clarification language to existing conditions criteria	Based on current practice
Page 10	Added a reference of mobility standards to item 6	Mobility standards were added to the code since the creation of this guideline.

Page 11	Add an intersection analysis of roundabout vs. traffic signal	The TSP suggests intersection improvements but analysis has not been completed to determine the best solution for an intersection improvement
7.1 Preparer Qualifications		
Page 12	Required the preparer by a Professional Engineer registered in the State of Oregon	Creates consistency within document
7.2 TIS Study Area		
Page 12	Better defined the study area	Clarified the study area
7.9 Intersection Operational Standards		
Page 17	Clarifies situational standards as well as references the ODOT standard	Provides clarification
7.9.1. Intersection Level of Service Standards		
Pages 17-22	Replaced existing guideline with the most recently adopted Mobility Standards, line for line	Updates the guideline to current standards
7.10 Access Spacing Standards		
Page 23	Changed reference to City Code 16.12	Updates guideline to current reference and standard
7.12 Crash History		
Page 25	Changed crash history data to a four year period from a three year period	Updates to current industry standard
9.0 TIS Checklist		
End of document	Removed requirement to use a checklist	Updates to current practices

This is a summary. Please notify staff of any errors or omissions. Please refer to complete code amendment chapters for all changes.



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 01/06/2021

SUBJECT:

Amendment No. 1 to the Personal Services Agreement with RH2 Engineering for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)

STAFF RECOMMENDATION:

Authorize the City Manager to execute Amendment No. 1 with RH2 Engineering in the amount of \$182,218.00 for additional design services, preparation of bid documents, and construction services for the Trillium Park Drive Roadway Reconstruction work to the Sewer Relocation Project (CI 20-003).

EXECUTIVE SUMMARY:

As part of the Trillium Park Drive Landslide Mitigation Alternatives Analysis Project (CI 17-010), various options were presented for the failed roadway section. After a public open house was held in July 2019, the preferred alternative of a one-lane multi-modal road section was selected. This amendment to the sanitary relocation project will authorize RH2 Engineering to provide design and construction services for the roadway reconstruction project.

BACKGROUND:

In 2018, the City contracted with RH2 Engineering to develop the Trillium Park Drive Landslide Alternatives Analysis Project. The project looked at alternatives for reconstructing the existing utilities and roadway section. Option 2.3.3, which provides a one-lane multi-modal road, was selected as the preferred alternative by both citizens and staff and is attached.

In May 2020, the City contracted with RH2 Engineering to provide design and construction services for the sanitary sewer relocation project. This phase of the project has been designed and will go out to bid in February 2021, and construction is scheduled to begin after May 1, 2021.

RH2 Engineering has developed a scope of work and fee for the roadway reconstruction portion of the project. The project will include the removal of the original overburdened material installed to construct the roadway and replace it with a lightweight geo foam material. The storm drainage system will also be reconstructed.

The attached scope of work (Exhibit A) outlines the detail by which the project will move forward through the design process, solicitation of bids, and the construction phase.

The design and permitting will occur January to June 2021, and construction is anticipated to occur August to October 2021.

OPTIONS:

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

BUDGET IMPACT:

Amount: \$182,218.00
FY(s): 2020/21
Funding Source(s): Street Fund

CITY OF OREGON CITY
Amendment No. 1 to Personal Services Agreement

TRILLIUM PARK DRIVE SANITARY RELOCATON PROJECT (CI 20-003)

This is an Amendment to the Personal Services Agreement by and between the City of Oregon City (hereinafter City), and **RH2 ENGINEERING**, hereinafter called "PS Consultant," which was previously entered into on **May 22, 2020** ("Contract") for **ENGINEERING AND DESIGN SERVICES**, and

Whereas, the parties wish to amend the Contract as set forth below:

WITNESSETH:

1. The **Scope of Work** is hereby amended as follows:

The Scope of Work is amended to include the additional services as outlined in Amendment 1 Exhibit A Scope of Work.

2. The **Duration of Contract** is hereby amended as follows:

The Duration of Contract is extended from December 31, 2020 to **December 31, 2021**.

3. The **Payment Provisions** are hereby amended as follows:

For provision of revision of fee schedule described above, the contract price shall be increased by an amount not to exceed **one hundred eighty-two thousand, two hundred and eighteen and no/100 dollars (\$182,218.00)** The total not to exceed amount of the Agreement shall be **two hundred ninety thousand, one hundred and seventy-six and no/100 dollars (\$290,176.00)**.

All other provisions of the Personal Services Agreement referenced above shall remain in full force and effect.

RH2 ENGINEERING

CITY OF OREGON CITY

By: _____

Name: _____

Title: _____

Date: _____

Anthony J. Konkol III, P.E.

City Manager

Date: _____

Term of Contract: May 22, 2020 through December 31, 2021

John M. Lewis, P.E.
Public Works Director

Date: _____

Date Authorized by Commission, if applicable:

May 20, 2020

P:\PublicWorks\CIP_PS_RFQ_RFP\CIP_Open\CI 20-003 Trillium Park Drive Sanitary Relocation Project\CONSULTANT\Contract\Amendments\Amendment 1 - Phase 2 Roadway\Amendment 1 - CI 20-003.docx

Exhibit A
Amendment No. 1
Scope of Work
City of Oregon City
Trillium Park Drive Landslide Mitigation
Phase 2 – Roadway Reconstruction
December 2020

Background

Trillium Park Drive, a two-lane local street, has been experiencing a slow-moving landslide since its construction in 1998. In 2006, the City of Oregon City (City) contracted with Geotechnical Resources, Inc., (GRI) and Compass Land Surveyors, Inc., (Compass) to monitor the slide and measure its movement. GRI installed monitoring wells with inclinometers at multiple locations, and Compass surveyed the movement of Trillium Park Drive relative to fixed monuments. In February 2017, following a period of heavy rainfall, Trillium Park Drive experienced significant earth movement that led to a waterline separation, and movement and deformation of a sewer line. The waterline within the slide zone was abandoned, but the sewer remains in service. Other utilities within the slide zone, including power and gas, have been rerouted, and the street has been closed to vehicular traffic.

In 2018, the City requested that RH2 Engineering, Inc., (RH2), with assistance from GRI and Compass, develop and evaluate alternatives and conceptual designs for stabilizing the landslide and restoring or permanently abandoning the road and utilities in Trillium Park Drive. Based on its evaluation of the alternatives, the City has chosen to move forward with a plan to relocate the damaged sewer out of the slide zone using horizontal directional drilling and to mitigate the landslide and restore the roadway by replacing the overburden fill that is driving the landslide with a light weight fill. The City plans to complete the project in two phases, with the sewer relocation occurring under Phase 1, and the landslide mitigation and roadway restoration occurring under Phase 2.

In May 2020, the City contracted with RH2 for design, bidding, and construction services for the Phase 1 improvements. The City is now ready to move forward with Phase 2 and has requested that RH2 prepare an amendment to provide engineering services for the design, bidding, and construction of the Phase 2 improvements.

Project Understanding and Assumptions

The following outlines RH2's understanding of the City's responsibilities and the overall project goals and requirements. Assumptions used in preparing this Scope of Work also are identified.

The City will be responsible for the following:

- Provide a project manager who is responsible for overall project management and will provide coordination between RH2 and the City.

