



CITY OF OREGON CITY CITY COMMISSION WORK SESSION AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, March 11, 2025 at 6:00 PM

Typically there are no public comments at work sessions, but written comments are accepted by:

- Email recorderteam@orc.city.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045
- You may also attend this meeting by watching the livestream on the City's YouTube Channel:

<https://www.youtube.com/user/CityofOregonCity>

1. CONVENE MEETING AND ROLL CALL

2. GENERAL BUSINESS

- a. Legislative Update from Representative Hartman
- b. Climate Friendly Equitable Communities - Conceptual Report
- c. McLoughlin Promenade Follow Up

3. FUTURE AGENDA ITEMS

- a. List of Future Work Session Agenda Items

4. CITY MANAGER'S REPORT

- a. Update on City Projects

5. COMMITTEE REPORTS

Commissioner Wilson

- Citizen Involvement Committee Liaison
- Homeless Solutions Coalition

Commissioner Smith

- Clackamas Heritage Partners
- Destination Management Marketing Organization
- South Fork Water Board

Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County Coordinating Committee (C4) – Metro Subcommittee (alternate)
- Clackamas County I-205 Tolling Strategies Committee
- Youth Advisory Commission

Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) (alternate)
- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Downtown Oregon City Association Board (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)
- South Fork Water Board

Mayor McGriff

- Arts Commission
- Ad Hoc County Old Historic Courthouse
- Clackamas Heritage Partners (alternate)
- Clackamas Water Environment Services Policy Committee
- Destination Management Marketing Organization (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- South Fork Water Board
- Willamette Falls and Landings Heritage Area

- Willamette Falls Legacy Project Liaisons
- Willamette Falls Locks Authority

6. ADJOURNMENT

ORDINANCE NOTICE

If an ordinance is noticed above in this agenda, the text of the ordinance is available online with the posted agenda packet. In addition, three copies are provided for public review in the Office of the City Recorder upon request.

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker's table, and state your name and city of residence. Each speaker is given 3 minutes to speak. Representatives of neighborhood associations may be given 5 minutes to speak if requested. As a general practice, the City Commission does not engage in discussion with those making comments. Complaints shall first be addressed at the department level prior to addressing the City Commission. Electronic presentations are permitted but must be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

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

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

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



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** March 11, 2025
From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager

SUBJECT:

Item 2.b. - Climate Friendly Equitable Communities - Conceptual Report

STAFF RECOMMENDATION:

Receive an update on the CFEC project including public feedback and proposed conceptual code language.

EXECUTIVE SUMMARY:

New state rules, known as Climate Friendly and Equitable Communities (CFEC), require Oregon Cities and Counties to implement a number of reforms related to parking requirements and management in an effort to reduce the climate impacts of excessive parking. Many of the changes are prescriptive, and several of them are already in effect, but there are some options available to communities who do not wish to entirely remove minimum parking requirements while conforming substantially to the new state rules.

Over the last couple of months, staff worked with our consultant, Studio Davis, to gather public feedback on how to implement these new rules for Oregon City. That feedback along with other prescriptive amendments are presented in the attached document titled Oregon City Conceptual Approach to CFEC Compliance.

BACKGROUND:

While many of the code amendments required to implement CFEC have little room for variation from what the Oregon Administrative Rule require, there are several areas that Oregon City can make choices about how to implement the rules. Staff and our consultant have asked the public for feedback through several information gathering venues including the following activities:

- Advisory Committee presentations
 - CFEC Ad Hoc Advisory Committee- October and November 2024
 - Developer stakeholder group- January
 - Citizen Involvement Committee - February
 - Natural Resource Committee- February
 - Library Board- February

- Open Houses

- In person at the Libke Public Safety Building on February 10, 2025
 - Virtual on-line information and questions made available from February 10-February 18, 2025
 - These were advertised through social media and e-Trail News
- A project webpage (<https://orccity.org/1553/Climate-Friendly-Equitable-Communities-C>) was created with project information and a feedback form for interested parties to fill out and submit.

The summary of public feedback below indicates generalized responses to key decision points needed for code amendments.

OAR	Public Feedback
OAR 660-012-0405(1)(b): Underused on and off-street parking spaces maybe redeveloped for other purposes	General support for this idea of converting underused parking to bike parking or outdoor seating and some emphasized focusing on shared parking in underused situations. A definition for underused is needed
OAR 660-012-0405(4): Require at least one of three climate mitigation actions from new parking lots over one-half acre in size	Public support for prioritizing tree canopy covering at least 40% of the new parking area at maturity with a secondary option of installing solar panels. There was very little support for a fee-in-lieu and, in fact, staff does not recommend this option because the collected fees are required to go to a clean energy fund set up by the State or County and it is not guaranteed that the funds will go back to Oregon City.
OAR 660-012-0410: Electric vehicle charging required for 40% of parking spaces at new multi-unit (>5 unit) residential developments.	Public feedback did not support the City requiring more than 40% and did support requirements to keep sidewalks clear of charging stations and/or necessary equipment.
OAR 660-012-0630: City must provide bicycle and small-scale mobility device parking in climate-friendly areas and at "key destinations".	Generally, public feedback supported providing and/or requiring secure parking for cargo bikes, family bikes, etc and including charging stations for e-bikes and scooters. Small-scale mobility devices should be required to maintain a clear sidewalk.
OAR 660-012-0415: Cities over 25,000 in population within the Portland metro area must adopt parking maximums in climate-	Public feedback was split between differentiating between areas within the transit and regional center buffers and areas

friendly areas and within 1/2 mile of frequent transit. maximum parking rates could apply depending on where the site is located.
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The attached Conceptual Approach also discusses needed code amendments for required changes.

Next Steps

- Staff and consultant presented this information to the Planning Commission at their meeting on March 10, 2025.
- The first public hearing at the Planning Commission is tentatively scheduled for April 14, 2025.
- First and second reading of the ordinances will follow at City Commission regular meetings in May.

OPTIONS:

No decisions are required at this time. Staff welcomes City Commission feedback and questions.

BUDGET IMPACT:

No decisions are required at this meeting. Staff and consultants are open to feedback, questions, and discussions.

Memorandum



To: Aquilla Hurd-Ravich & Pete Walter, City of Oregon City

CC: Evan Manvel, DLCD

From: Brian Davis, AICP

Date: March 1, 2025

Re: Oregon City Conceptual Approach to CFEC Compliance

Introduction

This memo summarizes Oregon's new administrative rules (OAR) pertaining to parking that were recently enacted as part of the Climate Friendly and Equitable Communities (CFEC) program and examines the nature and extent of code updates that Oregon City will need to implement to comply with the new rules.

The parking-related rules (OAR 660-12-0400 through -0450) generally aim to reduce the amount of unnecessary parking built due to minimum requirements, and to reduce impacts of new parking to the extent possible. There are three broad paths to compliance allowed within the rules ("options," per DLCD's terminology).

- Option 1 is to repeal mandates entirely;
- Options 2 and 3 are to enact either a smaller subset of more significant reforms (Option 2) or a larger subset of less significant reforms (Option 3).

Additionally, there are several requirements regarding newly developed or redeveloped parking specified by OARs 660-012-0405 (Parking Regulation Improvements) and 660-012-0410 (Electric Vehicle Charging) that necessitate updates to Oregon City's code, and additional rules regulations addressing the maximum amount of parking that can be developed specified by OAR 660-012-0415.

This memo discusses the preferred avenue to compliance for Oregon City. This avenue was developed beginning with an initial code audit conducted in 2023 by Jet Planning, and refined through ongoing analysis and outreach conducted by Studio Davis and the City in tandem. The recommendations herein discuss and consider feedback received through an extensive outreach process that included presentations to the various boards and commissions serving Oregon City as well as a public workshop that included in-person and online elements.

Engagement & Outreach

The approach to compliance detailed below was developed through a robust and inclusive outreach process that sought to obtain feedback from the gamut of Oregon City residents, employees, and community leaders.

The initial round of engagement prior to October 2024 was conducted directly by the City. In late 2024, an ad-hoc CFEC Committee was formed to advise the project team on implementing the necessary changes. From the City's initial engagement, Option 3 emerged as the preferred compliance alternative. The CFEC Committee supported this alternative and established the general framework for compliance.

While many elements of Option 3 are prescriptive, there are several areas where Oregon City has some discretion regarding how to meet requirements. The project team sought feedback on these areas through subsequent engagement efforts with the CFEC Committee and other standing committees during January and February, 2025, including with a public open house held on February 10, 2025. For the Open House, the project team created a number of materials to solicit feedback, including creation of a poster that summarized the feedback received to date. That poster is shown below in Figure 1, and represents a good synopsis of feedback received, showing both the key points from the various commissions as well as the workshop's participants' dots indicating agreement or disagreement.

Again, many of the requirements Oregon City needs to update are strictly prescribed by the CFEC rules. However, the engagement process generated detailed and thoughtful feedback on a number of areas where the City does have latitude. To the extent possible, that feedback has been incorporated into the recommended updates described below.

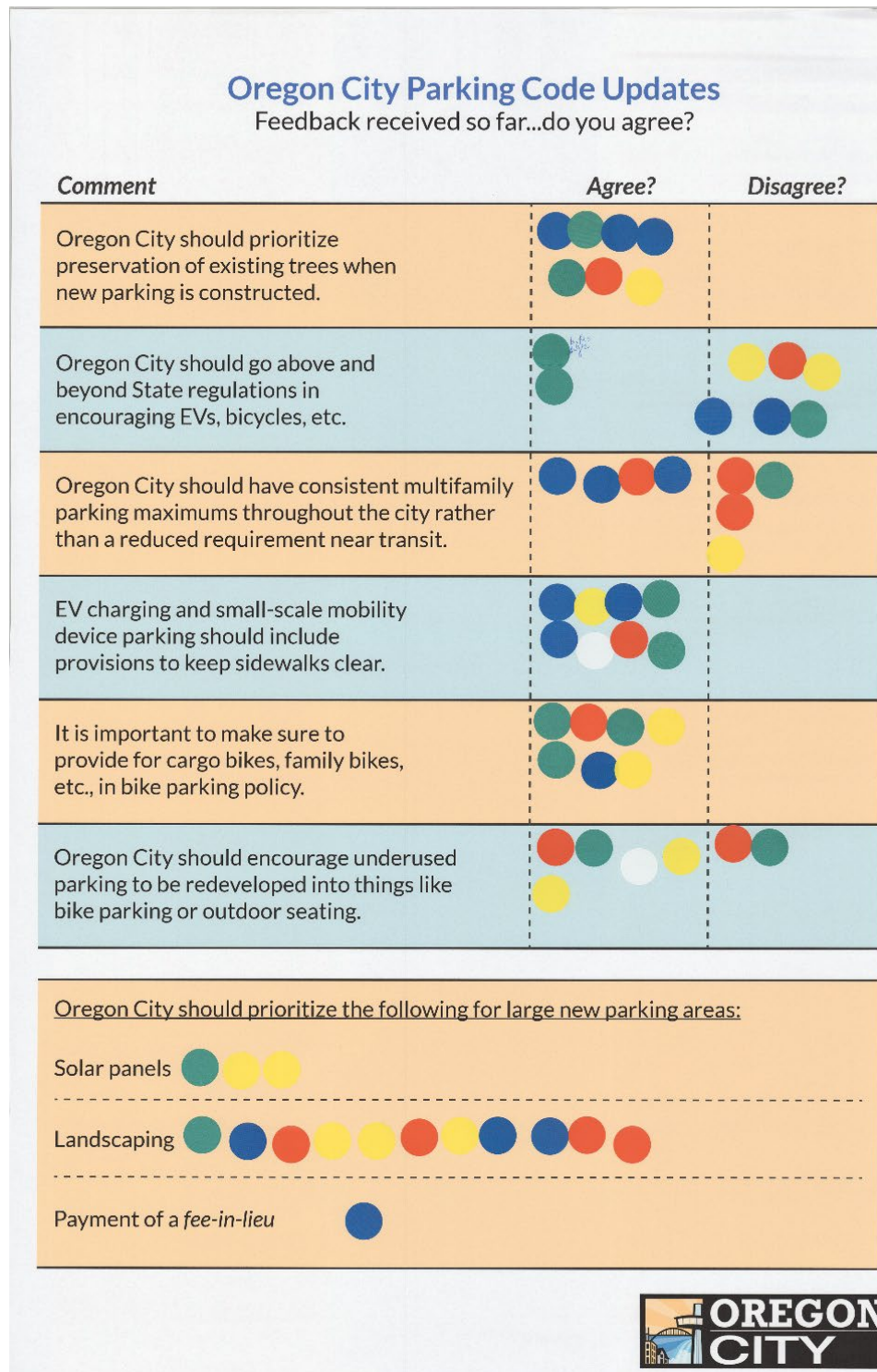


Figure 1: Poster from the *dot exercise* conducted for the public workshop, showing points of feedback received prior to the workshop and agreement or disagreement indicated by workshop attendees

Preferred Approach and Necessary Code Changes

Early in the engagement processes, it became evident that there was a lack of political support for Option 1. Further, both city staff and board/commission members expressed concerns about the implementation of unbundled parking, which is required by Option 2. Option 3 thus emerged as the preferred option, particularly given the fact that Oregon City already manages parking with meters and permits, which is a key requirement of Option 3. The conceptual approach detailed below presents a path to compliance following Option 3.

