



CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, May 21, 2025 at 7:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Attend the livestream of the meeting on the City's YouTube Channel: <https://www.youtube.com/user/CityofOregonCity>
- Register to provide electronic testimony (email recorderteam@orc.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)
- Email recorderteam@orc.org (deadline to submit written public comment 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

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

- Asian American and Pacific Islander Heritage Month
- Jewish American Heritage Month
- Water Safety Month

4. PUBLIC COMMENTS

Please see the public comment guidelines below.

5. PRESENTATIONS

- Ruth Powers Preservation Award
- Downtown Oregon City Association End of Fiscal Year Report

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

- Resolution No. 25-11 Vacating a Waterline Easement on 20124 Beaver Creek Road
- Intergovernmental Agreement Transferring a Portion of Beaver Creek Road from Clackamas County to Oregon City
- Intergovernmental Agreement with Water Environment Services for Siphon Storm Pipe Maintenance
- Purchase of Asphalt for 2025 In-House Paving Projects from South County Asphalt, LLC/Eagle-Elsner, Inc.
- Amendment No. 6, Extension of Professional Services Agreement (PS 22-006), One Additional Year for Landscape Maintenance Services with C & R Reforestation

8. PUBLIC HEARINGS

- First Reading of Ordinance 25-1006, Adopting LEG-25-02 Climate Friendly and Equitable Communities Code Amendments
- Resolution No. 25-10, Supplemental Budget for the 2023-25 Biennium

9. GENERAL BUSINESS

- a. Resolution No. 25-09, Thimble Creek Market Assessment and Development Scenarios
- b. Resolution No. 25-12, 2025 Cemetery Fees Update
- c. First Reading of Ordinance No. 25-1007, Declaring the Oregon City Municipal Court as a Court of Record
- d. Former Commission Chambers Name Change, Commission Chambers Name Discussion

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

- a. Appointment of Christopher Nolte to the Citizen Involvement Committee

11. 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 WFMC at 503-650-0275 for a programming schedule.

PROCLAMATION

Asian American and Pacific Islander Heritage Month

WHEREAS, Asian American and Pacific Islander Heritage in the United States was celebrated beginning in 1978 and was made into a month-long event in 1992; and

WHEREAS, Asian American and Pacific Islander Heritage month is a month to celebrate and pay tribute to the vast diversity of languages, religions, and cultural traditions of Asian Americans and Pacific Islanders that strengthen the fabric of American society; and

WHEREAS, the month of May was selected as it honors the immigration of the first Japanese residents to the United States in 1843. Additionally, May also marks the completion of the Transcontinental Railroad in 1869, constructed by the labor of mostly Chinese immigrants; and

WHEREAS, Asian Americans and Pacific Islanders have lived and worked in Oregon for more than 200 years, contributing to the state's rich history, economy, and culture; and

WHEREAS, Asian American and Pacific Islander history in Oregon is marked by a struggle for freedom, equity, and justice and prevailing over the adversity of exclusion, persecution, incarceration, and disparities. Asian Americans and Pacific Islanders have helped advance Oregon's prosperity and have a longstanding history of making esteemed, significant, cultural, and economic and community contributions; and

WHEREAS, the vibrant history and diverse cultures of Oregon's Asian Americans and Pacific Islanders are here to be honored and respected as a central part of our state, county, and City's story and shared with all Oregonians.

NOW, THEREFORE, I, Denyse McGriff, Mayor of the City of Oregon City, do hereby proclaim:

May 2025

as

Asian American and Pacific Islander Heritage Month

AND, encourage everyone to commemorate this important occasion in recognition of the numerous contributions made by the Asian American and Pacific Islander communities locally, nationally, and globally.

IN WITNESS WHEREOF, I hereunto set my hand this 21st day of May 2025.

Denyse C. McGriff, Mayor

PROCLAMATION

JEWISH AMERICAN HERITAGE MONTH

MAY 2025

Whereas, Jewish American Heritage Month is an annual celebration of Jewish Americans who have helped weave the fabric of American history, culture, and society; and

Whereas, 2025 marks the 45th annual celebration of achievements and contributions by Jewish Americans, starting with the establishment of Jewish American Heritage Week in 1980 and expanding in 2006, when Congress ordered that the country annually observe Jewish American Heritage Month each May; and

Whereas, Jewish American Heritage Month acknowledges achievements of American Jews in the fields of sports, arts, entertainment, medicine, business, science, government, military service, music, and more; and

Whereas, Jewish Americans have created lives for themselves and their families and played indispensable roles in our Nation's civic and community lives, making invaluable contributions to our Nation through their leadership and achievements; and

Whereas, Jewish Americans have made crucial contributions to our collective struggle for a more just and fair society, leading movements for social justice and working to ensure that the opportunities they have secured are extended to others; and

Whereas, Jewish American Heritage Month pays tribute to the generations of Jewish Americans who have helped form the fabric of American history.

Now, Therefore, I, Mayor Denyse C. McGriff, hereby proclaim:

May 2025

as

Jewish American Heritage Month

In Witness Whereof, I have hereunto set my hand this 21st day of May 2025.

Denyse C. McGriff, Mayor

PROCLAMATION

Water Safety Month- May International Water Safety Day- May 15th

- Whereas,** the City of Oregon City recognizes the vital role that swimming and aquatic related activities contribute to good physical and mental health and enhance the quality of life for all people; and
- Whereas,** the City of Oregon City recognizes the vital importance of water as a valuable resource and acknowledges the inherent risks associated with aquatic environments; and
- Whereas,** every citizen deserves the opportunity to enjoy water-related activities safely, whether swimming, boating, or simply being near bodies of water; and
- Whereas,** the month of May presents an opportune time to heighten awareness of water safety, as warmer weather often leads to increased recreational water activities; and
- Whereas,** nationally, an estimated 11 people die each day from unintentional drowning and drowning is the second leading cause of deaths among child ages one to fourteen; and
- Whereas,** promoting responsible aquatic practices and equipping individuals with the necessary knowledge and skills can significantly reduce the incidence of drownings and other water-related incidents; and
- Whereas,** by fostering a culture of water safety, we reaffirm our commitment to protecting the lives and well-being of our citizens, especially our youth, who are particularly vulnerable to water hazards; and
- Whereas,** the City of Oregon City is dedicated to collaborating with local organizations, schools, and community members to implement effective water safety initiatives and programs; and
- Whereas,** by declaring May as Water Safety Month, we pledge to prioritize water safety awareness and education, empowering individuals to make informed decisions and take appropriate precautions when engaging in water activities.