- Establish the work scope and design parameters for the project, including related standards.
- Provide RH2 with copies of all available, relevant City utility as-built plans, topographical maps, geologic and geotechnical reports, and studies pertinent to the project area.
- Provide RH2 with access to the City's GIS, parcel, and utility mapping, aerial photography, and topographic contours.
- Provide RH2 with the City's standard drafting frame and title block, and a Drafting Standards Manual.
- Provide RH2 with digital copies of the City's standard construction specifications, details, and front-end bidding document sections.
- Provide timely review and comment on all reports, drawings, and specifications submitted by RH2 to the City for review and approval.
- Submit applications and any applicable fees for any required permits. Maintain records and process consultant invoices.
- Provide legal review of all contracts, bid forms, and real property.
- Provide notifications, as necessary, to the public and business community regarding the nature and timing of the work to be completed.
- Advertise and manage the bidding process for construction. (RH2 will reply to design/bid questions from potential bidders as described in this Scope of Work.)

In preparing this Scope of Work, the following assumptions were made:

- The proposed improvements generally include the design of landslide mitigation and roadway restoration improvements, including removal of overburden fill, placement of light weight fill (geofoam blocks), restoration of stormwater catch basin and culvert, and construction of a one-lane multimodal road.
- With the exception of the existing sanitary and storm sewer utilities, the existing utilities have generally been abandoned within the existing slide area and will not be routed through the new roadway section.
- It is assumed that project meetings will be approximately one (1) to two (2) hours in duration and will be held via video conference. Alternatively, meetings may be held at City Hall.
- Construction permitting will be limited and generally consist of street opening and erosion control permitting, which will be obtained by the contractor through the City.
- The project area lies within the City's Natural Resources Overlay District (NROD), a geologic hazards area, and tree removal is anticipated. It is assumed that land use permitting will be required.
- The City will lead the City permit process and pay for all permitting application costs.

- The City will lead the easement acquisition effort, including negotiations and review of all related legal documents, and proposals for easements. RH2 will assist in preparing legal descriptions. The preparation of up to three (3) legal descriptions by the surveyor (Compass) was included in the Phase 1 scope of work and that budget will be carried forward for use in Phase 2.
- RH2 will rely on the accuracy and completeness of any data, information, or materials provided by the City or others in relation to the work.
- RH2 will not be responsible for site safety or for directing the contractor in their work.
- Unless otherwise noted, all deliverables will be provided in electronic format (PDF).

Task 1 – Project Management Services

Objective: Provide coordination of the RH2 project team, including regular communication with City staff, periodic progress reporting, monthly billings, and updates on project scope, schedule, and budget. In general, it is expected that this work will be performed in conjunction with the Phase 1 work.

Approach:

- 1.1 Provide Project Administration and Reporting: Provide project management services during the design, bidding, and construction services phases, including staff scheduling, recordkeeping and filing, and project invoicing. Provide monthly billing invoices, including a detailed breakdown of staff hours billed by task and subtask. Include a summary of expenditures, percentage complete by task, and budget remaining per task. Coordinate with the City's project manager regularly to discuss project and task status. Prepare and maintain the overall project schedule, including adding staff, subconsultants, and other resources.

RH2 Deliverables:

- Monthly invoices.
- Project schedule at project kickoff, 60-percent design, and 90-percent design milestones.

Task 2 – 60-Percent Design (Phase 2)

Objective: Perform preliminary engineering and prepare design plans and opinion of probable construction cost (OPCC) estimate for the Phase 2 improvements to an approximate 60-percent completion level.

Approach:

- 2.1 Prepare 60-Percent Civil Design: Prepare preliminary design plans to the 60-percent design level, including tree removal and protection, construction grading, lightweight geofoam fill placement, stormwater catch basin and culvert restoration, roadway horizontal and vertical alignments, roadway sections, channelization, signing, and details for City review. Develop a preliminary OPCC for the preliminary design review submittal.

- 2.2 Prepare 60-Percent Geotechnical Design: Coordinate with GRI as a subconsultant to RH2 and prepare the 60-percent geotechnical design of the landslide mitigation and road subgrade reconstruction. Work to be performed by GRI includes:
- a. Perform Geologic Data Review: Review existing geologic data for the site, including review of previously completed subsurface explorations, laboratory work, inclinometer data, and piezometer data, as well as available topographic and geologic maps for the project site. Additional inclinometer and piezometer readings also will be completed as a part of the data review.
 - b. Develop Geotechnical Design Recommendations: Perform engineering and geologic analyses and prepare design recommendations concerning: (1) earthwork, including wet-weather construction and temporary excavation; (2) structural fill placement, including lightweight geofoam fill and road base course sections; (3) slope drainage, including construction of trench drain systems; (4) design lateral earth pressures and coefficient of base friction for permanent walls; and (5) seismic design criteria.
 - c. Prepare Geotechnical Design Recommendations Memorandum: Summarize geologic data review, engineering evaluations, and design recommendations in a technical memorandum. Submit preliminary memorandum to City and RH2 for review and commenting. Incorporate review comments and finalize memorandum.
- 2.3 Attend 60-Percent Review Meeting: Provide and present 60-percent design, including preliminary design plans, OPCC, and updated project schedule for the City's review and comment. Attend one (1) review meeting with City staff and prepare meeting agenda and minutes. It is assumed that the City will provide review comments as written summary or as redline markups to the plans.

RH2 Deliverables:

- 60-percent design plans, including preliminary construction grading and geofoam fill placement sheets, storm system restoration sheets, roadway horizontal and vertical alignment sheets, roadway section sheets, cover sheet, construction notes, and details.
- Preliminary OPCC based on 60-percent design.
- Geotechnical design recommendations memorandum.
- Review meeting agenda and minutes.

Task 3 – 90-Percent Design (Phase 2)

Objective: Develop 90-percent plan sheets, technical specifications, bid documents, and OPCC for the proposed improvements.

Approach:

- 3.1 Prepare 90-Percent Plans and Specifications: Incorporate the City's 60-percent review comments and prepare 90-percent design plans. The plans will include the following: construction grading and geofoam fill placement plans and details; tree removal and protection plans; storm system restoration plans and details; roadway horizontal and

vertical alignments; roadway sections; sidewalk restoration details; and other supporting details and requirements for construction. It is assumed that the construction contractor will be responsible for preparing the traffic control and erosion control plans in accordance with City requirements. Prepare construction contract documents to the 90-percent level, including both technical and non-technical construction contract requirements, general conditions, and special requirements. Non-technical front-end specifications will be prepared using the City's most recent standard forms. Technical specifications will be in Oregon Department of Transportation/American Public Works Association format. Work will include a determination of the need for special pre-bid qualifications for contractors, which will be incorporated into final bidding documents, if warranted. Prepare 90-percent OPCC for the proposed improvements. Coordinate with GRI to perform geotechnical design and review of the construction documents for conformance with recommendations outlined in the geotechnical design recommendations memorandum.

- 3.2 Perform Quality Control Review: Perform internal quality assurance and quality control (QA/QC) review of the 90-percent plans and specifications.
- 3.3 Attend 90-Percent Review Meeting: Provide and present 90-percent design, including plans, specifications, OPCC, and updated project schedule for the City's review and comment. Attend one (1) review meeting with City staff and prepare meeting agenda and minutes. It is assumed that the City will provide review comments as written summary or as redline markups to the plans.

RH2 Deliverables:

- 90-percent plans and construction contract documents, including front-end documents and technical specifications.
- OPCC based on 90-percent design.
- Review meeting agenda and minutes.