Parking Management (OAR 660-012-0400)

OAR 660-012-0400 establishes that Oregon City is required to comply with the parking-related CFEC regulations (OAR 660-012-0400 through -0450) and details the parameters of the three compliance options described above. The rule indicates that in lieu of removing parking requirements per OAR 660-012-0420, Oregon City can instead implement the provisions of OAR 660-012-0425, -0430 -0435, -0440, -0445, and -0450.

No code changes are directly required to meet this rule.

Parking Regulation Improvements (OAR 660-012-0405)

New requirements under rule -0405 address any new parking that is developed or redeveloped, and fall under eight broad categories. These are cited below along with code updates needed to meet these rules.

Preferential placement of carpool/vanpool parking (660-012-0405(1)(a))

OCMC 17.52.030(E) currently requires preferential parking for carpools/vanpools for many developments. Generally Oregon City's requirements meet or exceed those from the new OAR, which is limited in applicability to only "designated employee areas." However, the threshold for applicability for these new parking areas is 50 spaces, so OCMC will need to be slightly updated to meet this. The easiest path to compliance will be to update the applicability statement of OCMC 17.52.030(E) to read:

"New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, and new hospitals, government offices, group homes, nursing and retirement homes, schools, *designated employee parking areas*, and transit park-and-ride facilities with fifty or more parking spaces..."

Per feedback from DLCD, this code may be confusing in its present form, particularly after adding an additional use, so the City should consider rewriting this as a bullet-pointed list.

Allow redevelopment of a portion of a parking lot for bike or transit uses (660-012-0405(1)(b))

The current code does not contemplate redevelopment of parking for bike or transit uses. New language will need to be added to the code to allow for this.

Allow and encourage redevelopment of underused parking (660-012-0405(2))

Likewise, the current code does not currently address potential redevelopment of underused parking, so language will need to be added to allow for this possibility. Note that the City can still require review for new or expanded uses or structures. Potential language for this regulation that could address both this rule and the previous one based upon implementation guidance follows. The City also may want add a definition of “underused parking” to 17.04 to provide clarity; a potential definition largely consistent with best practices might be, “parking lots or facilities that are below 50% of capacity most or all of the time.”

“(A) Purpose. To minimize the opportunity cost of parking by encouraging other beneficial uses to take its place, especially in situations where parking is underused.

(B) Property owners may choose to redevelop underused off-street parking, pursuant to OCMC 17.52.

(C) Redevelopment of existing off-street parking areas as a bicycle-oriented or transit-oriented facility including bicycle parking, bus stops and pullouts, bus shelters and park and ride stations, and similar facilities is encouraged.”

Allow and facilitate shared parking (660-012-0405(3))

Shared parking is currently addressed within OCMC 17.52.20(B)(3) as a permissible path to meet parking requirements. This can be kept as-is for the area where parking requirements will be retained. However, more general language will be needed establishing the permissibility of shared parking. Potential language follows.

“Parking facilities for two or more uses, structures, or parcels of land may be shared, provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.”

Tree canopy, solar, or fee-in-lieu, for parking more than ½ acre (660-012-0405(4)(a))

This is perhaps the most impactful requirement of Rule -0405, as this requirement will shape what those areas look like and their impact to the overall sense of place. Accordingly, there was a significant amount of discussion on this topic during the outreach process.

The rule indicates that Oregon City must require at least one, or any combination, of the following:

- A) Require installation of solar panels capable of generating 0.5 kilowatts per new parking space;
- B) Require a fee-in-lieu payment of \$1,500 per new parking space to be invested in a city, county, or state fund dedicated to renewable energy development; or
- C) Require a tree canopy covering 40% of the parking lot.

Oregon City currently has detailed parking lot landscaping requirements via OCMC 17.52.060, although no tree canopy coverage percentage is specified. Oregon City’s code otherwise meets or exceeds requirements, and is largely consistent with implementation guidance.

During the outreach process participants generally indicated support for landscaping, and a plurality felt that there should also be a solar option for parking lot landscaping, which Oregon City does not currently allow for. This could be added as an option via the following clause within (or adjacent to) 17.52.060:

“Developments adding off-street parking areas of one-half acre (21,780 square feet) or more, must provide a tree canopy covering at least 40 percent of the new parking lot area at maturity, but no later than 15 years after planting, consistent with requirements of OCMC 17.52.060.”

“If it is infeasible to meet the 40% tree canopy requirement due to site constraints, installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space can instead be provided. Panels may be located anywhere on the property, subject to OCMC standards.”

Note that a fee-in-lieu program was not widely supported during the outreach process and it is unclear how such a program would be administered, so this is not recommended here.

New parking more than ½ acre must have trees along driveways or 30% coverage (660-012-0405(4)(b))

As above, Oregon City currently has fairly robust landscaping requirements and can meet the letter of this rule via fairly modest adjustments to existing language specifying that 30% coverage is needed.

The 30% perimeter coverage requirement is met *prima facie* if the overall 40% tree canopy requirement from the previous section is met. Otherwise, 30% tree coverage is required along the perimeter while meeting the previous requirement via the solar option.

Pedestrian connections through large parking lots (660-012-0405(4)(c))

OCMC 17.052.060 discusses pedestrian safety and walkways within parking lots and includes several requirements. Further design criteria are specified by OCMC 17.62.050(c).

DLCD's Implementation Guidance details what safe pedestrian connections should consist of and allows for discretion in the case of site-specific conditions outside of the applicant's control. Based upon this, Oregon City should add the following design requirements to 17.62.050(c) to fully comply with this requirement.

- Pedestrian crossings at intersections with drive aisles and other driveways should be demarcated, preferably by a raised surface that slows vehicular travel, or by different surface materials.
- Crossings demarcated only by striping are discouraged in that they have not been demonstrated to be safe or effective for pedestrian protection.
- The pedestrian facilities should be illuminated to at least the same level as the on-site driveways and public right-of-way.
- Pedestrian facilities from building entrances to the public right-of-way, ADA spaces, and transit stops shall be as direct as possible.

- Driveway crossings should be minimized, and the placement of buildings and their entrances should minimize pedestrian travel distances where possible.

Parking maximums in appropriate locations (660-012-0405(5))

This rule, intentionally worded very loosely, requires implementation of parking maximums in “appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.” Since Oregon City currently has citywide parking maximums, it currently meets this requirement with no further adjustments, although some of the specific maximums will need to be adjusted to come into compliance with OAR 660-012-0415, described below.

Electric Vehicle Charging (OAR 660-012-0410)

Rule -0410 calls for new private multi-family residential or mixed-use developments with five or more residential dwelling units to install conduits to serve 40% of vehicle parking spaces.

Currently, Oregon City’s code doesn’t address EV charging, so language to meet this requirement will be needed. A potential way to do this would be to add the following language (or similar) to code.

“*Electrical Service Capacity*. Electrical service capacity, as defined in OCMC 17.04.345, must be provided to new off-street parking spaces subject to the following standards. Variance requests to these standards are prohibited.

- a. Non-residential development and residential or mixed use developments with less than five dwelling units must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.
- b. Residential or mixed-use development with five or more dwelling units must provide electrical service capacity to a minimum of 40 percent of all off-street vehicle parking spaces on site.”

The definition of *Electrical Service Capacity* can then be added as OCMC 17.04.345 -350. Per implementation guidance, potential language is:

“Electrical service capacity” means:

- (a) Building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add the overcurrent devices;
- (b) Designated space within a building to add electrical service with capacity for electric vehicle charging stations; **or**
- (c) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations; **and**
- (d) A conduit system installed from building electrical service, or from the dedicated spaces or locations described in subparagraph (A) of this paragraph, to parking

spaces that can support, at a minimum, electrical wiring for installation of level 2 electric vehicle charging stations and, if the conduit is for future installation of electric vehicle charging stations, that labels both ends of the conduit to mark the conduit as provided for future electric vehicle charging stations.

“Electric vehicle charging station” means a device or facility for delivering electricity for motor vehicles that use electricity for propulsion.

“Level 2 electric vehicle charging station” means an electric vehicle charging station that uses 240V AC electricity for charging an EV.

Parking Maximums (OAR 660-012-0415)

Cities with 25,000 people or more within the Portland metro area are subject to rule -0415(1), which requires implementation of certain maximum parking requirements within the transit corridors and Climate Friendly areas listed in OAR 660-012-0440. With a population of approximately 40,000, Oregon City is subject to this rule.

As discussed above, Oregon City currently has maximum requirements specified for several uses via OCMC Table 17.52.020. With the exception of multifamily housing, these requirements meet those of the new rule. Thus, Oregon City will need to amend the multifamily maximum in Table 17.52.020 to be 1.2 off-street parking spaces per studio unit and two off-street parking spaces per non-studio residential unit.

Note that a topic that was discussed at length during the outreach process was whether to implement this change only within the required areas (likely through an additional table and/or code section), or to amend Table 17.52.020 to apply these new maximums citywide. There was broad consensus that the latter represented the more sensible path.

Reducing the Burden of Parking Mandates (OAR 660-012-0425)

This section is mostly prescriptive, but will require several updates to OCMC 17.52.020, likely within an expanded subsection C, which addresses reductions to parking minimums. Most requirements below can be met with straightforward updates to 17.52.020, however DLCDD did not produce model code or implementation guidance for this subsection.

Table 1: Requirements of OAR 660-012-0425 and necessary updates to meet them

Requirement	Needed Update
Garages and carports may not be required for residential developments.	Oregon City is in compliance per OCMC 17.52.010 – Applicability, but this section does not exception does not expressly mention triplex or 4-plexes. Oregon City may want to add these for clarity.

Garage parking spaces shall count towards off-street parking mandates.	Add section specifying this to OCMC 17.52.020.
Provision of shared parking shall be allowed to meet parking mandates.	Oregon City is in compliance. No change needed.
Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any non-loading parking is provided on site, all required parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance.	To wit, none of these requirements are currently contemplated in code. This requirement can likely be added verbatim as a subsection of 17.52.020.
Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development.	Add section specifying this to OCMC 17.52.020.
Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development.	Add section specifying this to OCMC 17.52.020, including requirement that these spaces be signed or marked appropriately.
Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development.	Add section specifying this to OCMC 17.52.020.
Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.	Add section specifying this to OCMC 17.52.020.

Note that reductions above must be cumulative and not capped. This should be specified by code as well.

Reduction of Parking Mandates for Development Types (OAR 660-012-0430)

This rule requires the following:

- Oregon City may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.

- No requirements are allowed for the following uses:
 - Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
 - Child care facility as defined in ORS 329A.250;
 - Single-room occupancy housing;
 - Residential units smaller than 750 square feet;
 - Affordable housing as defined in OAR 660-039-0010;
 - Publicly supported housing as defined in ORS 456.250;
 - Emergency and transitional shelters for people experiencing homelessness; and
 - Domestic violence shelters.