Now, Therefore, I, Denyse C. McGriff, Mayor of Oregon City, along with the City Commission, do hereby proclaim:

May 2025
as
Water Safety Month

And, urge the residents of our community, and communities across the country, to join in observance.

In Witness Whereof, I have hereunto set my hand this 21st day of May 2025.

DENYSE C. McGRIFF, Mayor



CITY OF OREGON CITY

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

Staff Report

To: City Commission

Agenda Date: May 21, 2025

From:

SUBJECT:

Item 5.a. - Ruth Powers Preservation Award

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY:

Each year, the Historic Review Board nominates an individual or group for the Ruth McBride Powers Preservation Award during the month of May, Preservation Month, to applaud the efforts of citizens, building/business owners, and others who show passion for preservation. This year, the Historic Review Board has granted two awards as a testament to the community's commitment to preserving our city's rich history. This year's award is for the remodeling of the Frank and Annie Busch House at 204 Jefferson Street. The remodeling project was designed by Iselin Architects and the homeowners are Kevin and Willemijn Ilcisin.

BACKGROUND:

Ruth McBride was born in Michigan in 1903, graduating from Stanford University in California. According to a 1980 OHS oral history interview, she became interested in history when "as a young bride" she moved to the Coos County lumber town, Powers, Oregon, named after her husband's family. In the final 25 years of her life Mrs. Powers divided her time between The McCarver House and the Rose Farm. She often opened the latter for fund-raising tours, and it was placed on the National Register of Historic Places in 1973.

The McCarver House (Locust Farm) 1852, the 1847 William and Louisa Holmes House ("Rose Farm"), and the Captain John Ainsworth House built in 1852 are the three-remaining settlement-era houses built in the Mt. Pleasant area of Clackamas County. The survival of all three is due to the preservation efforts of a single benefactor, Mrs. Ruth McBride Powers.

OPTIONS:

BUDGET IMPACT:

Ruth McBride Powers (1903-1995)

Ruth McBride was born in Michigan in 1903, graduating from Stanford University in California. According to a 1980 OHS oral history interview, she became interested in history when “as a young bride” she moved to the Coos County lumber town, Powers, Oregon, named after her husband’s family. She began studying the history of her adopted state, especially its architecture and pioneer furniture. Her knowledge increased and she was appointed to the Oregon Landmarks Committee (now the State Advisory Committee on Historic Preservation) and was a board member of the Oregon Historical Society for many years. She became involved in saving the Ox Barn in Aurora. Her initial preservation project, in 1956, was reconstruction of the badly-burned 1852 Robert Newell house at Champoege, subsequently given to the Daughters of the American Revolution to operate as an educational site. Alfred Powers, her husband died in 1961 in Portland.

She continued her efforts, using her financial resources to save many of Oregon’s oldest buildings; sometimes they were purchased outright, at other times she providing major underwriting. In addition to the Ainsworth House, Rose and Locust Farms also known as the (Morton Mathew McCarver House), she is credited with saving the Philip Foster house and barn, Horace Dibble house, David Wagner log house, Murray Wade house, Lake Oswego IOOF hall, Pleasant Grove-Condit Church, John Boon house, and Francis Ermatinger house. In 1975 she received national recognition for her work from the National Trust for Historic Preservation.

In the final 25 years of her life Mrs. Powers divided her time between The McCarver House and the Rose Farm. She often opened the latter for fund-raising tours and it was placed on the National Register of Historic Places in 1973.

The McCarver House (Locust Farm) 1852, the 1847 William and Louisa Holmes House (“Rose Farm”), and the Captain John Ainsworth House built in 1852. Are the three remaining settlement-era houses built in the Mt. Pleasant area of Clackamas County. The survival of all three is due to the preservation efforts of a single benefactor, Mrs. Ruth McBride Powers.

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has-Margaret Mead



Ruth McBride Powers Memorial Award

Preservation Month 2025



Frank and Annie Busch House
204 Jefferson Street
Rehabilitation work in the McLoughlin Conservation District



CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	May 21, 2025
From:	Dayna Webb, Public Works Director		

SUBJECT:

Item 7.a. - Resolution No. 25-11 Vacating a Waterline Easement on 20124 Beaver Creek Road

STAFF RECOMMENDATION:

Approve Resolution No. 25-11, vacating a portion of an existing waterline utility easement on 20124 Beaver Creek Road.

EXECUTIVE SUMMARY:

Public Works received a request to vacate a portion of an existing waterline utility easement located at 20124 Beaver Creek Road. This easement was originally established to allow access, use and maintenance of a water main that ran through the property. This water main is no longer active or needed by the City; therefore, this portion of the easement is no longer needed and is not anticipated to be needed for such purposes in the future. For this reason, Public Works staff recommend approval of this resolution as being in the public's best interest.

BACKGROUND:

In April 2025, Public Works received an application to vacate a portion of a public waterline easement located at 20124 Beaver Creek Road, within Taxlot 3-2E-15A-00290 near the intersection of Beaver Creek Road and South Old Acres Lane. The proposed vacation would terminate the City's easement on 20124 Beaver Creek Road from the adjacent property line with 20219 South Danny Court to the adjacent property line with 20100 Beaver Creek Road.

This original easement, recorded in 1916, granted the City access, use, and maintenance of a water main running through several properties between Beaver Creek Road and Danny Court. The current owner of 20124 Beaver Creek Road is planning a redevelopment project consistent with the City's adopted Thimble Creek Concept Plan and has requested removal of the recorded easement prior to development. The water main on the property has since been abandoned and the portion of the easement located on this site is no longer needed by the City.

The specific portion proposed for this vacation begins near the southeast corner of the property at 20124 Beaver Creek Road, extending approximately 2,080 feet northwest to the west property boundary of the parcel.

A vacation shall be granted if the following criteria are met:

1. No current or future public need for the street, alley, or easement.
2. The vacation serves the public interest.
3. Adjacent properties are not adversely impacted by the vacation.
4. Consent from adjacent property owners is provided, if applicable.

The property owner's justifications for this vacation request are:

1. The portion of the easement on this property is no longer needed as the water main within the easement is abandoned.
2. The vacation serves the public interest as it will facilitate the buildout of the City's adopted Thimble Creek Concept Plan
3. Vacating this portion of the easement will not impact adjacent properties.
4. The easement does not serve neighboring property owners and their consent is not required with vacation request.

Public Works has reviewed the application and confirmed that it aligns with current city policies. The easement no longer serves a public utility function and meets the criteria for vacation. Upon approval of this resolution, a legal description and map ("Quitclaim Deed with Map and Legal") will be officially recorded with the Clackamas County Recording Office, vacating the easement.