Task 4 – Bid-Ready Design

Objective: Develop bid-ready plan sheets, technical specifications, and bid documents for the proposed improvements.

Approach:

- 4.1 Prepare Bid-Ready Plans and Specifications: Incorporate internal QA/QC comments and the City's 90-percent review comments and prepare plans and specifications for bidding and construction. Provide one (1) hard copy of bid-ready documents for use in reproduction of bidding documents.

RH2 Deliverables:

- Electronic versions of the complete construction contract bidding documents, including front-end documents, technical specifications, plans, standard drawings, and opinion of probable construction costs (PDF, Word, Excel, and AutoCAD).
- Provide one (1) reproducible set of bidding documents in hard copy format with half-size (11-inch by 17-inch) plan sheets.

Task 5 – Permitting Assistance

Objective: Assist the City with preparing applications and materials necessary for land use and construction permitting of the Phase 2 work.

Approach:

- 5.1 Perform Survey and Inventory of Trees: Contract and coordinate with a professional land surveyor, Compass Land Surveyors, to perform survey of trees that are 6-inch diameter at breast height (DBH) and larger and located within the project area. Surveyed trees will be tagged and inventoried for use in preparing the arborist report and trees will be incorporated into the base map previously prepared under this contract for use during design and preparing tree removal and protection plans.
- 5.2 Prepare Arborist Report and Tree Removal and Protection Plan: Contract and coordinate with a certified arborist, Morgan Holen & Associates, to identify and catalog trees within the project limits and prepare an arborist's report. The arborist's report will identify and catalog the following: significant trees; trees that are dead, diseased, or hazardous; invasive or nuisance trees; and other trees 6-inch diameter at breast height (DBH) and larger. Prepare Tree Removal and Protection Plan.
- 5.3 Attend Pre-Application Conference: Assist the City in preparing application for a pre-application conference with City Public Works and Planning staff. Attend one (1) pre-application conference.
- 5.4 Assist in Preparing Land Use Application: Assist the City in preparing application and providing materials necessary for use in land use permitting.

Assumptions:

- It is assumed that the City will take the lead in the permitting process, including submitting and paying all permit applications and fees, and public notices.
- It is assumed that permitting for NROD, geohazards, and tree removal will be combined and permitted as a single action and will require a Type II process. The process will generally involve a Pre-Application Conference with Oregon City Planning Department, submitting the Land Use Application, notifying the public near the project area, and receiving public comments. It is assumed that no public hearing(s) will be held with the Planning Commission and/or City Commission.

- It is assumed that tree removal mitigation required as part of the land use permitting process will be payment of a fee in lieu of planting. The City will be responsible for payment of all mitigation fees. It is assumed that preparation of a mitigation planting plan will not be required.
- Fieldwork related to arborist services assume up to two days of field work by a 2-person crew.

RH2 Deliverables:

- Tree survey and Arborist's report in electronic format (PDF).
- Tree Removal and Protection Plan
- Attendance by one (1) RH2 staff at the pre-application conference.

Task 6 – Services During Bidding

Objective: Provide bidding assistance, as requested by the City, to respond to bidder questions, prepare addenda, conduct bidder evaluations, and recommend award for the project.

Approach:

- 6.1 Respond to Bidder Questions and Prepare Addendum: Respond to questions from bidders and clarify, revise, or change construction plans, technical specifications, or construction contract conditions during the bidding process, if needed. Prepare one (1) addendum if determined necessary during the bidding process.
- 6.2 Assist with Bid Opening and Bidder Evaluation: Review specialty contractor pre-qualification applications as part of the bid review process. Review subcontractors, suppliers, and others proposed by the prime contractor, if required, by the bidding documents. Develop bid tabulations and provide a letter of recommendation for award.

Assumptions:

- It is assumed that Phase 1 and Phase 2 may be bid separately. Since the City has contracted with RH2 for services during bidding of Phase 1, this Scope of Work reflects the effort anticipated for Phase 2 bidding.

RH2 Deliverables:

- Assistance with one (1) addendum, as needed.
- Bid tabulation and letter of recommendation for award.

Task 7 – Services During Construction

Objective: Provide construction contract administration services during project construction to support the City. As the engineer of record, RH2 will provide periodic observation of the construction to review whether those elements of construction that are observed by RH2 conform

to the project plans and specifications. GRI will provide periodic observations of construction activities related to the landslide mitigation and subgrade stabilization.

Approach:

- 7.1 Prepare for and Attend Pre-Construction Conference: Prepare for and attend one (1) pre-construction conference with the contractor, City, RH2, special inspector, and impacted or adjacent utilities. Prepare an agenda and meeting minutes for the pre-construction conference.
- 7.2 Review RFIs and Change Order Proposals: Review written requests for information (RFIs) and change order proposals and provide written responses to the City.
- 7.3 Review Submittals: Review contractor submittals, shop drawings, and field testing per the project documents. Coordinate with the City regarding substitute and “or-equal” items proposed for use by the contractor.
- 7.4 Provide Periodic Field Observation and Attend Construction Meetings and Final Walkthrough: Provide part-time observation of the construction work in progress. RH2 will coordinate with the contractor and City inspectors to provide construction observation at critical stages of construction and as requested by the City. GRI will provide construction observation as necessary for the landslide mitigation work. The contractor will retain and coordinate with testing firm(s) for all special inspections. Meet with the City and contractor weekly to review the contractor’s progress. Prepare weekly meeting agenda and minutes. Assist the City with project closeout services, including production of a punch list and review of punch list completion. Prepare recommendation letter for project acceptance.
- 7.5 Prepare Record Drawings: Provide record drawings representative of the as-constructed project. Record drawings will be completed based upon contractor and inspector red-lined markups to as-bid drawings. Record drawings will be completed per City standards.

Assumptions:

- It is assumed that Phase 1 and Phase 2 may be constructed under separate contracts. Since the City has contracted with RH2 for services during construction of Phase 1, this Scope of Work reflects the effort for Phase 2 construction.
- RH2 will provide construction contract administration and observations, including periodic site visits to monitor progress, respond to questions and address issues, confirm pay requests, and other on-call requests from the City as relates to this Task. An average of twenty (20) hours per week for ten (10) weeks has been assumed for field visits and observations.
- GRI will provide periodic site visits during construction. It is assumed that GRI will conduct ten (10) site visits. It is assumed that each site visit will be approximately eight (8) hours in length.
- Submittal review is assumed to be sixteen (16) submittals with 25-percent resubmittal.

- The contractor will be responsible for providing construction survey and staking for field control and as-built surveying for use in preparing as-built drawings.
- Construction phase services defined in this Task are variable in nature and depend in part on the contractor awarded the project. RH2's estimate is based upon an experienced and reasonable contractor being awarded the construction contract. RH2 recommends the City budget the amount shown in the estimate plus a contingency amount. The contingency could cover additional services if a more intensive level of observation and construction support is necessary.

RH2 Deliverables:

- Pre-construction conference administration and documentation, including pre-construction conference meeting agenda and minutes.
- RFI and change order review and documentation, if required.
- Submittal and shop drawings review and documentation.
- Weekly construction meeting agenda and minutes.
- Construction observation and correspondence with the City and contractor, as needed, within the budgeted hours authorized. Construction observation reports from site visits to be provided to the City at progress meetings.
- Punch list following final walkthrough.
- Letter recommending project acceptance.
- Record drawings in PDF and AutoCAD® DWG format, including external references, prepared in accordance with City standards.