Oregon City does not appear to require parking for the nonresidential uses listed above. The simplest path to compliance with this option would be to add language exempting “residential developments with more than one unit on a single Lot of Record as defined by 17.04.695, residential units less than 750 square feet, single-room occupancy housing, affordable housing per OAR 660-039-0010, and publicly supported housing as defined in ORS 456.250.”

Note that implementation guidance indicates that communities should be sure to conform with parking mandate limits in OAR 660-046 for traditional “missing middle” housing including duplexes, triplexes, quadplexes, townhouses and cottage clusters. In some cases those rules set tighter limits on mandates than those in OAR 660-012; the smaller allowance applies in those situations.”

Parking Reform in Climate-Friendly Areas (OAR 660-012-0435)

This rule applies to the downtown Oregon City Metro Region 2040 center and requires Oregon City to either eliminate minimum parking requirements at all sites within one-quarter mile of the center, or reduce significantly reduce parking requirements within this area in addition to implementing a parking benefit district.

As discussed below, Oregon City is already required to remove parking requirements within one-half mile of the corridor served by Tri-Met Bus Line 33. This overlaps with the Climate Friendly Area nearly entirely, so the preferred approach here is to include this area in the section of the city without parking minimums (described below), meeting the requirement.

Parking Reform near Transit Corridors (OAR 660-012-0440)

This rule disallows Oregon City from requiring parking within one-half mile of the Tri-Met Bus Line 33 Corridor, which meets the definitions for service and frequency under any scenario. This corridor comprises a significant portion of Oregon City. The City's map showing the exempt area under this rule (and the previous one) is shown in Figure 2.

Since the City has already identified the exempt areas vis GIS, the most straightforward way for Oregon City to meet this requirement would be to establish an area with no parking mandates in code and include and reference the official map. This is the approach used recently by the City of Sherwood. The code language used, adapted for Oregon City, follows.

“Per OAR 660-012-0440, no off-street parking is required for developments on a lot or parcel that includes lands within one-half (1/2) mile of a frequent transit corridor. Per OAR 660-012-0435, no off-street parking is required within the Oregon City Regional Center and one-quarter mile of the area. These areas are identified by the CFEC *Parking Delineated Area Map*.”

In creating/adopting this map, there is an important consideration. As described below, one of the requirements of OAR 660-012-0445 is to include areas “within one-half mile pedestrian travel of climate-friendly areas” as exempt from parking mandates. Oregon City does not currently have a climate-friendly area, so this provision does not apply under existing conditions. However DLCD has indicated that they intend to ask LCDC to add Metro centers to this provision during the next rulemaking process. If the Commission concurs, this will provision would then apply to downtown Oregon City. The map shown in Figure 2 includes a half-mile buffer around the Regional Center in addition to the half-mile buffer around Line 33, and thus would be in compliance with this rule if officially adopted as the CFEC *Parking Delineated Area Map*.

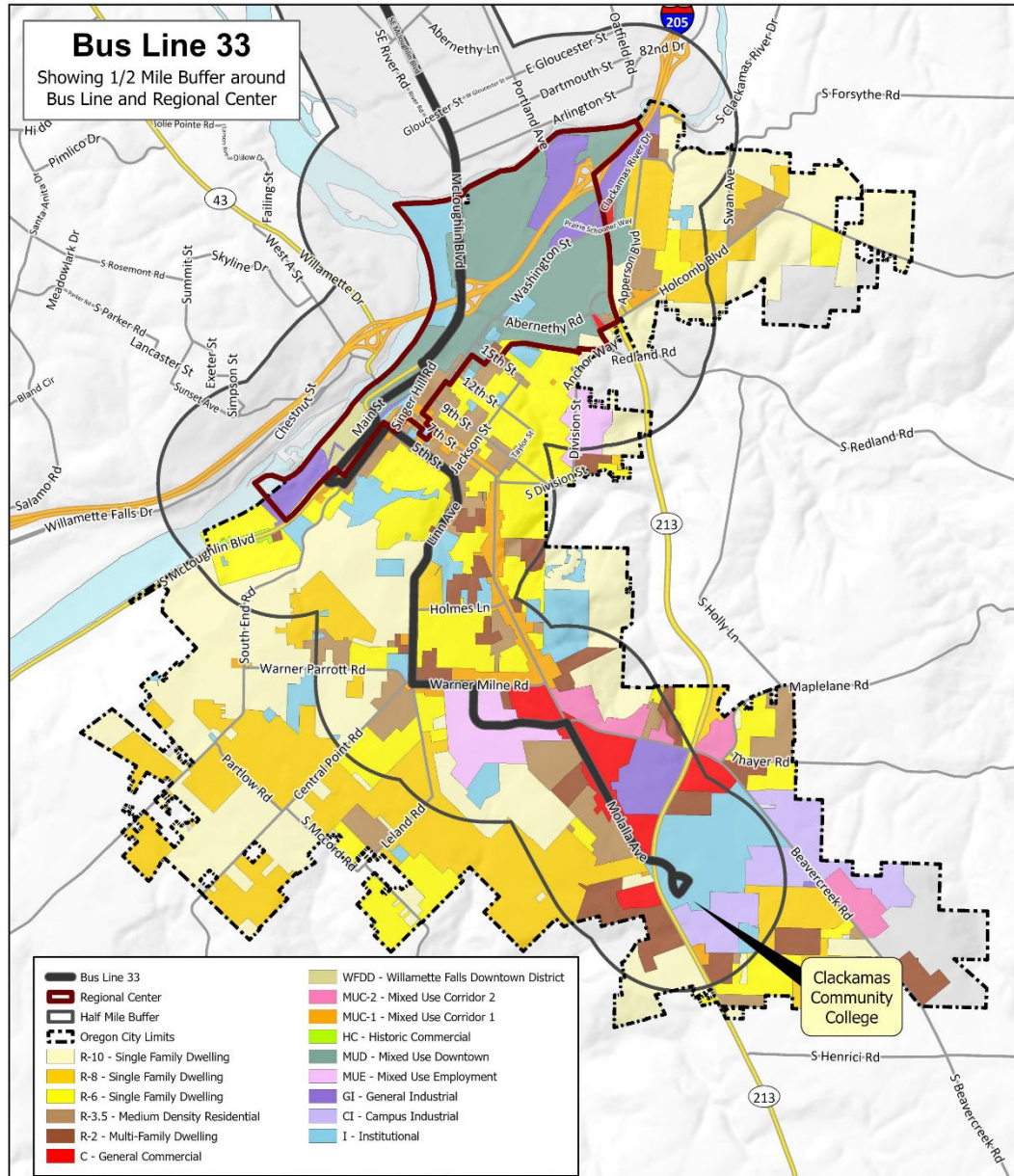


Figure 2: Areas within Oregon City that are disallowed from requiring parking per OAR 660-012-0435, -0440, and -0445

Parking Management Alternative Approaches (OAR 660-012-0445)

This rule essentially distinguishes between Options 2 and 3, allowing cities to either follow subsection 1(a) (Option 2) or subsection 1(b) (Option 3). By electing Option 3, Oregon City must adopt 14 separate measures leading to a “reduced parking management approach.” These are detailed below along with needed code changes (if any) to apply.

As above, most requirements below can be met with straightforward updates to 17.52.020, likely with additional notes below Table 17.52.022; however as Oregon City is the first city to elect this option, no model or precedent code exists.

Table 2: Requirements and updates to meet OAR 660-012-0445(b)

Requirement	Needed Update
No parking mandates within one-half mile pedestrian travel of climate-friendly areas	No action required now, as Oregon City does not include a climate-friendly area. However, Metro centers may be included in this provision in the future. See above for considerations related to mapping this area.
No parking mandates for mixed-use development	Add section exempting these developments to OCMC 17.52.020. Strike note 1 below Table 17.52.020.
No parking mandates for group quarters	Add section exempting these uses to OCMC 17.52.020.
No parking mandates for studio apartments, one-bedroom apartments and condominiums	Include new row in table 17.52.020 for these uses, with no minimum and maximums per - 0415. Add definition to 17.04 for studio apartment: "A studio apartment is an apartment consisting of a single large room serving as bedroom and living room, with a separate bathroom."
No parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years.	Add section exempting these developments to OCMC 17.52.020, requiring registration of a building as vacant two years prior to the waiving of parking mandates.
No requirements to provide additional parking for change of use or redevelopment where at least 50 percent of the building floor area is retained.	Add section exempting these developments to OCMC 17.52.020.
No parking mandates for expansion of existing businesses by less than 30 percent of a building footprint	Add section exempting these developments to OCMC 17.52.020. Revise note #5 as needed.
No parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or identified as a	Add section exempting these developments to OCMC 17.52.020.

designated or contributing structure on a local inventory of historic resources or buildings	
No parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space	Add section exempting these developments to OCMC 17.52.020.
No parking mandates for developments built under the Oregon Residential Reach Code	Add section exempting these developments to OCMC 17.52.020. Add definition to 17.04 for Oregon Residential Reach Code: "The Oregon Residential Reach Code is a statewide optional energy construction standard approved by the Building Codes Division. It is separate from the state building code and applicable at the designer's and contractor's discretion."
No parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system	Add section exempting these developments to OCMC 17.52.020.
No parking mandates for schools	Revise Table 17.52.020 to show that the minimum requirement is zero for these uses.
No parking mandates for bars and taverns	Ensure that it is clear "restaurant" uses in Table 17.52.020 do not apply here.
Implementation of a pricing mechanism	Oregon City is in compliance. No change needed.

Bicycle Parking Requirements (OAR 660-012-0630)

Lastly, several new requirements regarding bicycle parking are introduced via Rule -0630. These fall under four categories, summarized below.

Minimum bicycle parking requirements for certain uses (660-012-630(2))

OCMC 17.52.040 Table A specifies bicycle parking requirements, and includes a minimum requirement for all uses specified by this rule. The code is currently in compliance and no changes are needed here.

Covered bicycle parking required for multifamily and mixed-use residential (660-012-630(3))

In addition to requiring some minimum number of parking spaces above, this rule stipulates that cities must require at least 0.5 stalls per unit in covered bicycle parking for residential uses. While Oregon City requires 50% of bike parking stalls to be covered, because it only requires one stall per

10 units it does not meet the letter of this rule. The easiest way to meet the requirement would be to change the covered parking requirement in the first row of Table A to the numerical requirement rather than a percentage, updating the header as needed.

Bike parking must meet certain standards regarding security and accessibility (660-012-630(3))

The design standards specified by OCMC 17.52.040(C) are fairly robust and adequately address most of the requirements regarding the size of spaces, accessibility, and location. It is recommended that the City add language to OCMC 17.52.040(C)(2) to indicate the spaces should also be “well lit.” This rule also includes a stipulation that spaces must be included to “accommodate large bicycles, including family and cargo bicycles.” Oregon City’s design standards are likely adequate to ensure that these bicycles are accommodated at most or all bike spaces.

Provide parking for bikes and other “small-scale mobility devices” at key destinations (660-012-630(4))

Oregon City already requires parking at the key destinations specified by 660-012-360. The other requirements here do not necessitate code updates as part of this process; however the City may need to consider bike and small-scale mobility device parking during its upcoming TSP update.

Conclusion and next steps

Based upon the approach specified above and the code language described herein, Studio Davis will work with the City to produce a formal set of code language ready for adoption.

If you have any questions or would like additional information, please do not hesitate to contact us.