OPTIONS:

1. Approve Resolution No. 25-11 Vacating a Waterline Easement on 20124 Beaver Creek Road.
2. Approve Resolution No. 25-11 Vacating a Waterline Easement on 20124 Beaver Creek Road with Amendments.
3. Deny Resolution No. 25-11 Vacating a Waterline Easement on 20124 Beaver Creek Road and provide further direction.

BUDGET IMPACT:

Amount	N/A
Fiscal Year(s):	N/A
Funding Source(s):	N/A

RESOLUTION NO. 25-11

A RESOLUTION VACATING A WATERLINE EASEMENT ON 20124 BEAVERCREEK ROAD

WHEREAS, the property owner of 20124 Beavercreek Road, has applied for the vacation of a portion of a waterline easement (hereinafter called "EASEMENT") on the property; and

WHEREAS, the EASEMENT is legally described in Exhibit A and as shown in Exhibit B of the Quitclaim Deed, attached as **Exhibit A** to this resolution; and

WHEREAS, the EASEMENT was purposed for a City waterline that is now abandoned within the noted property; and

WHEREAS, Oregon City Public Works staff have determined that the proposed vacation is in the best public interest based on the EASEMENT having no current and/or future purpose.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. This resolution shall take effect immediately upon its adoption by the City Commission and recording of the quitclaim deed, thus vacating that portion of public utility easement as legally described in Exhibit A and as shown in Exhibit B of the Quitclaim Deed, attached as **Exhibit A** to this resolution.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of May, 2025.

DENYSE C. MCGRUFF
Mayor

Attested to this 21st day of May, 2025:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Planning No.: VAC-25-00002

QUITCLAIM DEED

THE PURPOSE OF THIS CONVEYANCE IS TO RELEASE AND RELINQUISH ALL OF THE RIGHT, TITLE, AND INTEREST OF THE CITY OF OREGON CITY, A MUNICIPAL CORPORATION OF THE STATE OF OREGON (CITY), ALL, OR A PORTION OF, THE EASEMENT RECORDED IN THE PUBLIC RECORDS OF CLACKAMAS COUNTY, OREGON AS DOCUMENT NO. 141-469.

THE CITY OF OREGON CITY, DOES REMISE, RELEASE AND FOREVER QUITCLAIM UNTO
John Herberger

GRANTEE (AS WELL AS ITS SUCCESSORS AND ASSIGNS), ALL THE RIGHTS, TITLE, INTEREST, CLAIM OR DEMAND THAT THE CITY MAY HAVE TO THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF CLACKAMAS IN THE STATE OF OREGON, DESCRIBED ON THE ATTACHED **EXHIBIT A**, AND SHOWN ON THE ATTACHED **EXHIBIT B**.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$0

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

CITY OF OREGON CITY

Dayna Webb, Public Works Director

STATE OF OREGON)
)
County of Clackamas)

This record was acknowledged before me on (date) _____, 20_____
by Dayna Webb as the Public Works Director of the City of Oregon City.

Stamp notary seal:

WITNESS my hand and official seal.

Signature of Notary Public

My commission expires:_____

Anthony J. Konkol III, City Manager

STATE OF OREGON)
)
County of Clackamas)

This record was acknowledged before me on (date) _____, 20_____
by **Anthony J. Konkol** as the **City Manager** of the City of Oregon City.

Stamp notary seal:

WITNESS my hand and official seal.

Signature of Notary Public

My commission expires:_____

**AKS ENGINEERING & FORESTRY**

12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7498

EXHIBIT A**Water Pipeline Easement Relinquishment**

A strip of land 20.00 feet wide (offset 10.00 feet on both sides of the following described centerline), located in the Northeast One-Quarter and the Northwest One-Quarter of Section 15, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon, and the centerline being more particularly described as follows:

Commencing at the southwest corner of Lot 8 of "Old Acres No. 3", Plat No. 1186, Clackamas County Plat Records; thence along the west line of said Lot 8, North 01°57'21" East 117.05 feet to the Point of Beginning; thence leaving said west line on a non-tangent curve to the right (with a radial bearing of North 21°07'33" East) with a Radius of 410.00 feet, a Central Angle of 04°15'19", an Arc Length of 30.45 feet, and a Chord of North 66°44'48" West 30.44 feet; thence North 64°37'08" West 1501.10 feet; thence along a curve to the right with a Radius of 410.00 feet, a Central Angle of 04°40'00", an Arc Length of 33.39 feet, and a Chord of North 62°17'08" West 33.38 feet; thence North 59°57'08" West 525.10 feet to the east line of Document Number 2017-052131, Clackamas County Deed Records, and the Point of Terminus.

The sidelines of this strip shall be lengthened or shortened as necessary to meet the west line of said Lot 8 and the east line of said Document Number 2017-052131.

The above described tract of land contains 41,801 square feet, more or less.

Bearings for this description are based on State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000. Distances shown are International Foot ground values.

4/10/2025

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2018
MICHAEL S. KALINA
89558PLS