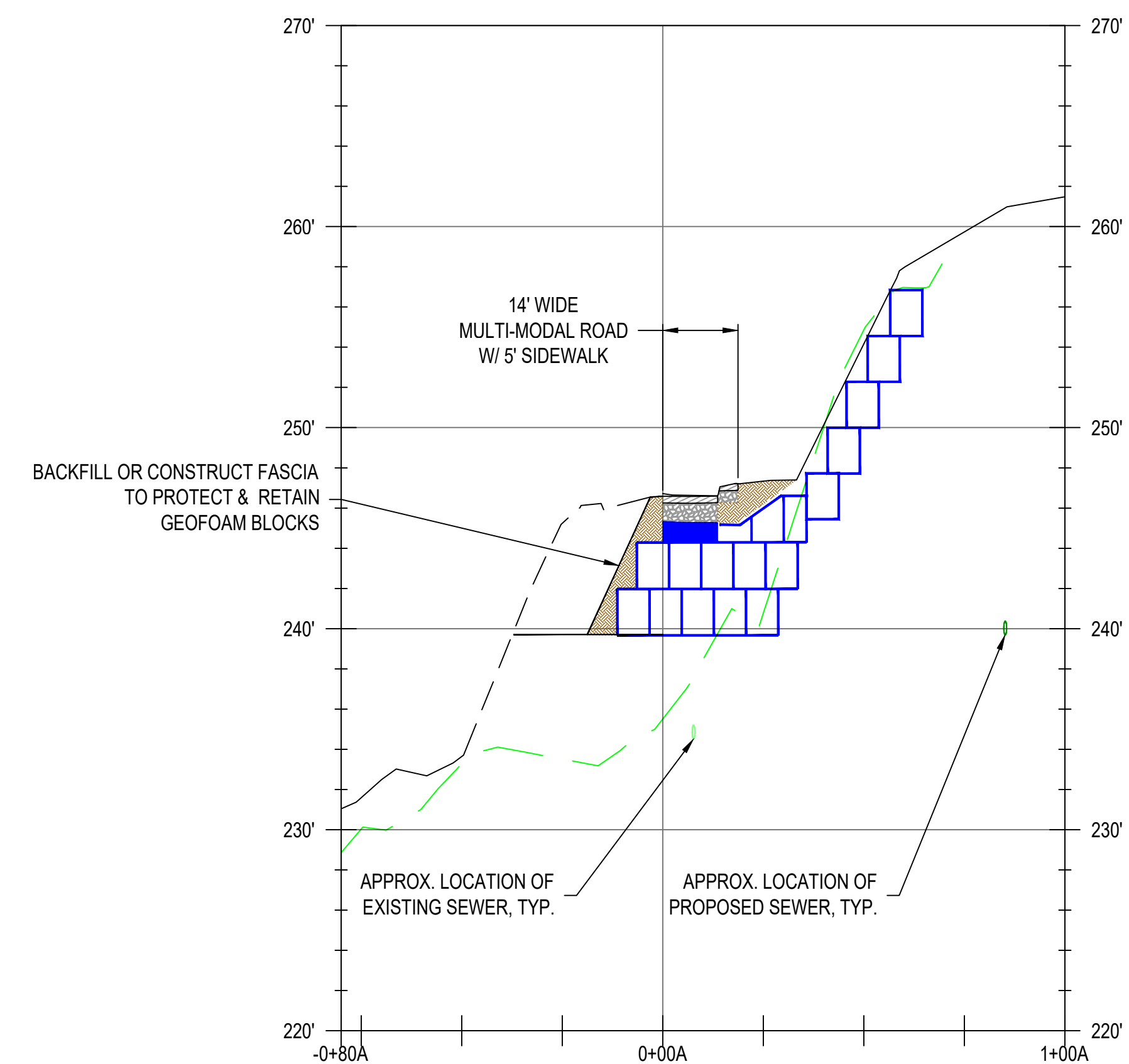
Task 2	60-Percent Design (Phase 2)	124	\$	22,400	\$
2.1	Prepare 60-Percent Civil Design	80	\$	14,362	\$
2.2	Prepare 60-Percent Geotechnical Design	36	\$	6,352	\$
2.3	Attend 60-Percent Review Meeting	8	\$	1,686	\$
Task 3	90-Percent Design (Phase 2)	152	\$	26,587	\$
3.1	Prepare 90-Percent Plans and Specifications	132	\$	22,582	\$
3.2	Perform Quality Control Review	12	\$	2,688	\$
3.3	Attend 90-Percent Review Meeting	8	\$	1,317	\$
Task 4	Bid-Ready Design	34	\$	5,592	\$
4.1	Prepare Bid-Ready Plans and Specifications	34	\$	5,592	\$
Task 5	Permitting Assistance	46	\$	7,235	\$
5.1	Perform Survey and Inventory of Trees	4	\$	573	\$
5.2	Prepare Arborist Report and Tree Removal and Protection Plan	14	\$	2,318	\$
5.2	Attend Pre-Application Conference	8	\$	1,368	\$
5.3	Assist in Preparing Land Use Application	20	\$	2,976	\$
Subtotal Design Tasks		372	\$	64,986	\$
Task 6	Services During Bidding	30	\$	4,834	\$
6.1	Respond to Bidder Questions and Prepare Addendum	16	\$	2,706	\$
6.2	Assist with Bid Opening and Bidder Evaluation	14	\$	2,128	\$
Task 7	Services During Construction	294	\$	48,648	\$
7.1	Prepare for and Attend Pre-Construction Conference	4	\$	778	\$
7.2	Review RFIs and Change Order Proposals	28	\$	5,260	\$
7.3	Review Submittals	40	\$	6,788	\$
7.4	Provide Periodic Field Observation and Attend Construction Meetings and Final Walkthrough	204	\$	32,888	\$
7.5	Prepare Record Drawings	18	\$	2,934	\$
Subtotal Bidding and Construction Services Tasks		324	\$	53,482	\$
PROJECT TOTAL		696	\$	118,468	\$

EXHIBIT C RH2 ENGINEERING, INC. 2020 SCHEDULE OF RATES AND CHARGES		
RATE LIST	RATE	UNIT
Professional I	\$143	\$/hr
Professional II	\$159	\$/hr
Professional III	\$171	\$/hr
Professional IV	\$185	\$/hr
Professional V	\$200	\$/hr
Professional VI	\$212	\$/hr
Professional VII	\$230	\$/hr
Professional VIII	\$238	\$/hr
Professional IX	\$238	\$/hr
Control Specialist I	\$131	\$/hr
Control Specialist II	\$143	\$/hr
Control Specialist III	\$157	\$/hr
Control Specialist IV	\$169	\$/hr
Control Specialist V	\$180	\$/hr
Control Specialist VI	\$193	\$/hr
Control Specialist VII	\$208	\$/hr
Control Specialist VIII	\$216	\$/hr
Technician I	\$108	\$/hr
Technician II	\$118	\$/hr
Technician III	\$135	\$/hr
Technician IV	\$145	\$/hr
Technician V	\$158	\$/hr
Technician VI	\$174	\$/hr
Technician VII	\$189	\$/hr
Technician VIII	\$199	\$/hr
Administrative I	\$71	\$/hr
Administrative II	\$84	\$/hr
Administrative III	\$100	\$/hr
Administrative IV	\$118	\$/hr
Administrative V	\$136	\$/hr
CAD/GIS System	\$27.50	\$/hr
CAD Plots - Half Size	\$2.50	price per plot
CAD Plots - Full Size	\$10.00	price per plot
CAD Plots - Large	\$25.00	price per plot
Copies (bw) 8.5" X 11"	\$0.09	price per copy
Copies (bw) 8.5" X 14"	\$0.14	price per copy
Copies (bw) 11" X 17"	\$0.20	price per copy
Copies (color) 8.5" X 11"	\$0.90	price per copy
Copies (color) 8.5" X 14"	\$1.20	price per copy
Copies (color) 11" X 17"	\$2.00	price per copy
Technology Charge	2.50%	% of Direct Labor
Mileage	\$0.575	price per mile (or Current IRS Rate)
Subconsultants	15%	Cost +
Outside Services	at cost	