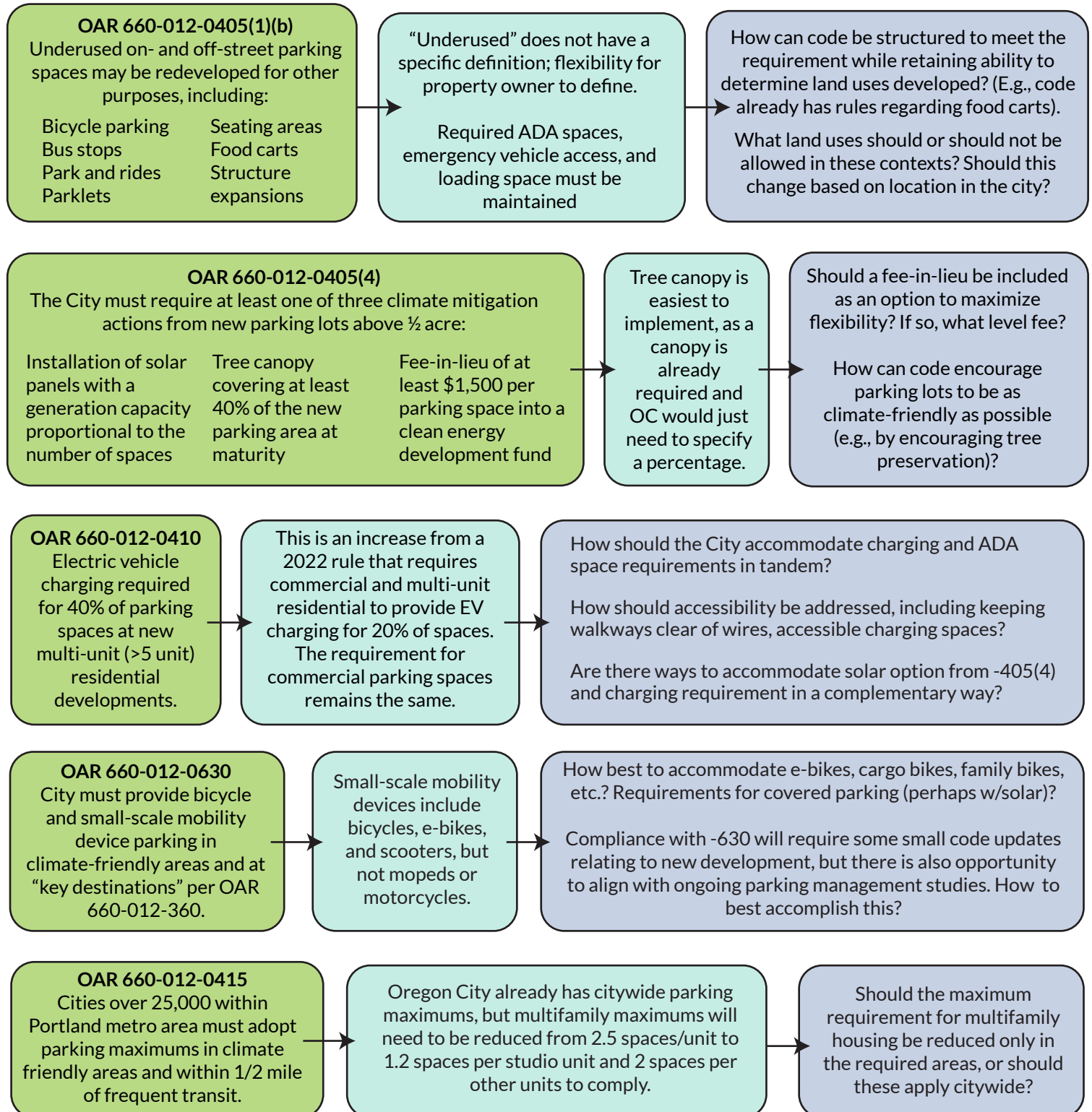
Oregon City Parking Code Updates

Key decision points and feedback

Required Change

Context/ Comments:

Decision Points & Feedback to-date



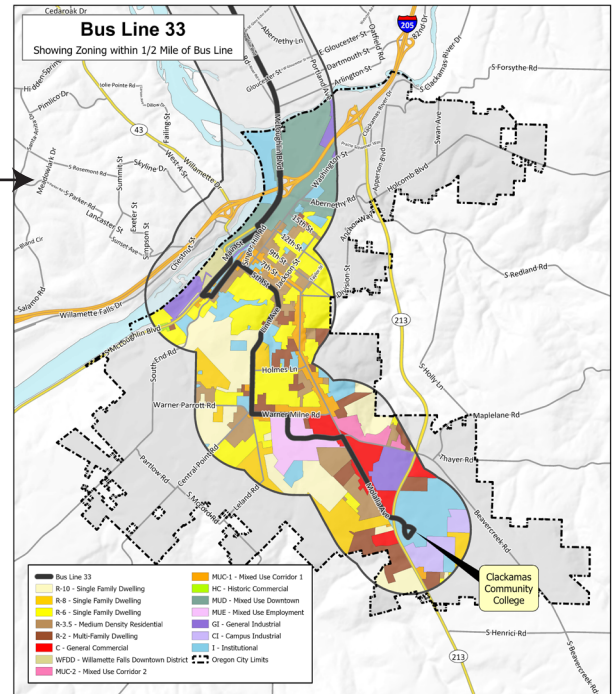
Oregon City Parking Code Updates

Summary of Required Changes

OAR 660-012-0415; 0430; 440; 0445

Certain types of developments are no longer required to provide parking, including:

- | | |
|--|--|
| Several types of apartments, mainly those with small units sizes | Historic buildings and buildings in official historic districts |
| Mixed-use developments | Small commercial properties |
| Schools and childcare facilities | Developments seeking LEED certification |
| Bars and taverns | Additionally, parking maximums are required within regional center and 1/2 mile of frequent transit. |
| All developments within one-half mile of frequent transit corridor | |



Note: These developments may still choose to provide parking at their own discretion, subject to maximums.

660-012-0425

Parking mandates will be reduced for developments that include certain features, including:

- | | |
|---|--|
| Solar or wind power production capacity | EV charging stations |
| Inclusion of dedicated car-sharing spaces | Additional accessible units above the minimum required |

660-012-0405

Various improvements to parking design are required, including

- | | |
|---|---|
| Require new parking areas of more than one-half (½) acre to provide trees and pedestrian connections. | Allow and encourage redevelopment of underused parking. |
| Provide preferential carpool/vanpool parking when more than 50 spaces. | City must allow and facilitate shared parking, providing avenues for shared parking to meet requirements. |
| Allow redevelopment of parking areas for bike or transit uses. | New parking lots above ½ acre must provide 40% tree canopy and/or solar, fee-in-lieu options. |

Oregon City already allows shared parking so this will mean a simplification of the existing policy, (OCMC 17.52.020(B)(3))

Oregon City currently has extensive landscaping requirements but does not specify a minimum percentage. This requirement may be met simply by adding this specification.

660-012-0630

Bicycle parking requirements

- | | |
|---|--|
| Provide bike parking in regional center. | Increase in number of bicycle parking spaces required for multi-unit and mixed-use residential. |
| Require bike parking anywhere parking is required. | Require bicycle parking for other uses including office, retail, institutional, transit stops, park and rides. |
| Bike parking must be lit, allow for cargo bikes, allow for lockable storage | |

OC currently requires 0.1 spaces for multi-family. Requirement is 0.5 spaces/unit.

OC currently meets this requirement.

Oregon City Parking Code Updates

Feedback received so far...do you agree?

Comment	Agree?	Disagree?
Oregon City should prioritize preservation of existing trees when new parking is constructed.		
Oregon City should go above and beyond State regulations in encouraging EVs, bicycles, etc.		
Oregon City should have consistent multifamily parking maximums throughout the city rather than a reduced requirement near transit.		
EV charging and small-scale mobility device parking should include provisions to keep sidewalks clear.		
It is important to make sure to provide for cargo bikes, family bikes, etc., in bike parking policy.		
Oregon City should encourage underused parking to be redeveloped into things like bike parking or outdoor seating.		

Oregon City should prioritize the following for large new parking areas:

Solar panels

Landscaping

Payment of a *fee-in-lieu*



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** March 11, 2025
From: Alexandra Rains, Assistant City Manager

SUBJECT:

McLoughlin Promenade Follow Up

STAFF RECOMMENDATION:

Staff are looking for direction from the Commissioners on next steps.

EXECUTIVE SUMMARY:

On July 9, 2024, the City Commission authorized the City Manager to initiate the process of obtaining encroachment license agreements with property owners who are encroaching onto the McLoughlin Promenade. Since then, staff contacted all encroaching property owners and provided an update to the Commission on January 15, 2025, on the various responses received. During that meeting, the Commission heard several public comments and expressed a willingness to consider other approaches beyond encroachment licenses. Staff seeks guidance from the City Commission on how to proceed.

BACKGROUND:

On July 9, 2024, the City Commission authorized the City Manager to begin obtaining license agreements with property owners who are encroaching onto the McLoughlin Promenade. Since then, staff have contacted all encroaching property owners and received mixed responses regarding their willingness to sign the license agreements. This information was presented to the Commission on January 15, 2025, and public comments were received from several property owners. During that meeting, the Commission expressed a willingness to consider other approaches beyond encroachment licenses.

As of today, four (4) property owners have executed agreements, two (2) have declined to sign, five (5) have not responded to any attempts at correspondence (calls, emails, mail and, or certified mail), and the remaining six (6) have engaged on some level but have not yet been willing to sign agreements for various reasons. There was a final property owner identified but they ultimately did not require a license agreement as their encroachment was minor and removed with minimal effort.

Attached to this staff report is the list of property owners with encroachments onto the promenade. Written requests received from any of the property owners are also included. Staff are seeking guidance from the Commission on how they would like to address the encroachments and suggest selecting one, or a combination, of the following options:

1. Vacate property

*A vacation would remove the dedication of the property as the Promenade.

Pursuant to state law, the neighboring property owner would then own the underlying land and it would no longer be part of the Promenade, thus eliminating any further dispute regarding the vacated property. If vacations are granted for any of the properties, please indicate who would initiate the vacation and be responsible for things like recording fees, lot line adjustments, survey work, the preparation of legal documents, City application fees and, or, any other associated costs.

2. Encroachment License Agreements

*If the Commission requires license agreements for owners who continue encroaching onto the promenade, how would they like to address owners who have declined to sign the agreement? Would the Commission consider removing the liability clause from the document? For each owner who signs an encroachment license agreement, please indicate which items are permitted to stay within the encroachment area and provide a deadline for removal of unapproved items.

3. Acknowledgement of encroachments through a letter to each property owner

*If the Commission elects to send acknowledgement letters to property owners, they will not include indemnity language or require a signature. For each owner who receives a letter, please indicate which items are permitted to stay within the encroachment area and provide a deadline for removal of unapproved items.

4. Require removal of any or all encroachments onto the promenade

*For property owners who are required to remove their entire encroachment, please provide a removal deadline.

5. Some combination of the above options

Easements are not recommended by legal counsel, so they have not been listed as an option. When property has been dedicated to a particular purpose, Oregon courts have consistently recognized that "the governing body of a county or municipality becomes the trustee for the public to assure that the land is used for the dedicated purpose or purposes" *Douglas Cty. v. Umpqua Valley Grange, Inc.*, 45 Or App 739, 743 (1980). In *Hyland v. City of Eugene*, 179 Or 567, 572-73 (1946), the Supreme Court said that a "municipality, by accepting [a] dedication, becomes a trustee to carry out the terms of the grant and it has no power to sell or lease the property for purposes foreign to the dedication (Tiffany on Real Property, 3d Ed., § 1113.)". There's a strong argument that an easement is ineffective, as the city can't use dedicated property for a purpose "foreign to the dedication."

Finally, as noted above, there are four (4) property owners that have signed the existing encroachment license agreement. Should the Commission choose to modify the agreement for other owners or select acknowledgement letters as an alternative, how would you like to address these four (4) owners?

OPTIONS:

Please provide direction on next steps for each property.

Property #1

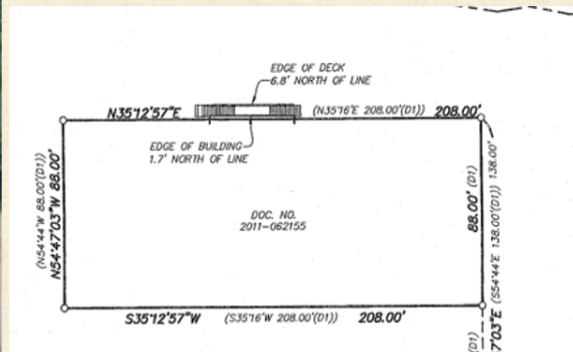
Property Owner: Three Rivers Post 1324 US Inc

Property Address: 104 Tumwater Dr., Oregon City, OR 97045

Property Tax Identification Number: 22E31CA03500

Description / Depiction of Encroachment Area:

104 Tumwater – Edge of deck 6.8' N of line



At 104 Tumwater, the deck of the VFW building extends 6.8 feet north of the property line into the Promenade area and a portion of the building itself is 1.7 feet into the Promenade area.