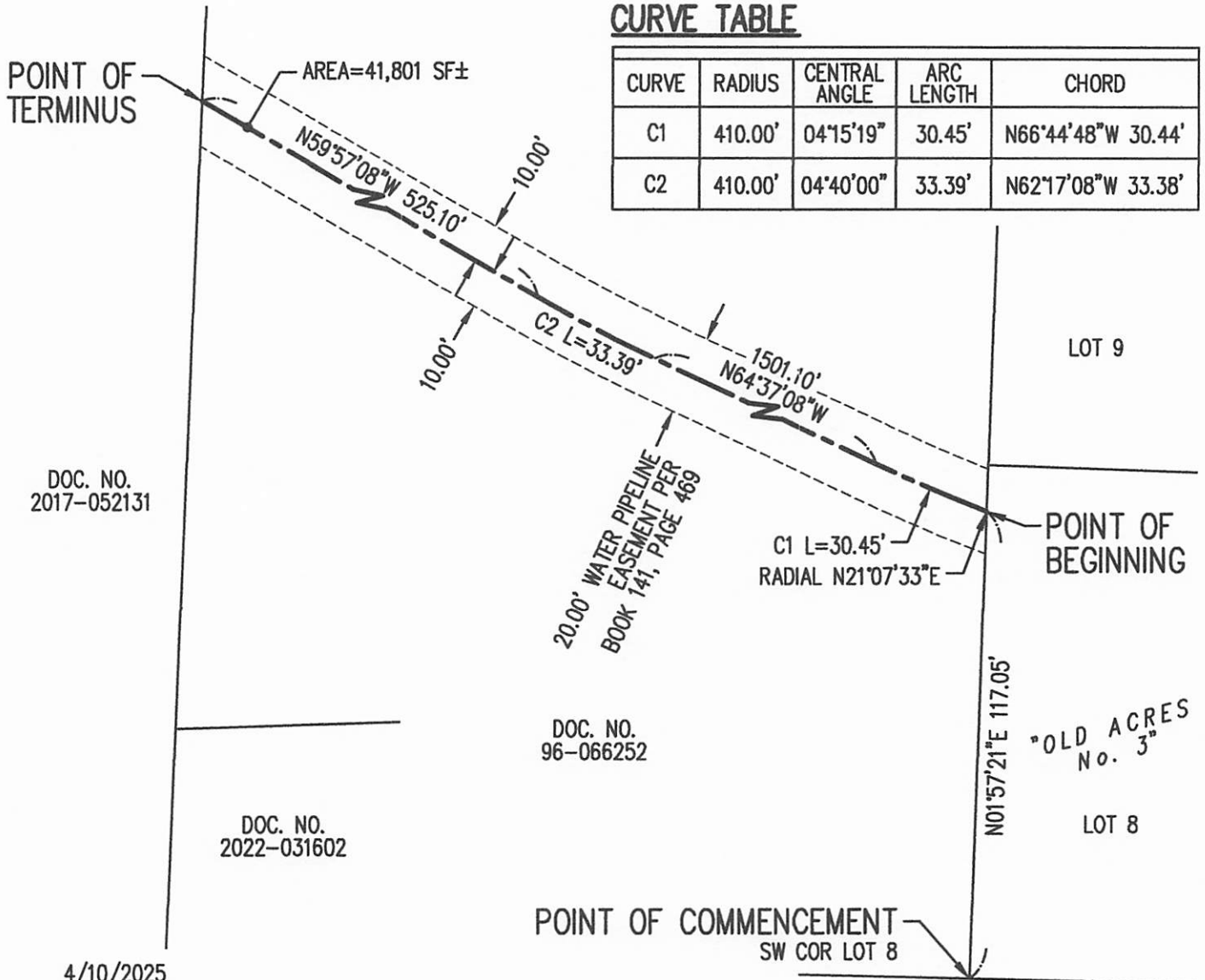
RENEWS: 6/30/27

EXHIBIT B

A STRIP OF LAND, 20.00 FEET WIDE,
LOCATED IN THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF SECTION 15,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

CURVE TABLE

CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD
C1	410.00'	04°15'19"	30.45'	N66°44'48"W 30.44'
C2	410.00'	04°40'00"	33.39'	N62°17'08"W 33.38'