PROFILE VIEW

H: 1" = 30', V: 1" = 6'



**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

TRILLIUM PARK DRIVE SANITARY RELOCATION PROJECT – (CI 20-003)

This PERSONAL SERVICES AGREEMENT (“Agreement”) is entered into between the CITY OF OREGON CITY (“City”) and **RH2 ENGINEERING** (“Consultant”).

RECITALS

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

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

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **December 31, 2020**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City’s right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant’s performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **one hundred and seven thousand, nine hundred and fifty-eight and no/100 dollars (\$107,958.00)**.

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

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

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

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

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

To the City:

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

To Consultant:

RH2 ENGINEERING
5335 Meadows Road, Suite 450
Lake Oswego, OR 97035
Attention: Kyle Pettibone

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

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

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this 22 day of May, 2020.

CITY OF OREGON CITY

RH2 ENGINEERING

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

By: _____
Title: _____

DATED: _____, 20__.

DATED: _____, 20__.

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

DATED: _____, 20__.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

\\depot\Departments\PublicWorks\CIP_PS_RFQ_RFP\CIP_Open\CI 20-003 Trillium Park Drive Sanitary Relocation Project\CONSULTANT\Contract\CI 20-003 PSA with RH2 for Trillium Park Drive Sanitary Relocation Project.docx



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

MINUTES

Commission Chambers, 625 Center Street, Oregon City
Wednesday, October 21, 2020 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION

Executive session was held immediately following the General Business item #7C.

- a. *Pursuant to ORS 192.660(2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.*

Executive session was held immediately following the regular meeting of the City Commission.

- b. *Pursuant to ORS 192.660(2)(f): To consider information or records that are exempt by law from public inspection.*

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Dan Holladay called the meeting to order at 7:11 PM.

PRESENT 4 – Mayor Dan Holladay, Commissioner Denyse McGriff, Commissioner Frank O'Donnell and Commissioner Rocky Smith, Jr.

ABSENT 1 - Commissioner Rachel Lyles Smith

STAFFERS 12 – City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Human Resource Director Patrick Foiles, Police Chief Jim Band, Library Director Greg Williams, Assistant to the City Manager Lisa Oreskovich and Economic Development Manager James Graham.

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

3a. Clackamas Fire District #1 Presentation

Chief Fred Charlton, with the Clackamas Fire District #1, provided an update on the recent wildfires and their containment status. Public donations had been dispersed to those in need. There would be an after-action report compiled regarding the performance of the fire district. Chief Charlton provided an update on the proposed merger of Clackamas Fire and the Estacada Fire District # 69, which comprise two ballot measures on the November 3, 2020 election.

Commissioner McGriff asked if the proposed annexation would make the fire district too

large, and Chief Charlton explained their success in absorbing other smaller fire districts and the efficiencies that result.

Commissioner O'Donnell asked if there were existing mutual aid agreements and Chief Charlton explained the existing agreements.

4. CITIZEN COMMENTS

William Gifford, resident of Oregon City, expressed his appreciation for Commissioners O'Donnell and McGriff's participation in the recent candidate forums.

Betty Mumm, resident of Oregon City, asked why the investigative report regarding Mayor Holladay had not been made public, why an incident involving Commissioner McGriff had not been brought forward for investigation and disapproval of the recall effort of Mayor Holladay. Mr. Konkol responded and explained the existing process to register a complaint against a Commissioner, which was to bring it to the Commission and the complainant regarding the incident with Commissioner McGriff did not follow-up. Commissioner McGriff expressed her frustration with the accusation mentioned by Ms. Mumm.

Mayor Holladay provided comment on the recall effort against him and offered his reasoning for recent events.

5. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

6. PUBLIC HEARINGS

7. GENERAL BUSINESS

- 7a. Real Estate Contract for the Sale of the Oregon City Police Department Property Located at 320 Warner Milne Road to Clackamas County Vector Control District.

Chief Jim Band, Police Chief, provided the overview. The real estate contract was for the purchase of 320 Warner Milne Road by Clackamas County Vector Control District. The Buyer, Clackamas County Vector Control, was offering a non-refundable earnest money deposit of \$5,000 that would be applied toward the \$2,800,000 million dollar purchase price. The Buyer's due diligence period will be no more than ninety days and expire on the date of the signed final agreement.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the Real Estate Contract for the Sale of the Oregon City Police Department Property Located at 320 Warner Milne Road to Clackamas County Vector Control District. The motion carried with the following vote:

Aye: 3 - Mayor Holladay, Commissioner McGriff, and Commissioner O'Donnell

Ney: 1 - Commissioner Smith

- 7b. Resolution No. 20-30, Extending Temporary Restaurant Parklets in the Right-of-Way and Temporary Dining and Retail in Private Parking Lots Through the Winter

Laura Terway, Community Development Director, provided the overview of the staff report. In response to social distancing guidelines related to COVID-19, the City Commission adopted a program to allow temporary outdoor dining in parking spaces in the right-of-way (parklets) and temporary dining and retail in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. Resolution No. 20-30 would allow the temporary facilities that submitted a permit by November 30, 2020 to continue from December 1, 2020 to March 14, 2021. The standards had been updated to reflect the extension through the winter.

Mayor Holladay asked about whether the parklets could have roofing and Ms. Terway indicated that would only be allowable for restaurants with parking lot dining area and would be dependent on the material.

Liz Hannum, Executive Director of the Downtown Oregon City Association, expressed her support for extending the parklets through the winter.

Yvette Kirwin, owner of the downtown Oregon City restaurant Nebbiolo, expressed her support for extending the parklets through the winter.

The Commissioners had further discussion regarding the positive/negative aspects of extending the program and addressing any resulting parking issues downtown in the Spring of 2021 as businesses reopened.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve Resolution No. 20-30, Extending Temporary Restaurant Parklets in the Right-of-Way and Temporary Dining and Retail in Private Parking Lots Through the Winter. The motion carried with the following vote:

Aye: 4 - Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

7c. Media Request to Attend Executive Session

Kattie Riggs, City Recorder, presented the staff report to the Commission. The City had received a request from The Canby Current to attend future Oregon City – City Commission Executive Sessions. The City Commission needed to review the established policy regarding media in Executive Session and the application with supplemental materials submitted, to determine if it met the criteria in the policy. Then a decision of approval or denial would need to be determined based on the criteria and submitted materials.

The Commissioners, Mr. Konkol and Mr. Kabeiseman had discussions regarding if the Canby Current was considered a news outlet and there was consensus that it was.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the Media Request to Attend Executive Session. The motion carried with the following vote:

Aye: 4 - Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

The Commission adjourned into Executive Session at 7:56 PM.