Description / Depiction of Approved Encroachment Use: VFW Deck and Stairs, Building, Flagpole and barbeque area.

Encroachment Property to be Removed: None

Current Status: property owners have signed an encroachment license agreement. However, they have provided a new proposal, see attached below. Should the Commission wish to grant this request, please note that the City's legal team recommends a vacation (rather than a lot line adjustment) and to determine whether the land obtained from the VFW would be designated as part of the promenade.



VFW Proposal to the City of Oregon City

VFW Post 1324 (Post) makes the following proposal to The City of Oregon City (City) in order to clear any issues over trespasses in Promenade Park. It is our belief that this proposal will not only clear up any jurisdictional concerns, but greatly benefit the City as a whole.

Our understanding of the situation is that the Post is built beyond its property line and that the City has a staircase and a significant portion of the public parking lot with in the Posts property. In light of these joint concerns the Post proposes the following lot line adjustments to clear these concerns:

A – General note. Since the property lies on a bias to the North – South Cardinal points we will use only the cardinal directions (N, S, E and W) as a shorthand rather than the specific directions, as this is a proposal and the intent should be clear (see attached pictures).

B – 1. Move the Northern line South 24 feet. This will clear the stairs and a significant portion of the parking lot. This decreases the length of our lot from 208 feet to 184 feet. Additionally, this also adds 2112 square feet of park space.

2. Move the Eastern line West by 20 feet. This clears our property from any concerns with South Bluff Road. The Park gains 3680 square feet, and decreases our lot width from 88 feet to 68 feet.

C – The "bump out". The items in B clear the city of almost all of their concerns, however the Post needs additional room to clear their concerns. For this we propose a "bump out" on the West side of our lot.

1. 55 feet south from the new North line we would like an 18 foot extension running for 80 feet south. This would place the Post wholly within their property as well as the flag pole, flag burn pit and historic rock wall. This area would be 1440 square feet.

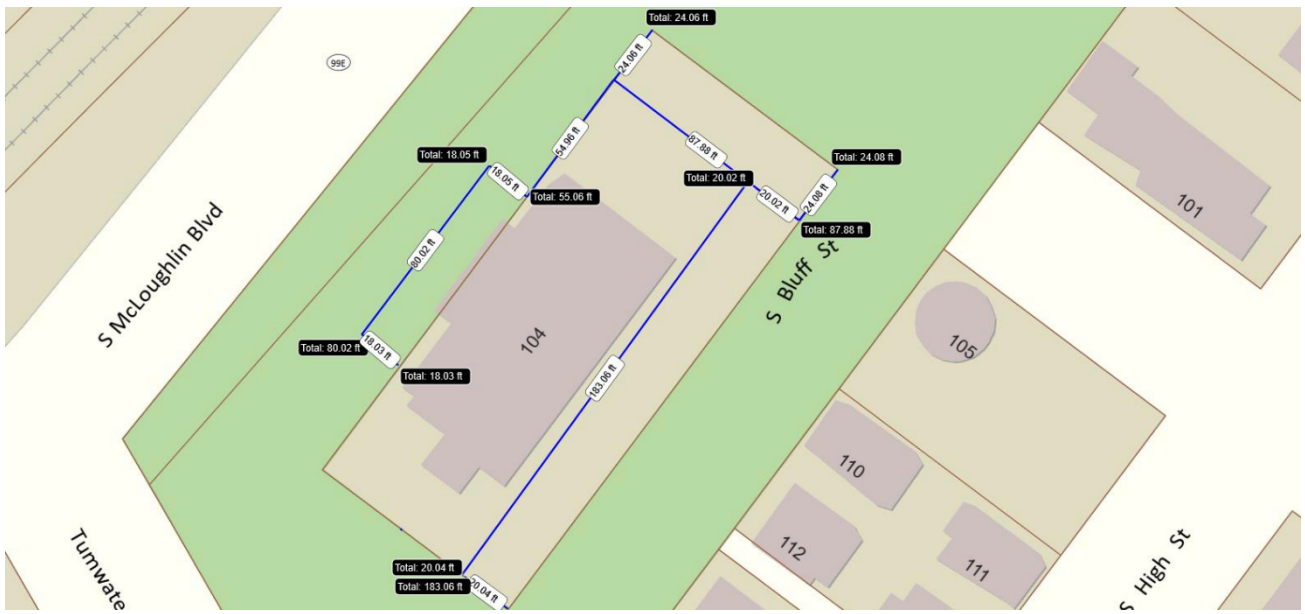
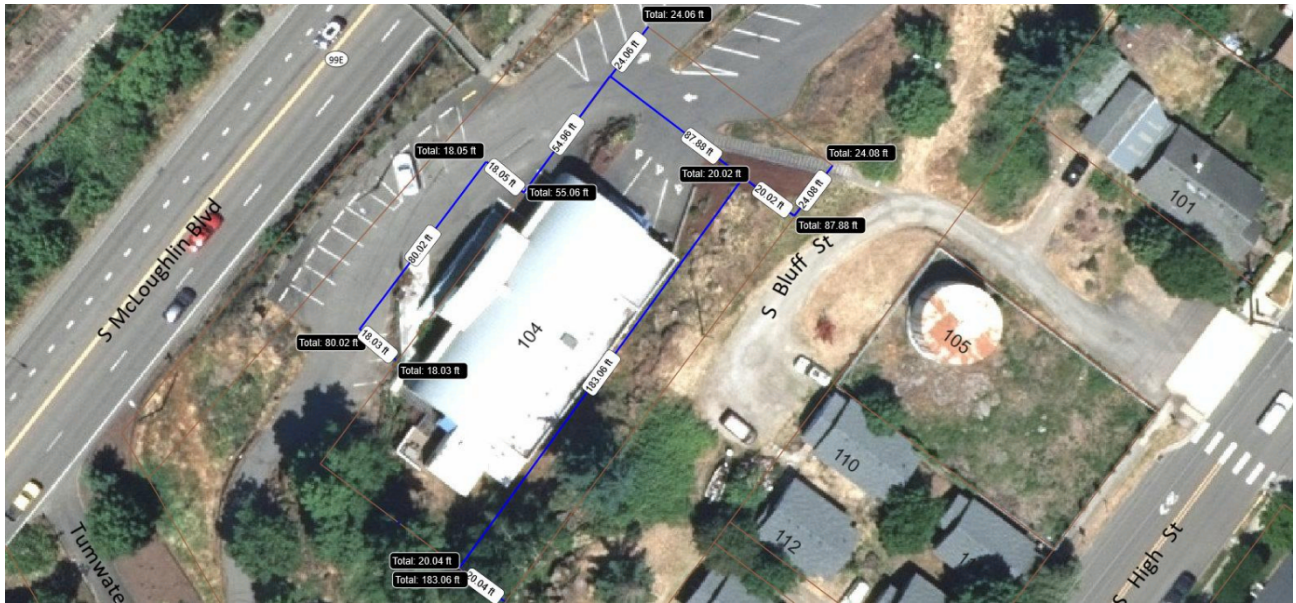
The proposed changes in b and c will result in an overall increase of 4352 square feet to Promenade Park. As such the Post proposes that all expenses resulting from these changes be borne by the City. Additionally, the Post is willing to sign an agreement that the City will have full, unfettered access to the park, as well as the use of the Post's 3 handicap parking spaces for as long as the City maintains the parking area.

VFW POST 1324

104 Tumwater Dr./PO Box 11
Oregon City, OR 97045

503.655.6969

vfw1324@gmail.com



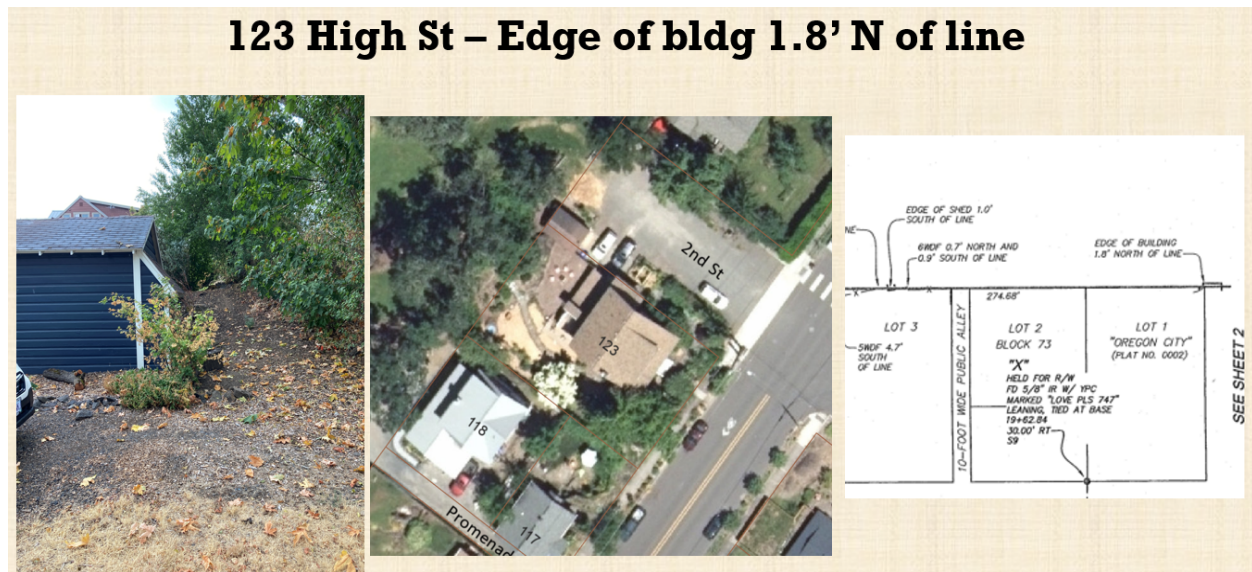
Property #2

Property Owner: Greg and Carrie Rose

Property Address: 123 High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31CA00100

Description / Depiction of Encroachment Area:



At 123 High St, the edge of the shed building extends 1.8 feet into the Promenade area. Also, a significant portion of the shed is located in the 2nd Street right-of-way. A Right-of-Way (ROW) Permit application must be submitted and approved by the Commission for the shed to remain in the ROW.

Description / Depiction of Approved Encroachment Use: The shed building that extends into the promenade and 2nd St. right-of-way.

Encroachment Property to be Removed: None

Current Status: owners have received information but have not signed the agreement or applied for the necessary ROW permit.

Property #3

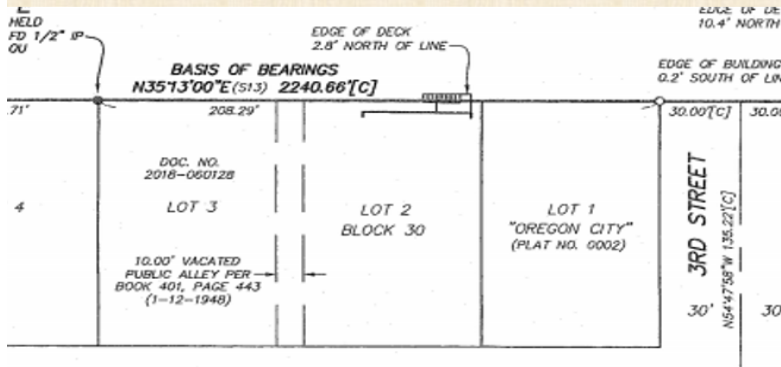
Property Owner: AK Ventures LLC

Property Address: 214 Bluff St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC12800

Description / Depiction of Encroachment Area:

214 Bluff St – Edge of deck 2.8' N of line



214 Bluff St – Landscape, rock border, and fire pit



The deck attached to the residence at 214 Bluff St. extends 2.8 feet into the Promenade area. The 214 Bluff St. Property also has landscape encroachments into the Promenade, including rock borders in slope transitions, chairs, a fire pit, and possible plantings.

Description / Depiction of Approved Encroachment Use: The deck, landscaping, including rock borders and slope transitions, chairs, and plantings.