4/10/2025

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

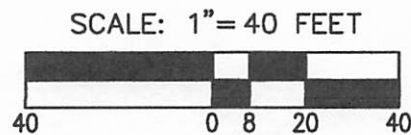
RENEWS: 6/30/27

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM

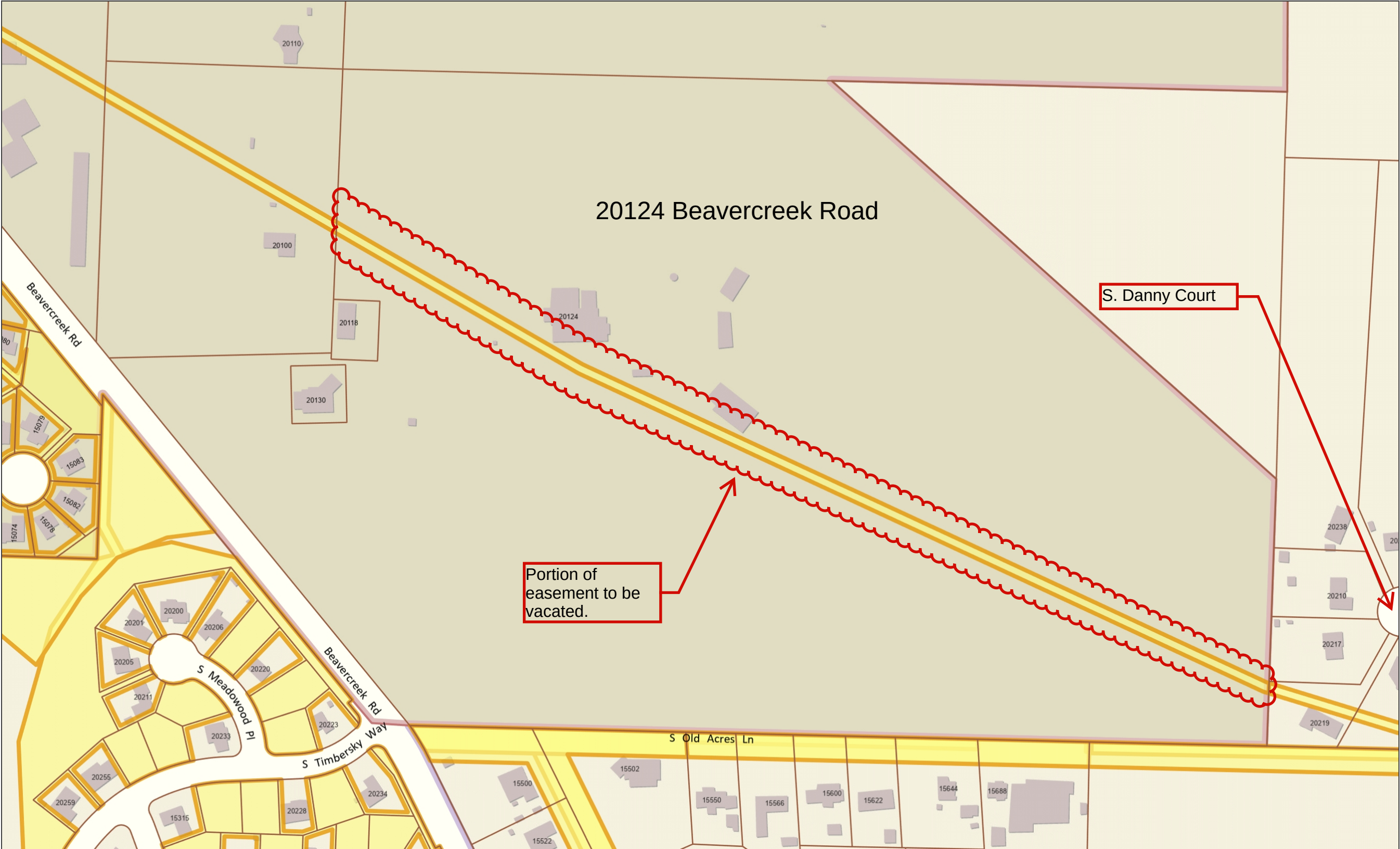


WATER PIPELINE EASEMENT
RELINQUISHMENT

TL 32E15A 00290
DRWN: WCB CHKD: MSK
AKS JOB: 7498
EXHIBIT B



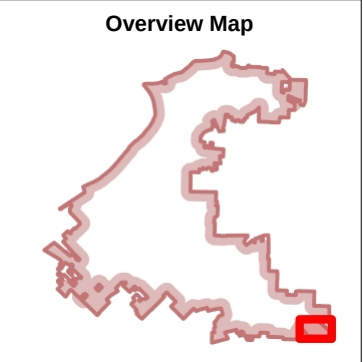
Oregon City GIS Map



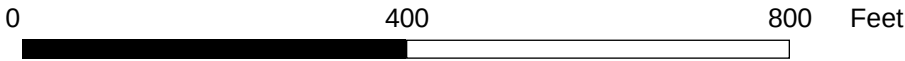
Legend

- Street Names
- Taxlots
- Unimproved ROW
- Easements
- City Limits
- UGB
- Basemap

Notes



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.



1: 2,400

This map is not suitable for survey, engineering, legal, or navigation purposes. Data errors and omissions may exist.

Map created 5/12/2025

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org





CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** May 21, 2025
From: Dayna Webb, Public Works Director

SUBJECT:

Item 7.b. - Intergovernmental Agreement Transferring a Portion of Beaver Creek Road from Clackamas County to Oregon City

STAFF RECOMMENDATION:

Authorize the Mayor to sign an Intergovernmental Agreement between the City of Oregon City and Clackamas County related to the transfer of a portion of Beaver Creek Road.

EXECUTIVE SUMMARY:

Beaver Creek Road, from Highway 213 to the southern city limits, is currently under the jurisdiction of Clackamas County. Beaver Creek Road from Highway 213 to Warner Milne Road is under Oregon City jurisdiction. Both City and County have agreed to transfer jurisdiction of the remaining portion of Beaver Creek Road (within the city limits) from the County to the City. This first step in a transfer of jurisdiction is completed by way of an Intergovernmental Agreement.

BACKGROUND:

Beaver Creek Road is located within the City of Oregon City, from Warner Milne Road to the southern city limits of Oregon City just south of the existing Oregon City Golf Club. All of Beaver Creek Road, north and west of Highway 213, is under City jurisdiction. The portion of Beaver Creek Road located south and east of Highway 213 is also in the city limits; however, is under County jurisdiction.

The City and County have discussed the transfer of this section of roadway for the past few years as development interest has increased in the corridor. When the County vehicle registration fee was implemented, a portion of those funds were set aside to facilitate these jurisdiction transfers of roadways that no longer function as County Roads and are desired to be under the jurisdiction of the City.

As the City adopted the Thimble Creek Concept Plan (formerly Beaver Creek Concept Plan), the City became interested in controlling the permitting, access and the cross-section of Beaver Creek Road for future urbanization. Transferring jurisdiction is in the best interest of the City to implement the development of the Thimble Creek Concept Plan.

As specified in the 1990 Urban Growth Management Agreement between the City and the County, the transfer may be completed by way of an Intergovernmental Agreement. This agreement states that for roadways not built to City standards, the County agrees to pay (to

the City) a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the existing pavement. As this roadway also has additional components along it, staff have also negotiated the cost of 21 curb ramps to comply with Americans with Disabilities Act standards, and signal upgrades at Maplelane Road as part of the package. The total value of this work has been determined to be \$997,000 and will be paid to the City as part of the transfer of this roadway.

The transfer of jurisdiction includes the right of way, as well as the traffic signals at Maplelane Road, Clairmont Drive, and Meyers Road, as well as 39 curb ramps and the school zone flashers. The fiber communication owned and operated by Clackamas Broadband Exchange (CBX) will continue to be owned and operated by CBX.

Once the City approves this IGA, the Clackamas County Board of County Commissioners will follow with their approval. The final step for Oregon City to accept the roadway will be by adopting a Resolution accepting the right of way.

The area of transfer is legally written in **Exhibit A** and depicted in **Exhibit B**, included within the Intergovernmental Agreement.

OPTIONS:

1. Approve Intergovernmental Agreement Transferring a Portion of Beaver Creek Road from Clackamas County to Oregon City.
2. Approve Intergovernmental Agreement Transferring a Portion of Beaver Creek Road from Clackamas County to Oregon City with Amendments.
3. Deny Intergovernmental Agreement Transferring a Portion of Beaver Creek Road from Clackamas County to Oregon City and provide further direction.

BUDGET IMPACT:

Amount	\$997,000 (Revenue)
Fiscal Year(s):	2025/2026
Funding Source(s):	Transportation Fund

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF OREGON CITY
AND CLACKAMAS COUNTY RELATED TO THE TRANSFER OF JURISDICTION
OVER A PORTION OF S BEAVERCREEK ROAD**

This Agreement is made between the City of Oregon City, a municipal corporation of the State of Oregon (the “City”), and Clackamas County, a political subdivision of the State of Oregon (the “County”), collectively referred to as the “Parties” and each a “Party.”

RECITALS

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

WHEREAS, the portion of S Beavercreek Road, currently labeled as county road no. 52033, described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein (“S Beavercreek Road”), is a County Road as defined under ORS 368.001 that is wholly within the boundary of the City;

WHEREAS, the City has adopted the Thimble Creek Concept Plan, which provides a cross-section of S Beavercreek Road, calls for signalized intersections, and determines road layouts, utility layouts, and zoning for the unimproved properties lying within City limits generally east of S Beavercreek Road and south of Thayer Road;

WHEREAS, the City is best suited to acquire full and absolute jurisdiction over S Beavercreek Road, including for maintenance and permitting purposes;

WHEREAS, ORS 373.270 provides a procedure whereby a county may transfer full and absolute jurisdiction over any County Road within a city to the city by surrendering such jurisdiction, provided the city requests or accepts such jurisdiction; and

WHEREAS, the Parties desire to transfer S Beavercreek Road pursuant to ORS 373.270 and acknowledge that the City should be compensated, consistent with the terms of this Agreement.

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. **Term.** This Agreement shall be effective on the last day of signature by a Party indicated below and shall expire automatically at the time the City accepts jurisdiction of S Beavercreek Road pursuant to ORS 373.270 and the County makes payment as provided in this Agreement.