The Commission reconvened the regular meeting at 8:38 PM.

7d. Request for Local Designation of Historic Landmarks: The Community Cannery & Workshop Annex Camp Adair Buildings (122 and 220 S. John Adams Street)

Ms. Terway and Mr. Kabeiseman provided an overview. This is the second time that the City has received a request for local designation of historic landmarks for the Community Cannery & Workshop Annex Camp Adair buildings located at 122 and 220 S. John Adams Street. After the first application was filed in 2017, the City Manager withheld property owner consent so that no further designation action could not be considered. After an appeal and remand from the Land Use Board of Appeals, the City Commission supported and refined the position. The Commission's decision was affirmed by LUBA, the Court of Appeals and the Oregon Supreme Court denied review. The new designation application for local designation is identical, except for the name of the applicant.

Commissioner McGriff asked about the process and accepting public comment. Mr. Kabeiseman explained this and indicated receiving public comment may help in the future, should there be an appeal or litigation.

The Commissioners had further discussion on the various approaches available. There was not consensus, as Commissioners Smith and McGriff wished to hear the public comment of James Nicita.

Motion made by Commissioner O'Donnell, seconded by Mayor Holladay to take no further action relying on the previous decision to revoke consent to designation

The motion did not carry with the following vote:

Voting Aye: 2- Mayor Holladay, Commissioner O'Donnell,

Voting Ney- 2- Commissioner Smith, Commissioner McGriff

Mayor Holladay instructed Mr. Konkol to bring this item back to the City Commission meeting on November 4th.

7e. Investigation Report of the Actions of Mayor Dan Holladay

It was determined that Commissioner O'Donnell would Chair this item of the meeting and this was the opportunity for the Commissioners to comment on the investigation report completed regarding the actions of Mayor Dan Holladay. Mr. Konkol indicated the Commission had authorized him to release the investigation report to the public.

Commissioner Smith supports the release of the report unredacted, although he does not feel the report is complete.

Commissioner O'Donnell also feels the report is not complete but should be released to the public so they can be informed. The recall is not the result of just one violation, but multiple violations.

Commissioner McGriff agreed with the statements of Commissioners Smith and O'Donnell.

Mayor Holladay felt the report vindicated him and agreed the public should see the report.

Motion made by Mayor Holladay, seconded by Commissioner O'Donnell, to release the investigation report to the public regarding Mayor Dan Holladay. The motion carried with the following vote:

Aye: 4 - Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

8. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the consent agenda containing items 8a – 8f. The motion carried with the following vote:

Aye: 4 – Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 8a. Resolution No. 20-32, Declaring an Emergency and Exempting the Molalla Avenue Streetscape Project from Prohibition Against Unlawful Noises on a Temporary Basis
- 8b. Personal Services Agreement with Wallis Engineering for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)
- 8c. OLCC: Liquor License Application – Limited On-Premises, applying as an LLC, Shelton Holdings LLC (dba VIP Deli), 1346 Leland Road, Suite C, Oregon City
- 8d. Minutes of the August 19, 2020 Regular Meeting
- 8e. Minutes of the July 7, 2020 Work Session
- 8f. Minutes of the July 1, 2020 Regular Meeting

9. COMMUNICATIONS

City Manager

There was no City Manager report.

Commissioners

There were no comments by the Commissioners.

Mayor

There were no comments by the Mayor.

10. ADJOURNMENT

Mayor Holladay adjourned the meeting at 9:14 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

MINUTES

Commission Chambers, 625 Center Street, Oregon City
Tuesday, October 13, 2020 at 6:00 PM

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

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

CONVENE WORK SESSION AND ROLL CALL

Commission President Rachel Lyles Smith called the meeting to order at 6:01 PM.

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

ABSENT 1 – Mayor Dan Holladay

STAFFERS 11 – City Manager Tony Konkol, Asst. City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Interim Asst. Finance Director Erin Wilkie, Human Resource Director Patrick Foiles, Police Chief Jim Band and Library Director Greg Williams.

FUTURE AGENDA ITEMS

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

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, provided an overview of the staff report. There were no additional items added for future work sessions.

Commissioner O'Donnell asked that two months of future work sessions be drafted for review by the Commission. Mr. Konkol indicated this could be done.

There were further discussions on the timing of some of the agenda items.

DISCUSSION ITEMS

2. Update on Senate Bill 1573 and Associated Court Decisions

Laura Terway, Community Development Director, provided the background for this update on the status of City of Corvallis v. State of Oregon case and its impact on voter approved annexation in the City.

Carrie Richter, Assistant City Attorney, provided a brief overview of the Memo written and included in the agenda packet.

Benton County Trial Court found that Senate Bill 1573 was constitutional. The City of Corvallis and the League of Oregon Cities appealed to the Court of Appeals and lost. The Court of Appeals upheld the decision by the Benton County Trial Court. Ms. Richter provided examples of annexations that would require voter approval, such as outside the Urban Growth Boundary and those that would not, such as emergency annexations (sewer failure).

Commissioner O'Donnell asked what intermural meant in this context mentioned in the memo. Ms. Richter explained that intermural references the City's home rule for those things that are within the City boundary. Extramural pertains to outside that boundary, including annexations, and those are subject to state rule.

Commissioner O'Donnell asked if Ms. Richter had reviewed the information submitted by James Nicita regarding Mr. Kabeiseman's Memo. Ms. Richter explained details of the City of Corvallis appeal and subsequent denial, which was in part due to not verifying the original intent of their annexation process. Ms. Richter also expressed that home rule does not supersede state law.

Commissioner O'Donnell wanted to hear from the League of Oregon Cities attorney's regarding this issue and see if other cities would consider a collective effort in engaging the court on this issue. Ms. Richter had spoken with their counsel who indicated they have not seen any interest from other cities in pursuing this.

The Commissioners had further discussion regarding home rule and their feeling that due to the age of Oregon City (being the first city in Oregon), that should have some bearing on their home rule status regarding annexations and whether it would be worthwhile to pursue with the courts or amend the City Charter to allow annexations legally.

Ms. Terway asked the Commission as to information on the City website regarding annexation and there was consensus to discuss this at a future work session.

3. Legal Expense Summary and Breakdown

Mr. Konkol provided an overview of the staff report and gave background and costs of having a contracted city attorney versus having a city attorney on staff. Mr. Konkol broke out the different areas of City work that incurs legal costs (planning, litigation, etc).

Commissioner O'Donnell asked about why the current legal expenses were so high regarding urban renewal and Mr. Konkol outlined two current litigations that have been costly to the City.

Mr. Konkol described in detail some of the planning and land use legal situations that incur high legal expenses.

Mr. O'Donnell and Mr. Konkol discussed specifics of when to seek legal counsel.

Commissioner O'Donnell asked as to when a human resources attorney would be used, and Patrick Foiles, the City's Human Resources Director, outlined the different labor situations where attorneys would be consulted.

The Commissioners discussed the evolution of the reporting structure of the city attorney position answering to the City Manager and having contracted legal services versus an attorney as a paid City employee in terms of benefit packages. There was also discussion regarding other legal resources the City utilizes (City/County Insurance and the League of Oregon Cities). The Commissioners continue to look for ways to drive down legal costs.

CITY MANAGER'S REPORT

Commissioner McGriff asked the City Manager about the recap from the closing of the Emergency Operations Center after the wildfires. Was there feedback discussed internally with City staff, was there things the City could have done better.