Encroachment Property to be Removed: fire pit.

Current Status: no response.

Property #4

Property Owner: AK Ventures LLC

Property Address: 210 Bluff St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC12800

Description / Depiction of Encroachment Area:

210 Bluff St – Landscape and rock wall



The promenade area west of 210 Bluff Street has significant landscaping, including movable pots and staked items. The transitional slopes also have rock walls.

Description / Depiction of Approved Encroachment Use: rock walls

Encroachment Property to be Removed: moveable pots, staked items

Current Status: no response.

Property #5

Property Owner: James Nicita

Property Address: 302 Bluff St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC12400

Description / Depiction of Encroachment Area:

302 Bluff St – Landscape, deck and parking



The property to the north of 3rd Street, 302 Bluff St., has a deck and stairs that extend 10.4 feet into the promenade. In addition, the Promenade area is used for parking and some minor landscaping.

Description / Depiction of Approved Encroachment Use: The deck, stairs, parking and landscaping

Encroachment Property to be Removed: None.

Current Status: property owner has declined to sign the encroachment license agreement.

Property #6

Property Owner: Paul Creech

Property Address: 306 Promenade St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC12300

Description / Depiction of Encroachment Area:

306 Promenade St – Landscape, stairs, deck and parking



The property at 306 Promenade St. also has a deck that extends into the Promenade. The deck itself is only 0.4' into the promenade, but stairs to the deck go 8.7' into the Promenade. The Promenade area is also landscaped and used for parking.

Description / Depiction of Approved Encroachment Use: deck, stairs, parking

Encroachment Property to be Removed: trailer and trash

Current Status: no response.

Property #7

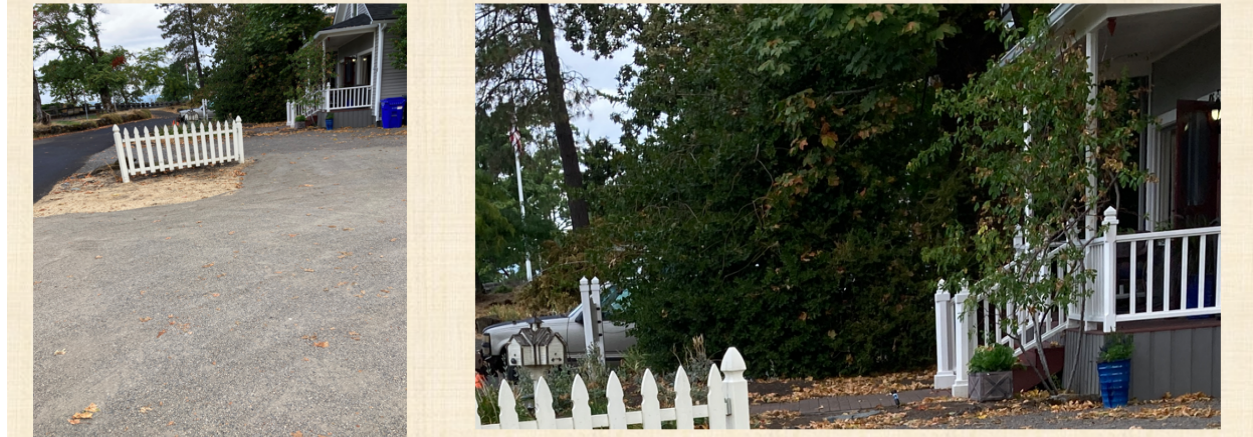
Property Owner: 406 Bluff Street LLC

Property Address: 406 Promenade St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC04800

Description / Depiction of Encroachment Area:

406 Promenade St – Edge of bldg 0.2', edge of deck 5.2', stairs 8.7' N of line



The property at 406 Promenade St. contains structures that extend into the Promenade area. The west edge of the building is 0.2 feet into the Promenade, the west edge of the deck is 5.2 feet into the Promenade, and the stairs are 8.7 feet into the Promenade. In addition, there is also a short divider fence, a decorative landscape feature, and a sign between the house and Promenade Street. The property takes access through the Promenade and likely there is parking.

Description / Depiction of Approved Encroachment Use: Deck, stairs, parking, signage and fence

Encroachment Property to be Removed: None.

Current Status: no response.

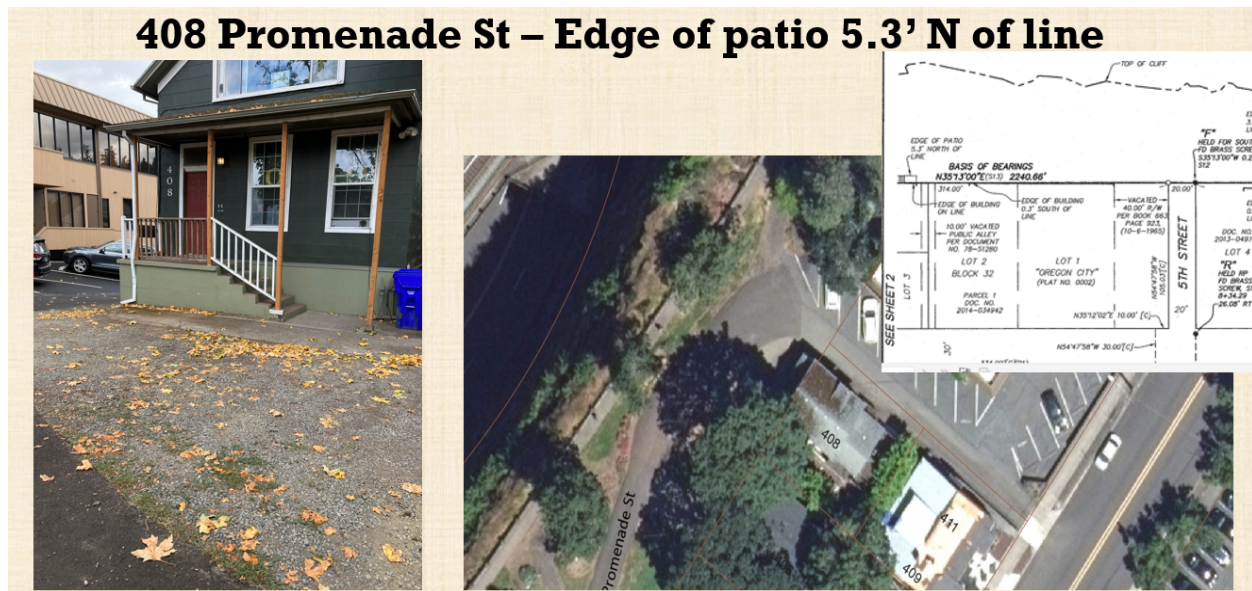
Property #8

Property Owner: Daniel F Arone

Property Address: 408 Promenade St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC04700

Description / Depiction of Encroachment Area:



The survey indicates that the building located at 408 Promenade St. extends into the Promenade by 5.3 feet. The Promenade area to the west is also surfaced and used for access and parking.

Description / Depiction of Approved Encroachment Use: Access, parking, deck and portion of deck/building that extends into the promenade.

Encroachment Property to be Removed: None

Current Status: no response.

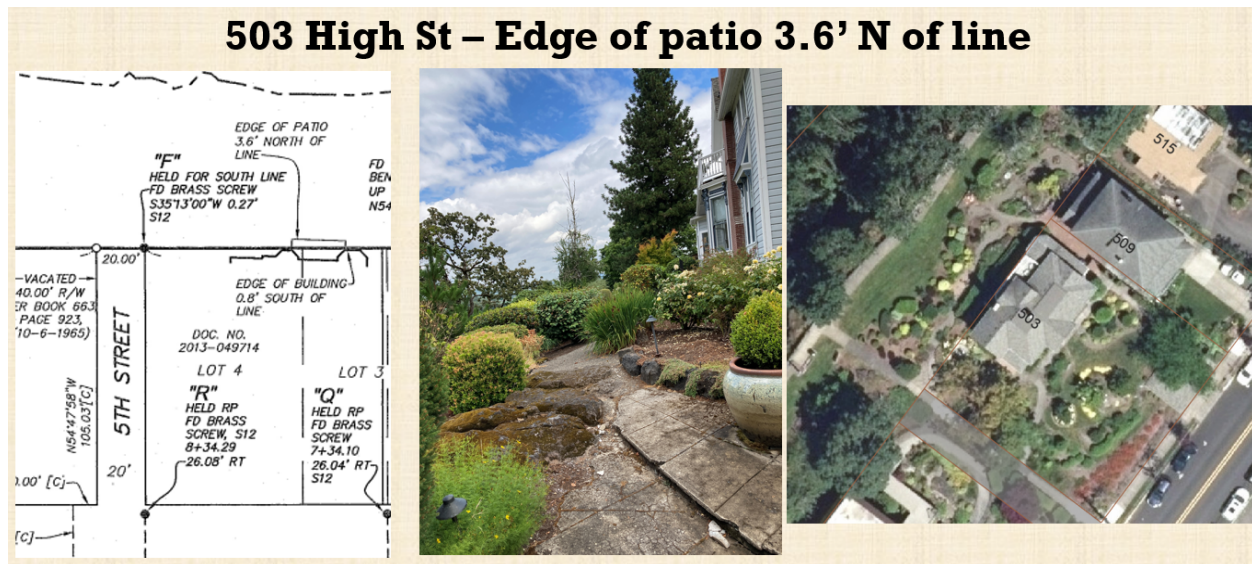
Property #9

Property Owner: Jon Rand

Property Address: 503 High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC04400

Description / Depiction of Encroachment Area:



The residence located at 503 High St. has a patio on the west side that extends over the property line and into the Promenade by 3.6 feet. The property also has an expansive, intricate, and well-maintained landscape with intertwined pathways extending west of the residence. Almost all that landscaping is in the Promenade area.

Description / Depiction of Approved Encroachment Use: patio and landscaping

Encroachment Property to be Removed: None

Current Status: owner has not signed the agreement.

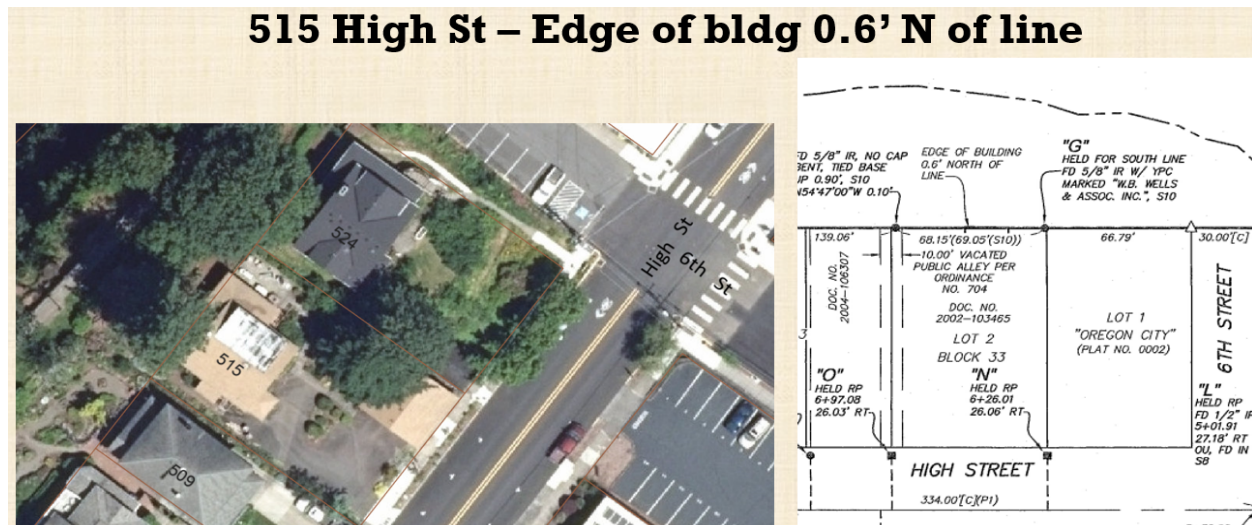
Property #10

Property Owner: Philip & Vicki Yates

Property Address: 515 High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC04200

Description / Depiction of Encroachment Area:



The main structure on 515 High St. was built 0.6 feet over the property line and into the Promenade area.