2. City Responsibilities.

- A. The City shall carry out the procedures set forth in ORS 373.270 to determine whether it is necessary, expedient, or for the best interests of the City to acquire full and absolute jurisdiction over S Beavercreek Road, and, if so, to adopt appropriate municipal legislation requesting such jurisdiction. The City shall complete the process to request jurisdiction within 60 days of the effective date of this Agreement.
- B. The City shall accept full and absolute jurisdiction over S Beavercreek Road in the event that the governing body of the City and the governing body of the County determine that it is necessary, expedient, or for the best interests of their respective jurisdictions to transfer such jurisdiction, and if the County adopts an order surrendering such jurisdiction.
- C. The transfer of jurisdiction over S Beavercreek Road shall include the traffic signals at Maplelane Road, Clairmont Drive, and Meyers Road; 39 accessible ramps; and all school zone flashers.
- D. Fiber communication owned and operated by CBX shall continue to be owned and operated by CBX. Upon jurisdictional transfer, the City shall notify all franchise utilities of the change in jurisdiction.

3. County Responsibilities.

- A. Once the City completes the process to request jurisdiction over S Beavercreek Road, the County shall give notice and carry out the procedures set forth in ORS 373.270 to determine whether it is necessary, expedient, or for the best interests of the County to surrender such jurisdiction, and, if so, to adopt an order surrendering such jurisdiction. The County shall complete the process to surrender jurisdiction within 120 days of the date that the City requests such jurisdiction. This obligation shall terminate in the event the governing body of the City fails to find that it is not necessary, expedient, or for the best interests of the City to acquire such jurisdiction.
- B. In the event the governing body of the City and the governing body of the County both determine that it is necessary, expedient, or for the best interests of their respective jurisdictions to transfer jurisdiction over S Beavercreek Road, the County shall make a one-time payment to the City in the sum of \$997,000, which is equivalent to the costs associated with the construction of a 2-inch asphalt overlay of the entire 482,700 square feet of S Beavercreek Road, replacement of 21 accessible ramps to comply with modern day Americans with Disabilities Act standards, and signal upgrades at Maplelane Road. The payment shall be made to the City within 30 days of the date that the County surrenders such jurisdiction.
- C. Existing development permits issued by Clackamas County Development Engineering shall remain under the authority of the County until the end of their warranty period, when their warranty sureties are released by the County.

4. Termination.

- A. The Parties, by mutual written agreement, may terminate this Agreement at any time.
- B. Either Party may terminate this Agreement in the event of a breach by the other Party. Prior to such termination, however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not completely cured the breach within fifteen (15) days of deemed or actual receipt of the notice, then the Party giving notice may terminate this Agreement any time thereafter by giving written notice of termination stating the effective date of the termination. If the breach is of such a nature that it cannot be completely cured within such fifteen (15) day period, then the Party giving notice may not terminate this Agreement due to the breach if the breaching Party begins curing the breach within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to completely cure the breach as soon as practicable. The Party giving notice shall not be required to give more than one (1) notice for a similar breach in any twelve (12) month period.

5. Indemnification.

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

6. General Provisions.

- A. **Oregon Law and Forum.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.

- B. **Applicable Law.** The Parties shall comply in all ways with applicable local, state, and federal ordinances, statutes, laws, and regulations.
- C. **Non-Exclusive Rights and Remedies.** Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or a different time, of any other remedies for the same breach, or for any other breach, by the other Party.
- D. **Access to Records.** Each Party, the federal government, and their duly authorized representatives shall have access to each Party's books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after the County makes payment as provided in this Agreement. Copies of applicable records shall be made available upon request. The cost of such inspection shall be borne by the inspecting Party.
- E. **Debt Limitation.** This Agreement is subject to the county debt limitation set forth in Article XI, section 10, of the Oregon Constitution, and is contingent upon funds being appropriated to carry out its provisions..
- F. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal, or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal, or unenforceable shall construe this Agreement without such provision to give effect, to the maximum extent possible, to the intentions of the Parties.
- G. **Integration, Amendment, and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the transfer of jurisdiction over S Beaver Creek Road. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change to the terms of this Agreement shall bind either Party unless it is in writing and signed by both Parties, and unless all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision. A waiver as to one breach shall not be deemed a waiver as to any other breach not expressly identified, even though the other breach is of the same nature as the one waived.
- H. **Interpretation.** The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

- I. **No Partnership.** No representative, agent, employee, or contractor of one Party shall be deemed to be a representative, agent, employee, or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture, or any similar relationship, and each Party specifically disclaims any such relationship.
- J. **No Third-Party Beneficiary.** Neither Party intends that this Agreement benefit, or create any right or cause of action in, or on behalf of, any person or entity other than the Parties.
- K. **No Assignment.** Neither Party shall have the right to assign its interest in this Agreement (or any portion thereof) without the prior written consent of the other Party, which consent may be withheld for any reason. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the successors to the Parties.
- L. **Counterparts.** This Agreement may be executed in any number of counterparts (electronic, facsimile, or otherwise), all of which, when taken together, shall constitute one agreement binding on both Parties, notwithstanding that both Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
- M. **Authority.** Each Party represents that it has the authority to enter into this Agreement, and each individual signatory for a Party represents that it has been authorized by that Party to execute and deliver this Agreement.
- N. **Necessary Acts.** Each Party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

CLACKAMAS COUNTY

Chair

Date

Recording Secretary

CITY OF OREGON CITY

Mayor

Date

Recording Secretary

Exhibit "A"