Mr. Konkol and Chief Jim Band indicated a wrap-up report was being formulated at the county level with other entities.

COMMISSION COMMITTEE REPORTS

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

B. Brownfield Grant Committee - Mayor Dan Holladay

C. Citizen Involvement Committee Liaison - Commissioner Rachel Lyles Smith

Commissioner Lyles Smith provided an update on the Citizen Involvement Committee meeting that took place on 10/5/2020. She mentioned all of the neighborhoods are struggling during this virtual environment and several are unable to meet. The recent wildfires also contributed to the situation.

D. Clackamas County Coordinating Committee (C4) - Mayor Dan Holladay and Commissioner Rachel Lyles Smith

Commissioner Lyles Smith mentioned the tolling project and letters of comment for the project. The other topic was support of regional transit and connecting the cities through-out the region. Commissioner Lyles Smith was concerned about the bike and pedestrian information regarding the possibility of it being on the Arch Bridge between Oregon City and West Linn or an alternate bridge to be constructed. This is something ODOT (Oregon Department of Transportation) is heading. Commissioner Lyles Smith and John Lewis, Public Works Director, explained further Metro's role in the project.

E. Clackamas Heritage Partners - Commissioner Rocky Smith, Jr.

F. Downtown Oregon City Association Board - Commissioner Denyse McGriff

Commissioner McGriff stated the Downtown Oregon City Association was coordinating a low-key elevator kiosk ribbon cutting. They are looking at how to move forward with the current COVID restrictions. There was a charity marble drop event upcoming.

G. Metro Policy Advisory Committee (MPAC) - Commissioner Rachel Lyles Smith

Commissioner Lyles Smith reported on the Metro Park Bond that had passed on the May 2020 ballot and the City would be hearing from the oversight committee to establish an agreement. The Housing Authority ballot measure had also passed, and they were establishing an oversight committee as well.

Commissioner McGriff encouraged coordination with Clackamas County on any housing projects and expenditures.

H. Oregon Governor's Willamette Falls Locks Commission - Mayor Dan Holladay

I. South Fork Water Board (SFWB) - Mayor Dan Holladay, Commissioners Frank O'Donnell and Rocky Smith, Jr.

Commissioner O'Donnell looked forward to working with Wyatt Parno in his new position with the SFWB.

J. Willamette Falls and Landings Heritage Area - Commissioner Denyse McGriff

Commissioner McGriff mentioned the virtual event coming up and the subcommittee for diversity, equity, and inclusion.

K. Willamette Falls Legacy Project Liaisons - Mayor Dan Holladay and Commissioner Frank O'Donnell

Commissioner O'Donnell mentioned the dates for the next tentative meeting.

ADJOURNMENT

Commission President Lyles Smith adjourned the meeting at 8:07 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

DRAFT MINUTES

Commission Chambers, 625 Center Street, Oregon City
Wednesday, November 04, 2020 at 7:00 PM

CITY COMMISSION EXECUTIVE SESSION

To be held in the Commission Chambers after the regular meeting of the City Commission.

- i. *Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

1. Convene Meeting and Roll Call

Commission President Rachel Lyles Smith called the meeting to order at 7:14 PM.

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

Absent: 1 - *Mayor Dan Holladay*

Staffers: 12 - *City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Human Resource Director Patrick Foiles, Police Chief Jim Band, Library Director Greg Williams, Assistant to the City Manager Lisa Oreskovich and Economic Development Manager James Graham.*

2. Flag Salute

3. Ceremonies, Proclamations, And Presentations

3a. Proclaiming the Month of November as "Shop Oregon City"

Commissioner Lyles Smith read the proclamation. Victoria Meinig, Director of the Chamber of Commerce, expressed her appreciation for the City supporting local businesses.

3b. Proclaiming November 1, 2020 Extra Mile Day

3c. FEMA Community Rating System 2020 Annual Report

John Lewis, Public Works Director, provided a presentation of the report. To reduce the potential for personal and property losses in the City's floodplain, the City has participated in the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) program since 2005. The CRS program requires that the City document its floodplain code, flood prevention and forecasting efforts, and other facets of flood management. The CRS annual report summarizes the City's current efforts, how these achieved past goals and sets future goals. The program requires that the annual report be heard by the

City's governing body. Participation provides flood insurance discounts for residents and businesses. The program requires public outreach/education and continued emergency preparedness.

Commission Lyles Smith asked whether there are additional insurance discounts with a better rating, and Mr. Lewis indicated there were.

4. Citizen Comments

Patti Webb, resident of Canemah, expressed her appreciation of the Commissioners for not directing city businesses to reopen earlier in the year and not holding a fireworks event on July 4th. Ms. Webb felt there would have been serious community health repercussions otherwise.

Dorothy Dahlsrud, resident of Oregon City, recommended the Commission consider rolling over Heritage Tree Program award funds year over year, in the event funds are not used in a given year.

Adam Marl, resident of Oregon City, provided an update on the Mayor Holladay recall and also requested the Commission refer the investigative report of the Mayor to the Department of Justice for their review. Commissioner O'Donnell commented that voters should be informed on the issues leading to the recall prior to voting. The Commission discussed adding an additional agenda item under General Business to discuss the investigation report.

5. Adoption of the Agenda

Item 7d was added: the investigation report of Mayor Holladay. Item 8b was removed from the consent agenda. The revised agenda was adopted.

6. Public Hearings

There were no public hearings.

7. General Business

7a. First Reading of Ordinance No. 20-1010, Designating Property Adjacent to Waterboard Park as Part of Waterboard Park and Designating the Area as a Park Under Oregon City Charter Chapter X

Tony Konkol, City Manager, provided an outline of the Ordinance. The Commission directed staff to prepare an ordinance designating the Public Works Upper Yard as a Charter Park and to proceed with the removal of the two outbuildings on the property. The proposed area of the park includes the property that has historically been identified as the Armory property, which reverted back to City ownership once the demolition of the Armory building was completed by the State. Included in the ordinance is the legal descriptions of Tract 2 (upper yard and Armory site) which is to become the park, the easement language for the existing utilities and access along the bluff edge and identification of the two outbuildings that are to be removed from the property. The Ordinance will take effect 30 days after the 2nd reading of the proposed Ordinance or upon the removal of the two outbuildings.

Cameron McCredie, Chair of the McLoughlin Neighborhood Association, expressed support and appreciation for the City's efforts to make the area a City park.

Jesse Buss, resident of Oregon City, expressed appreciation for the City's efforts to make the area a City park, despite the many years of inaction.

Mike Mitchell, resident of Oregon City, expressed his support and urged the Commission to approve the first reading of the Ordinance.

Doug Neeley, resident of Oregon City, expressed his support and provided some background on the involvement of the Parks and Recreation Advisory Committee (PRAC) and the Commission and some lack of communication regarding the area.

Commissioner Smith recognized the volunteer efforts over many years to make this addition to the park happen.

Commissioner Lyles Smith also supported all of the efforts made and hoped that PRAC will be more in the loop, should there be a similar topic.

Commissioner McGriff also concurred and thanked the members of PRAC on their work the park designation.