Description / Depiction of Approved Encroachment Use: the main structure

Encroachment Property to be Removed: none.

Current Status: owner has requested the city vacate the portion of the promenade where the foundation is located. Please see the letter included below, it was also submitted during the prior meeting.

January 12, 2025

Re: License Agreements for Encroachments onto the McLoughlin Promenade

Dear Commissioners,

My husband and I live at 515 High Street. Our home was built 111 years ago and is a designated historic structure. We are in the unique position of being the only homeowners with a portion of our home built slightly on the McLoughlin Promenade, by around seven (7) inches.

When we purchased our home in 2003, we were made aware of the situation. We were not concerned, since the house was built in 1914, and for almost 90 years no issue had been raised by the City, despite the fact that the encroachment was known to all via the public record. We also mistakenly assumed that adverse possession applied, not knowing at the time that the doctrine apparently does not apply to the City.

In around 2005, we obtained permits from the City and we spent more than we paid for the house to do much needed major updates to the house. That major remodel also included construction of our kitchen in the portion of the house that encroaches on the Promenade. The City raised no concern about the encroachment then, and we relied on the City's permission when we built our kitchen.

We have enjoyed living in our home for 20 years. During that time, we have been very good neighbors to the City. We maintain the landscaping in front of our home on the Promenade, and we pay for water used to water that landscaping. Last year, due to extreme fire threat, and a terrifying fire on the bluff down the street, my husband installed an irrigation system on the Promenade to protect our home from fire and to assist in the watering of the landscaping on the Promenade. We do not use the City's Promenade property for any other purpose.

We have no problem signing a revocable encroachment license agreement for the irrigation system we installed on City property. (We recently made the City aware of that encroachment although it is not included in the proposed encroachment agreement.). However, we cannot sign an encroachment license agreement with regard to the encroachment of our kitchen on City property, for very good reasons.

The agreement states that we have no right to the encroachment, and that the license is revocable for any reason with 30 days notice. We strongly disagree. The City waited over 100 years to assert its claim, with knowledge of the encroachment. We relied on this to our detriment, especially after the City issued permits that allowed us to remodel our home and move our kitchen to the encroached area. It would be extremely inequitable to make our kitchen subject to removal under any circumstance short of the complete destruction of the home. We therefore believe that we have a legal right to have our home exactly where it is.

Any license agreement, even non-revocable, could greatly impact the value of our home in a negative way and make it harder to finance and sell. We believe that the best way to resolve this issue is for the City to grant us either fee simple or an easement for this very small encroached area. We would be happy to pay for the legal documents needed to be prepared.

Please do the right thing.

Respectfully,
Vicki Yates

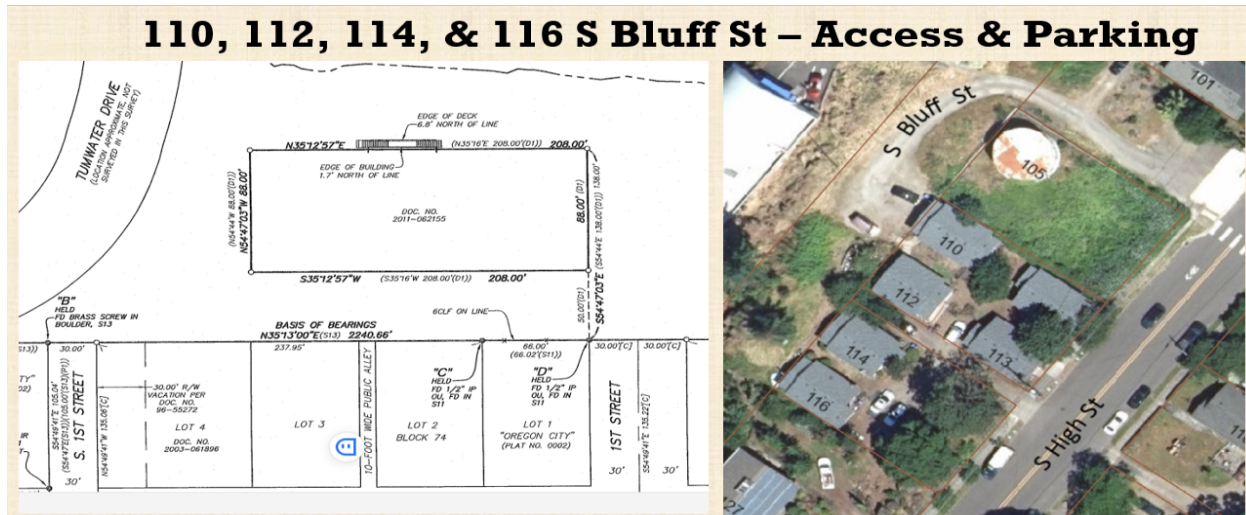
Property #11

Property Owner: LKR Ventures

Property Address: 110, 112, 114, & 116 S. Bluff St., Oregon City, OR 97045

Property Tax Identification Number: 22E31CA03300, 22E31CA03200

Description / Depiction of Encroachment Area:



The properties located at 110, 112, 114 and 116 S Bluff St. all take access from S. Bluff St. and park in the area to the west of the homes.

Description / Depiction of Approved Encroachment Use: access and parking

Encroachment Property to be Removed: trailer storage, boat storage, vehicle storage

Current Status: owners have requested City Commission reconsider removal of parking on Bluff St. and boat storage. The renter who owns the boat has lived there for over 20 years and the owner has asked if the boat can remain until the renter moves.

Property #12

Property Owner: Russell Lathrop & Shelby Ann Sundling

Property Address: 118 Promenade St., Oregon City, OR 97045

Property Tax Identification Number: 22E31CA00200

Description / Depiction of Encroachment Area:



The property at 118 Promenade St. is accessed through the public alley, labeled “Promenade Street” from High Street. Parking, access, and residential landscaping extend into the Promenade area. The property line is situated close to the walkway on the west side to the house, which appears to be the front of the house. The landscaping to the west of the parking area (and entirely on the Promenade) has drip irrigation in the planter bed area.

Description / Depiction of Approved Encroachment Use: access, parking and landscaping

Encroachment Property to be Removed: none

Current Status: has not signed the agreement.

Property #13

Property Owner: Josh & Jenna Adams

Property Address: 311 High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC12200

Description / Depiction of Encroachment Area:



The property at 311 High St. uses the Promenade area for access at parking.

Description / Depiction of Approved Encroachment Use: access and parking

Encroachment Property to be Removed: none

Current Status: has declined to sign the encroachment license agreement.

Property #14

Property Owner: David Demers

Property Address: 127 S High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31CA03100

Description / Depiction of Encroachment Area:



The home located at 127 S. High St backs onto the Promenade and there are terraced rock walls and ornamental landscaping, including vines that were not placed by City staff on the property.

Description / Depiction of Approved Encroachment Use: landscaping and rock walls

Encroachment Property to be Removed: none

Current Status: has declined to sign the encroachment license agreement.

Property #15

Property Owner: Mary Kay Campbell Trustee

Property Address: 111 High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31CA00400

Description / Depiction of Encroachment Area:



There is a portion of 6-foot tall wooden fence behind 111 High St. that is located 0.7 feet north of the property line. The southern portion of the fence starts on the property owner's lot, but it transitions to the Promenade to the north.

Description / Depiction of Approved Encroachment Use: fence

Encroachment Property to be Removed: none

Current Status: property owner has signed the encroachment license agreement.

Property #16

Property Owner: Ronald Thom & Suzanne Thom

Property Address: 509 High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC04300

Description / Depiction of Encroachment Area:



The property located at 509 High St. features similar landscaping as 503 High Street, with well-maintained landscaping, including mature trees and brick borders lining a gravel pathway.

Description / Depiction of Approved Encroachment Use: landscaping

Encroachment Property to be Removed: none

Current Status: property owner has signed the encroachment license agreement.

Property #17

Property Owner: Katie Palmer

Property Address: 524 High St., Oregon City, OR 97045

Property Tax Identification Number: 22E31AC04100

Description / Depiction of Encroachment Area:

524 High St – Landscape and rock wall



The property at 524 High St. features a house elevated from the Promenade and the Promenade area that slopes up to the house contains rock retaining walls as well as transitional slope walls and landscaping.

Description / Depiction of Approved Encroachment Use: rock retaining walls and landscaping

Encroachment Property to be Removed: none

Required Date of Removal of Encroachment Property to be Removed: N/A

Current Status: owner has not signed an encroachment license agreement, see attached written request. Should the Commission wish to grant this request, please note that the City's legal counsel recommends a vacation since a lot line adjustment alone would not remove the original dedication.

FEBUARY 13TH, 2025

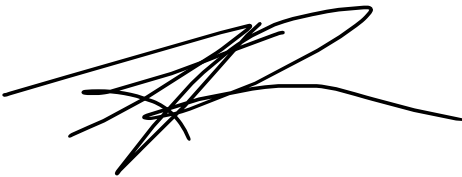
DEAR OREGON CITY CITY COMMISSON,

Regarding the Commission's pursuit of designating the McLoughlin Promenade as a Charter Park, your efforts are commended. Given the unique circumstances of the established, historic retaining walls on the parcel of land immediate adjacent to the property at 524 High St., Oregon City, 97045, as noted in Exhibit A of the Revocable Encroachment License, I would like to request consideration for a lot line adjustment to alleviate the legal implications associated with the identified encroachments.

As noted in previous correspondence with Alex Rains, Assistant City Manager, a lot line adjustment, moving 524 High St's property boundaries to include the land containing the historic retaining walls, could alleviate the city's legal implications shifting responsibility to the property owner. Removal of the historic retaining walls, as suggested by the city, will impact the integrity of the land immediately adjacent to 524 High St's, Linn E. Jones House's stone foundation (circa. 1910). To replace the retaining walls will cost thousands of dollars for Oregon City taxpayers, and the city will lose the beautiful 1900s aesthetic. Additionally, if the retaining walls are removed and not replaced, the land will erode and lead to a myriad of other problems. Please also note, the current owner of 524 High St. has for 2.5 years remediated the ivy overgrowth on both retaining walls as the land was not being maintained by the city. The ivy encroached the property, climbing on the home's stone foundation, damaging original mortar, porch boards, siding, and even climbing into the home's basement.

Thank you for your consideration for a lot line adjustment and continued preservation of the Historic McLoughlin district attributes.

Respectfully,

A handwritten signature in black ink, appearing to read 'DR. KATIE PALMER', with a long horizontal line extending to the left.

DR. KATIE PALMER

Date
Address

Dear [Property Owner],

As you likely already know, the Oregon City Commission is pursuing a designation of the McLoughlin Promenade as a Park pursuant to the City Charter. Such a designation would add a layer of protection to the property making it a requirement that any future sale, vacation or major change in use of the property would require an approving vote of the legal voters of the City. However, prior to achieving this designation, the City's legal team has recommended that all encroachments onto the McLoughlin Promenade be formally acknowledged.

You are receiving this letter because your property has been identified as one of several lots with an existing encroachment. This letter serves as formal acknowledgement that the City is granting you permission to continue your existing encroachment [provide description of encroachment] provided that there is no further expansion into the McLoughlin Promenade. The City retains the right to seek removal of some or all of your encroachment at any time in the future.

No further action is required of you. Should you have any questions or concerns, please feel free to contact the City.

Best,

Alex Rains
Assistant City Manager
arains@orccity.org
503-496-1506

Jakob Wiley

From: Alex Rains
Sent: Friday, March 7, 2025 12:59 PM
To: Jakob Wiley; Tony Konkol
Subject: FW: Promenade Park encroachments.

From: Russ Lathrop <rustygraylathrop@gmail.com>
Sent: Friday, March 7, 2025 12:22 PM
To: Alex Rains <arains@orccity.org>
Subject: Promenade Park encroachments.

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

Hey Alex,

Thanks for all the behind the scenes work. Seems like a lot going on these days.

Sorry, I couldn't get up to speak at the Commission meeting last month. I was recovering from the flu and could barely speak.

There were some great points brought up at that meeting. In particular, the representative from the VFW mentioned a simple redrawing of the property lines for buildings that were built decades ago. With a little county survey work, this could work for other properties that have a building overlapping into the park. It seems like a win for everyone.