S Beavercreek Road Transfer of Jurisdiction

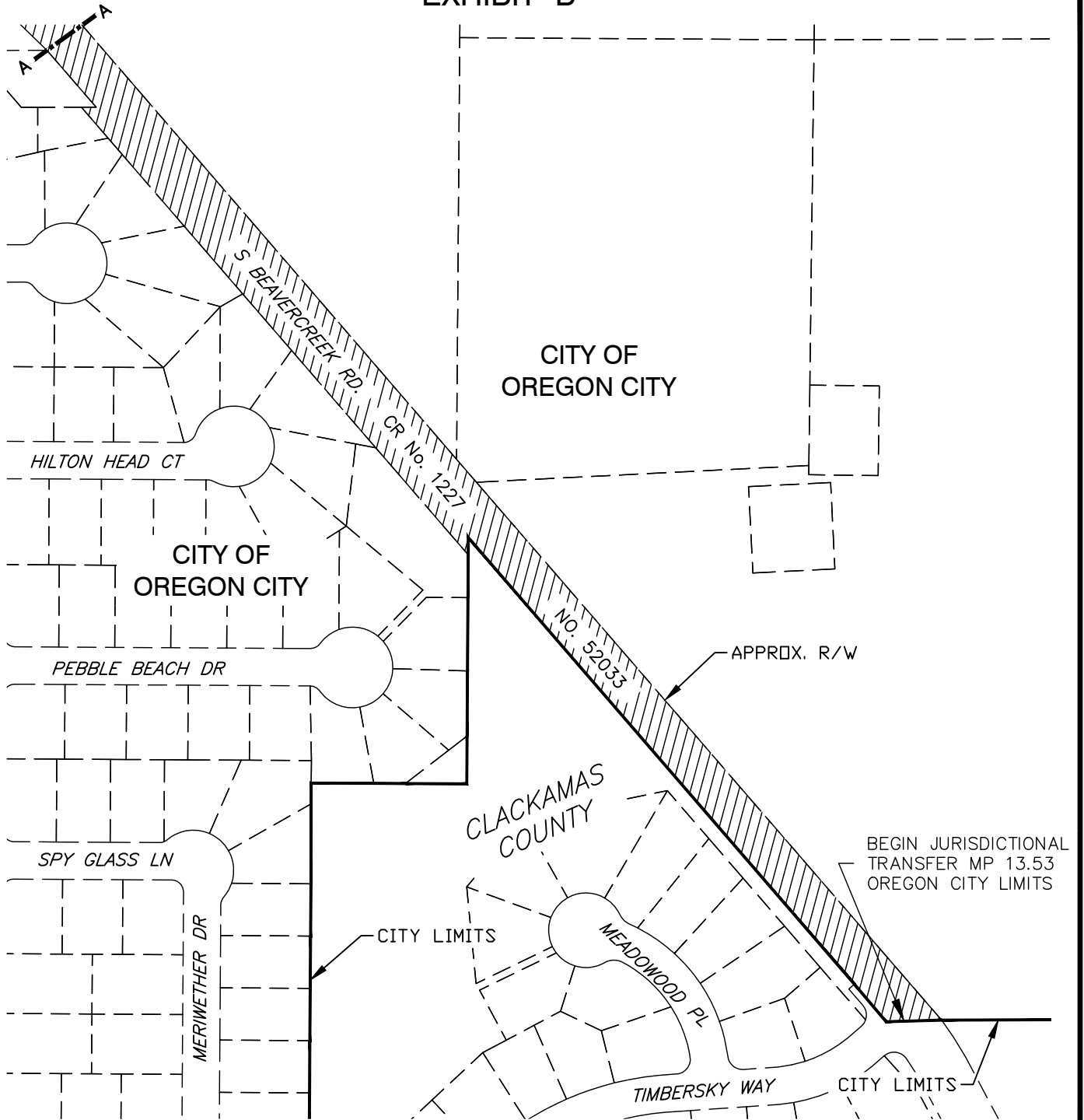
Clackamas County to City of Oregon City

Description

All of that portion of S Beavercreek Road, County Road No. 1227, Market Road 11, Resolution Road 1227, CR 238 and CR 337, Department of Transportation and Development Maintenance No. 52033; Situated in the NW 1/4 of Section 15, the SW 1/4 Section 10, the SE 1/4, NE 1/4 and NW 1/4 of Section 9, the SW 1/4 of Section 4, and the SE 1/4 Section 5, T. 3 S., R. 2 E., W.M., lying northwesterly of the southerly limits of Oregon City, said point also being (mile point 13.53) and east of the easterly right-of-way of State Highway 213, (mile point 15.31), as shown on Exhibit "B", attached hereto, and by this reference a part hereof. Total length being approximately 9,398 feet long.

Contains 799,800 square feet, more or less.

EXHIBIT "B"



PLAN
1"=200'

LEGEND

 TRANSFERRED AREA
799,800 Sq. Ft.
LOCATED IN THE NE 1/4 OF SECTION 15 AND THE SW 1/4 OF
SECTION 10, SECTION 9 AND THE SW 1/4 OF SECTION 4
T. 3 S., R. 2 E., W.M.
CLACKAMAS COUNTY, OREGON

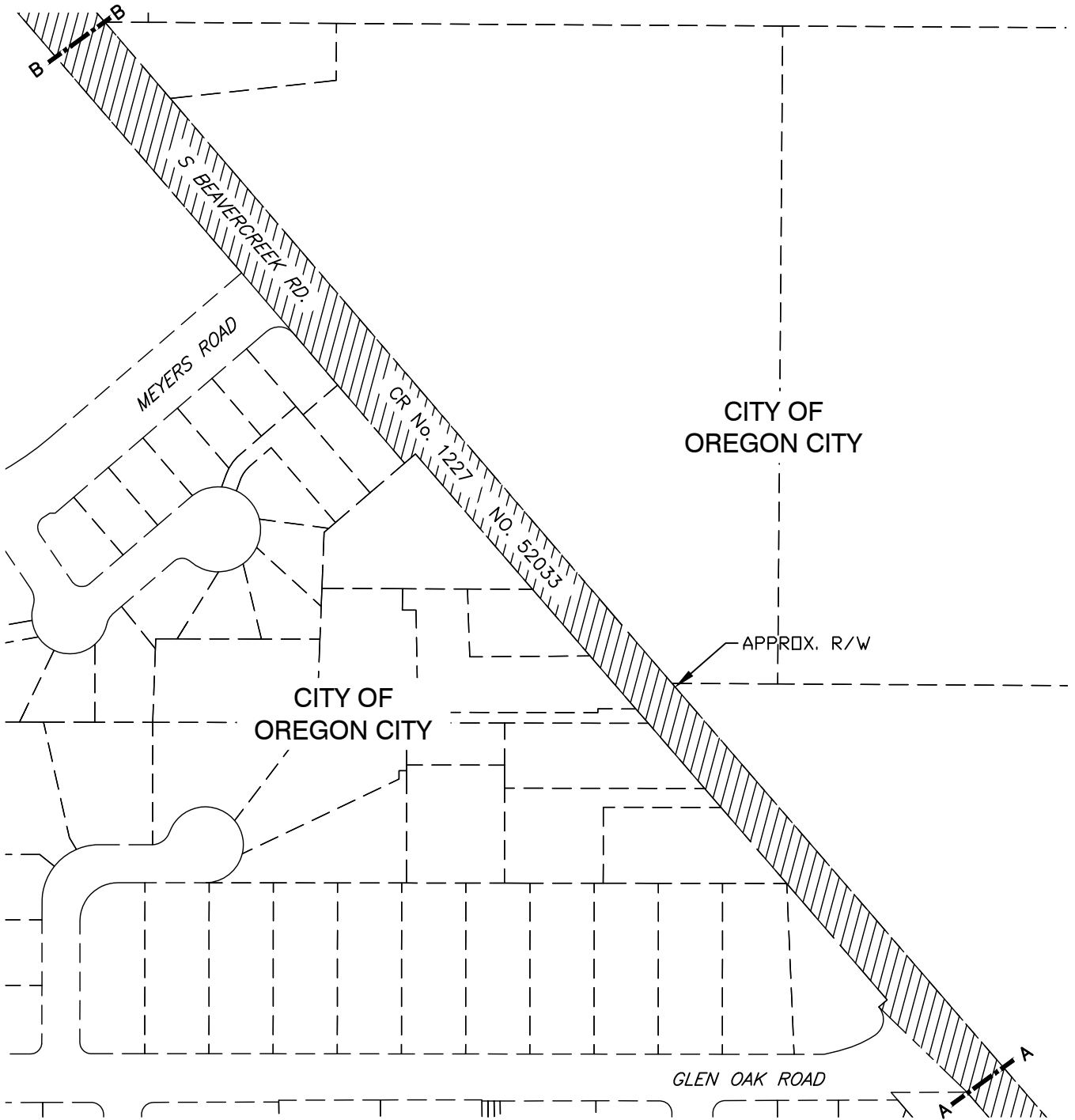
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT
150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL DATE: 3/19/2025
JURISDICTIONAL TRANSFER
S BEAVERCREEK ROAD
COUNTY ROAD NO. 1227