Motion made by Commissioner Denyse McGriff, seconded by Commissioner Rocky Smith, to approve the First Reading of Ordinance No. 20-1010, Designating Property Adjacent to Waterboard Park as Part of Waterboard Park and Designating the Area as a Park Under Oregon City Charter Chapter X. The motion passed by the following vote:

Aye: 4- Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyle Smith, Commissioner Rocky Smith

- 7b. Resolution No. 20-34, Declaring an Emergency and Exempting a Temporary Warming Shelter at The Father's Heart Street Ministry from Planning Code Requirements (November 5, 2019 until March 31, 2020)

Laura Terway, Community Development Director, introduced the resolution. My Father's Heart Street Ministry would like to house up to 49 individuals from 6 p.m. to 7 a.m. each day the outside temperature is 33 degrees or below, including wind chill from November 1, 2020 until March 31, 2021. The number of beds is likely to be reduced due to separation requirements of COVID-19. The City of Oregon City Building Official and Clackamas Fire District #1 have yet to approve the request for conformance with the Temporary Emergency Policy prior to use of the facility.

Commissioner Lyles Smith asked about the fees for the pre-application conference and the timeline for the conditional use land use approval. Ms. Terway outlined the fee.

Commissioner McGriff was concerned about exempting any city policy and that outreach to neighbors had not occurred.

Commissioner O'Donnell expressed frustration that the Ministry had not been timely applying for the process and that it has been a recurring issue every year at this time.

Robin Keating, Executive Director of the Ministry, commented they have been taking precautions because of COVID and initiating additional spacing as well.

Commissioner O'Donnell asked about whether the spacing for individuals staying overnight. Jennifer Morris, the night shelter manager, indicated they will be issuing hotel vouchers to the most vulnerable to reduce the need as well as working with several Clackamas County departments advising on necessary changes to the facility. All staying at the facility will be required to follow all requirements. The number of individuals that will be allowed to stay at the facility will be determined by the building inspection to be conducted on the afternoon of November 5th. It is not anticipated to be a need to continue past March 31, 2021.

Commissioner McGriff asked about outreach to the neighborhood and Robin indicated they have had conversations with some neighbors, but not all. Commissioner McGriff indicated other neighbors had

concerns. The Ministry staff indicated they are willing to have additional conversations to try to resolve any issues.

Ms. Terway indicated there is still considerable time before the planning process is completed.

The Commissioners had further discussion regarding the number of individuals to be allowed in the facility and arrived at changing the resolution wording to reflect whatever number is determined by the County Health Department through inspection.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the Resolution No. 20-34 as amended, Declaring an Emergency and Exempting a Temporary Warming Shelter at The Father's Heart Street Ministry from Planning Code Requirement (November 5, 2020 until January 31, 2021). The motion passed by the following vote:

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

7c. Expanding the Existing Tourism Infrastructure Support Initiative to Include a Debt Relief Initiative Option

James Graham, Economic Development Director, provided an outline. The Economic Development Department requested that a debt relief alternative be included in the Tourism Infrastructure Support Initiative that was approved by the Commission in September 2020. The debt relief program will utilize the existing funds that have been allocated for the Re-Imagine Opportunity Fund and work the same as the previous debt relief program earlier in the year. This will help eligible applicants to remain financially solvent through the winter months until more favorable weather conditions return to engage their customers in outdoor dining again.

Commissioner McGriff asked Mr. Graham what is the maximum amount that applicants can receive and are they able to apply now if they received funds from the previous debt program and is there a concern all the funds will be spent on debt relief and not the re-imagining program. Mr. Graham indicated they can apply again and the maximum amount is four thousand dollars. Mr. Graham is not concerned about the funds being spent on just the debt relief.

Commissioner Smith asked why there hadn't been significant responses from business owners to the re-imagine program Mr. Graham indicated business owners are struggling with re-thinking how to do their businesses differently and are more concerned about the day-to-day solvency.

Commissioner McGriff expressed feedback she had received from business owners that they liked the idea of the re-imagine program, but lack the time and resources to commit time to the process.

Commissioner Smith expressed concerns regarding providing funding to businesses that may not truly need the funds and also businesses that may close despite receiving the assistance. Mr. Graham indicated that businesses that have received the funding have used them correctly.

Commissioner O'Donnell expressed frustration that business owners have not participated in the re-imagine program and felt the Downtown Oregon City Association could have done more to promote the program and assist business owners. Commissioner O'Donnell doesn't feel the debt relief funding will be enough to sustain local businesses through the winter months.

The Commissioners, Mr. Konkol and Mr. Graham has further discussion on allotting much of the funding for immediate business debt relief and retaining some portion for the re-imagine program. Because the funding is through the CARES Act, it must be spent before the end of December, 2020. There was consensus by the Commission for the debt relief funding to initiate, with \$100,000 retained for the re-imagine portion. If no additional re-imagine applications are received by November 30th, the re-imagine funds will be released fully to the debt relief effort.

7d. Investigation Report Regarding Mayor Dan Holladay

Commissioner O'Donnell supported the release of the report to the State Government Ethics Commission.

Commissioner Lyle Smith asked Ms. Riggs as to the certification date of the recall vote. Ms. Riggs indicated the deadline to receive from the County is November 30, 2020.

Commissioner O'Donnell asked as to processes after the recall results are certified. Ms. Riggs and Mr. Kabeiseman provided the details and timeline to the Commission.

Motion made by Commissioner Frank O'Donnell, seconded by Commissioner Rocky Smith, to forward the investigation report regarding Mayor Dan Holladay to the State Government Ethics Commission. The motion passed by the following vote:

Aye: 4- Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyle Smith, Commissioner Rocky Smith.

8. Consent Agenda

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda. The Commissioners and Ms. Terway requested separated discussion regarding item 8b and removed it from the consent agenda.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the Consent Agenda minus item 8b. The motion passed by the following vote:

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

8a. Resolution No. 20-33, Adopting a Policy for Additional Permitting, Notification, and Other Requirements for Removal of Significant City Trees

8b. Request to Delegate Authority to Take all Necessary and Reasonable Actions to Implement HB 4006 Including Holding a Public Meeting to the Community Development Department

The Commissioners and Ms. Terway discussed item 8b.

Motion made by Commissioner Rocky Smith, seconded by Commissioner Denyse McGriff, to approve item 8b, Request to Delegate Authority to Take all Necessary and Reasonable Actions to Implement HB 4006 Including Holding a Public Meeting to the Community Development Department. The Motion passed by the following vote:

Aye: 4- Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyle Smith, Commissioner Rocky Smith.

8c. Deed of Dedication for the Molalla Avenue Streetscape Project (CI 18-004) – Wiesberg Family Properties, LLC (Southridge Center)

- 8d. Change Order No. 3 for Tyrone S. Woods Memorial Park
- 8e. Public Works Storm Division Replacement Vehicle
- 8f. Public Works Water Division Replacement Vehicle
- 8g. Minutes of the July 15, 2020 Work Session
- 8h. Minutes of the July 15, 2020 Regular Meeting
- 8i. Minutes of the August 5, 2020 Work Session
- 8j. Minutes of the August 5, 2020 Regular Meeting

9. Communications

City Manager

There were no City Manager reports.

Commissioners

Commissioner Lyles Smith congratulated Commissioners O'Donnell and McGriff on their election wins.

Commissioner McGriff expressed that going forward, if the Commissioners have personal comments that is unrelated to City business, that they should do so from the public comment table and not from the dais. The other Commissioners concurred. Commissioner McGriff commented on her ongoing diversity and inclusion work.

10. Adjournment

Commission President Lyles Smith adjourned the meeting at 9:14 pm.

Respectfully submitted,

Kattie Riggs, City Recorder