A few other issues that were brought up but not discussed:

-Term of License -

The revocable aspect of this agreement would be better served if layers of decision making were added to determine actual revocation. As it is currently written, the phrase "at any time for any reason", seems vague and could set this up to be decided by a single individual. Perhaps a committee would make a fair decision.

-Indemnity -

We agree this is completely necessary, But, overall, this should be simplified. The very last sentence in the proposed license sums it nicely. I'd suggest removing everything prior to this. However, within that last sentence, the phrase 'or authorized by the City's decision' plus the last phrase, "or otherwise", both open a can of worms leaving interpretation open to speculation or decisions being made on a whim without oversight.

Like most of the residents on the Promenade, we are well aware of our fortunate location and do not take any of it for granted. Most of us have sacrificed much to be here, either by working extra hours to purchase these homes or exhaustive sweat equity in renewing houses that were in disrepair. By living here, we are often the first line of defense for reporting vagrants, cleaning up trash and volunteering in

the park so the entire public can enjoy. Personally, I have removed two truckloads of garbage from the park and have had to clean up human excrement more than once. It is not exclusively us local residents that care and contribute. Last month, I met two gentlemen from West Linn who were grabbing trash over the fence with a long pole. They said they simply care about the park and come here weekly. On park cleanup days, we've met wonderful people from all around the McLoughlin neighborhood. It's all about building community.

Thank you for your time and consideration. May we all come together to work this out and continue to create the community that previous administrations and generations have built.

~Russ

~Russ

Russ Lathrop

RustyGrayLathrop@gmail.com



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: 3/11/2025

SUBJECT:

List of Future Work Session Agenda Items

BACKGROUND:

April 8, 2025

Joint work session with Board of County Commissioners to discuss the courthouse (tentative)

I&I program, how to proceed in a Charter Park

DMMO Interviews (tentative)

May 13, 2025

No items currently scheduled

Additional Upcoming Items (These items are in no particular order)

Beavercreek Road Concept Plan (Thimble Creek) Funding Discussion

Canemah Area - Encroachments in the Right-of-Way Policy Discussion

City Seal Revision

Clackamas County Water Environmental Services (WES) Rate Differential

Climate Action Plan Presentation (City of Milwaukie)

Compatible Change Update – HRB will be reviewing

Frog Ferry Informational Update

Inclusionary Zoning options

South Fork Water Board - Mountain Line Easements Vacation

Urban Growth Management Agreement

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: 3/11/2025

SUBJECT:

Update on City Projects

BACKGROUND:

The City Commission has requested that an update on the status of the following projects be provided at a work session monthly. The most current update for each project is in bold.

1. Public Works relocation from Center Street
Staff have hired a consultant that has prepared preliminary yard layouts and cost estimates to design and construct a decant facility at the Mountain View Reservoir site. The construction of the decant facility and relocation of existing winter response materials from the Center Street facility to the Mountain View and Fir Street facilities will allow for the Center Street facility to be vacated and a potential new use for the site to occur, which will be determined by the City Commission.
2. Quiet Zone
Staff is working with ODOT, the railroad and the consultant on revised cost estimates, design work and any necessary exemptions to standards.

Geotechnical explorations were completed on December 12. The consultant team is preparing to submit the Design Acceptance Phase (DAP) documents to the City and Oregon Department of Transportation. DAP is similar to 30% concept plans, where all parties buy into the concept and documentation of areas where the project will request exceptions to standards are identified. At the completion of DAP, the project team and move forward with Preparing Preliminary Plans and confirming impacts to private property. We've executed the IGA with ODOT for Right of Way Services. OC will still need to do a Resolution authorizing Eminent Domain if necessary, once we have a better understanding of the private property impacts.

The consultant team, in coordination with ODOT and the City, are preparing property acquisition documents that will be brought before the City Commission at the December 18, 2024 meeting.

Survey crews have been performing field work and surveying the project area. Staff has been meeting with property owners, including Dutch Brothers to try and address the concerns they have about potential driveway closures and access to increase safety near the railroad crossing.

The ODOT consultant team is acquiring right of entry agreements from property owners to complete the survey work and will be preparing 30% plans for the project which will include an updated and more accurate cost estimate to complete the work.

The selection committee identified a preferred consultant for the Quiet Zone project and ODOT is in the process of negotiating the consultant contract.

ODOT received 2 responses to the Quiet Zone request for proposals. The proposals are being reviewed and scored by staff and a team selection meeting is scheduled for March 8, 2024.

ODOT has released the consultant solicitation request for proposals and a date has been set to review the proposals once they have been submitted.

The City has received ODOT's approximately 250 page scope of work and consultant procurement documents which will be reviewed and commented on. ODOT, which is the project manager for the project, has suggested approximately 6-months for the consultant procurement and up to 2 years for the design work, which will include coordination with the railroad, operation and maintenance agreements and review by the railroad. Staff is pushing to expedite the design work timeline.

On December 6, 2023 the City Commission received an update on the estimated cost of the Oregon City quiet zone project with updated inflationary construction escalations added to the original 2019 cost estimate, which was \$2.6 million. The new estimate increases the estimated construction cost by \$650,000. Based on the additional information, the City Commission approved an IGA with ODOT to begin the Oregon City quiet zone project.

3. Charter Parks

There are no new updates on this item.

Based on the January 15th meeting, this item will be brought back for a work session on March 11th.

An update on the status of the properties encroaching into McLoughlin Promenade will be brought to the City Commission at the January 15, 2025 meeting for an update and direction on how to proceed.

Staff continues to contact and meet with property owners that have encroachments into the McLoughlin Promenade to review and explain the license agreement. Staff anticipate bringing an update to the Commission for direction in January/February of 2025.

The City Commission reviewing the draft license agreement at the June 11, 2024 meeting.

Staff is working with the City Attorney to finalize draft license agreements to address encroachments that have been identified with the McLoughlin Promenade.

A site tour of the McLoughlin Promenade is scheduled for January 8th. Staff is preparing additional options, such as temporary easements, to address existing structural encroachments onto the Promenade property.

Staff has categorized encroachments by type, with associated pictures of the encroachment, and is working to determine options to address the encroachments for the Commission to consider. The McLoughlin Promenade survey has been completed. The survey identified several potential existing encroachments into the Promenade property which will be discussed during a work session. Ermatinger House was approved as a Charter Park by the City Commission. The City Commission voted to not designate Dement Park as a Charter Park.

4. Cayuse 5 Memorial

Staff continues to work with representatives from the Confederated Tribes of the Umatilla Indian Reservation and allowing time for internal discussions to occur.

Staff continues to meet monthly with representatives from the Confederated Tribes of the Umatilla Indian Reservation. The city is awaiting feedback from CTUIR before any additional steps are taken.

Staff met with representatives from the Confederated Tribes of the Umatilla Indian Reservation and have continued discussions of phase 2 of the Cayuse 5 memorial. Additional discussions between CTUIR and the Confederated Tribes of Grand Ronde will be occurring to discuss the project.

There are no new updates on this project. A meeting is scheduled for the week of October 7th with representatives from the Confederated Tribes of the Umatilla Indian Reservation to discuss potential next steps.

The dedication of the Cayuse 5 Memorial took place on June 3, 2024. The first phase of this project is complete. A second phase has been discussed but there are no specifics related to the design at this time.

Construction of the Cayuse 5 Memorial has begun and hand dug ground disturbing work is scheduled to begin the week of May 6th. This work will be completed in coordination with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Grand Ronde.

The Cayuse 5 Memorial construction contract has been approved by the City Commission and was awarded to Pioneer Waterproofing Company. Staff has scheduled a pre-construction meeting with Pioneer Waterproofing.

Staff is working with a potential contractor to review the scope of work and estimated costs to perform the work as identified in the bid notice. The City completed the bid advertisement for the project and did not receive any responses. Staff is currently contacting contractors to determine the concerns with the bid advertisement and/or project.

The final construction bid documents for the Cayuse Five Tribute have been completed. Below is the schedule for bidding, awarding, and (weather permitting) construction. The Confederated Tribes of the Umatilla Indian Reservation staff will be invited to the pre-construction meeting to coordinate all activities once the project has been awarded.

The land use application for the proposed memorial has been approved. There are no additional land use approvals necessary to move forward with the project. The memorial bid documents are being reviewed internally and staff is working with Confederated Tribes of the Umatilla Indian Reservation staff on the creation of an inadvertent discovery plan that will be included in the bid/contract information. The proposed memorial has been approved by the Historic Review Board and the information was presented to the Parks and Recreation Advisory Committee.

5. Courthouse

A joint Board of County Commissioner / City Commission meeting to discuss the courthouse is tentatively scheduled for the April 8th City Commission work session night. Oregon City will host the joint meeting.

Staff will be contacting County staff to schedule a joint Board of County Commissioner / City Commission meeting and to discuss securing the courthouse once it is vacated.

The Courthouse committee has met multiple times to discuss the disposition of the Courthouse. The Mayor will provide an update on the committee meetings and next steps.

A Courthouse committee has been created by the County and a site visit of the Courthouse has occurred. The first meeting of the committee is scheduled for October 15th.

The Mayor and City Manager met with the Assistant County Administrator to discuss the creation of a joint working group. It is anticipated that the working group will be comprised of 6 to 8 members, including the Mayor and County Chair, with the City and County selecting an equal number of members.

The Mayor and the City Manager met with the County Administrator to discuss the planning and future disposition of the County Courthouse and other buildings associated with the Courthouse on Main Street. The County Administrator proposed a working group led by County Chair Tootie Smith and Mayor McGriff, which would include a small group of interested parties to discuss the Courthouse and make a recommendation to the County Board of Commissioners for their consideration on how to proceed. City and County staff will be meeting to discuss the details of the working group as proposed.

City staff worked to support efforts by the Downtown Oregon City Association to apply for a Main Street grant to focus on the Courthouse located in downtown Oregon City. The grant required the property owner, which is Clackamas County, to sign the grant application, which unfortunately they did not agree to do. At this time there is no specific work being performed related to the future of the existing courthouse.

6. tumwata village

Staff continues to work with staff from the Confederated Tribes of the Grand Ronde to address the impacts from the fire that occurred on the site and the demolition that is occurring.

The Planning Commission approved the Confederated Tribes of Grand Ronde land use application.

The Confederated Tribes of Grand Ronde have submitted a land use application to amend the adopted framework plan for the property. The Planning Commission hearing of the application is scheduled for January 27, 2025.

The Confederated Tribes of Grand Ronde provided the City Commission an update at the May 7th work session and the demolition of the office building is nearly complete.

A permit has been issued for the demolition of the office building located at the corner of 99E and Main Street. The Confederated Tribes of the Grand Ronde are scheduled to provide an update to the City Commission at the May 7th work session.

Staff continue to meet regularly with Staff from the Confederated Tribes of the Grand Ronde to discuss building demolition, site improvements, and land use planning requirements. The Confederated Tribes of the Grand Ronde are working on site remediation and the demolition of additional buildings on the property.

Willamette Falls Trust and Portland General Electric have signed a Feasibility and Cooperation Agreement enabling the Trust to assess a portion of PGE property on the island on the west side of the Willamette Falls for a project intended to return public access to the area.

In May staff completed a 4-hour site visit with the CTGR staff and consultant team to discuss the demolition that is occurring on the site and begin to discuss the proposed amendments proposed to implement the Tumwata Village Plan for the property. The site visit and discussion focused on infrastructure, design details, development phasing, and an introduction to the goals and objectives of CTGR for the redevelopment of the property. CTGR staff and their consultants have been meeting with City staff to understand specific technical infrastructure issues.

Staff have been meeting monthly with representatives from the Confederated Tribes of Grand Ronde (CTGR) to discuss on-going site work as well as future land use and development plans for the Tumwata Village Plan. CTGR staff has been working with the CTGR Tribal Council and Tribal members to finalize the Tumwata Village Plan. Once approved, the Tumwata Village Plan will be presented to the city and the public.

7. Canemah ROW issues

There has been no change in the project since the May 2023 update. The Canemah ROW issues will be brought before the City Commission at a future work session to discuss how to move forward with this project.