SHEET
1 OF 6

EXHIBIT "B"



LEGEND



TRANSFERRED AREA
799,800 Sq. Ft.

LOCATED IN THE NE 1/4 OF SECTION 15 AND THE SW 1/4 OF
SECTION 10, SECTION 9 AND THE SW 1/4 OF SECTION 4

T. 3 S., R. 2 E., W.M.

CLACKAMAS COUNTY, OREGON



PLAN
1"=200'

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL

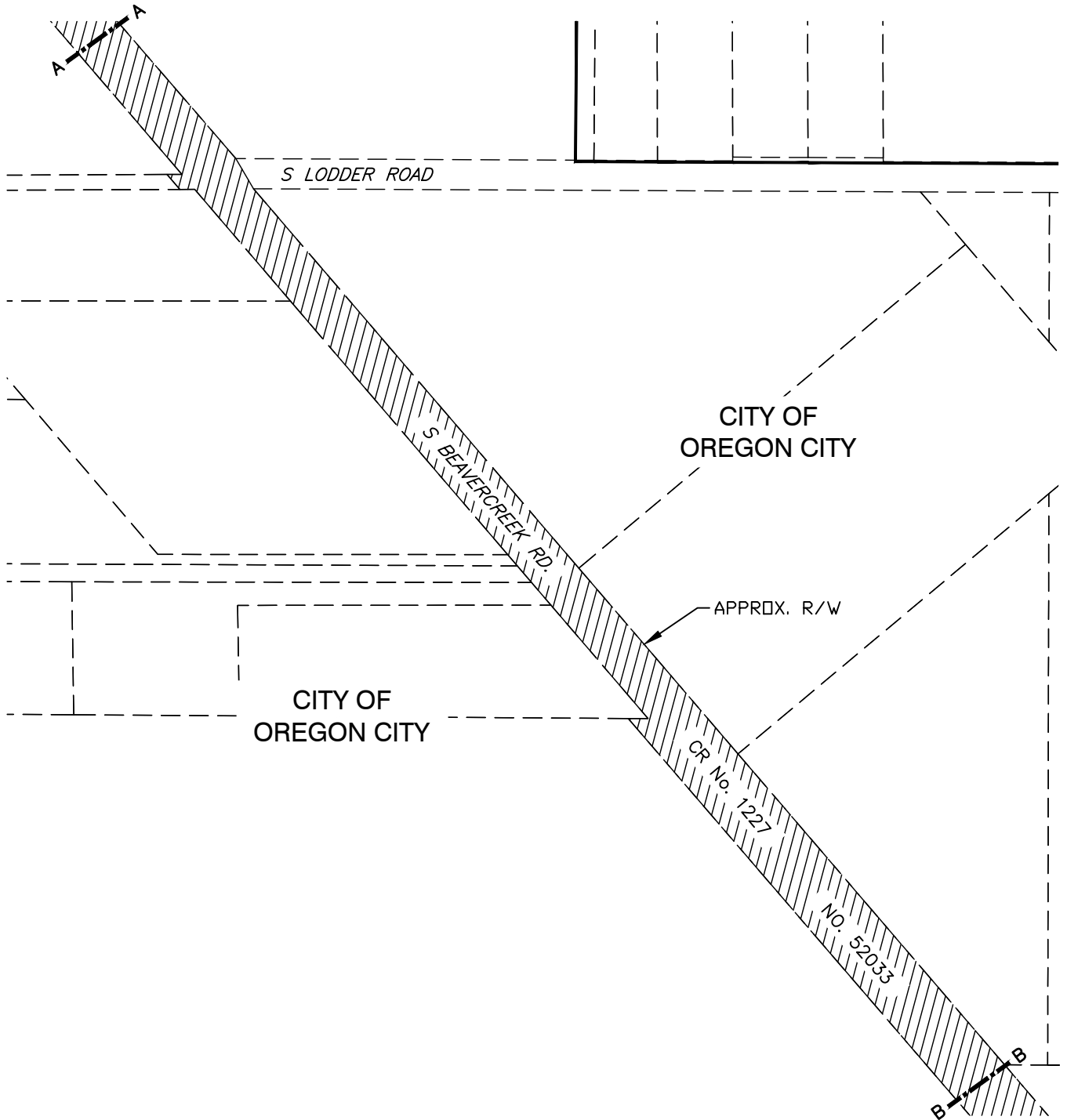
DATE: 3/19/2025

JURISDICTIONAL TRANSFER
S BEAVERCREEK ROAD
COUNTY ROAD NO. 1227

SHEET

2 OF 6

EXHIBIT "B"



LEGEND



TRANSFERRED AREA
799,800 Sq. Ft.

LOCATED IN THE NE 1/4 OF SECTION 15 AND THE SW 1/4 OF
SECTION 10, SECTION 9 AND THE SW 1/4 OF SECTION 4

T. 3 S., R. 2 E., W.M.

CLACKAMAS COUNTY, OREGON



PLAN
1"=200'

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL

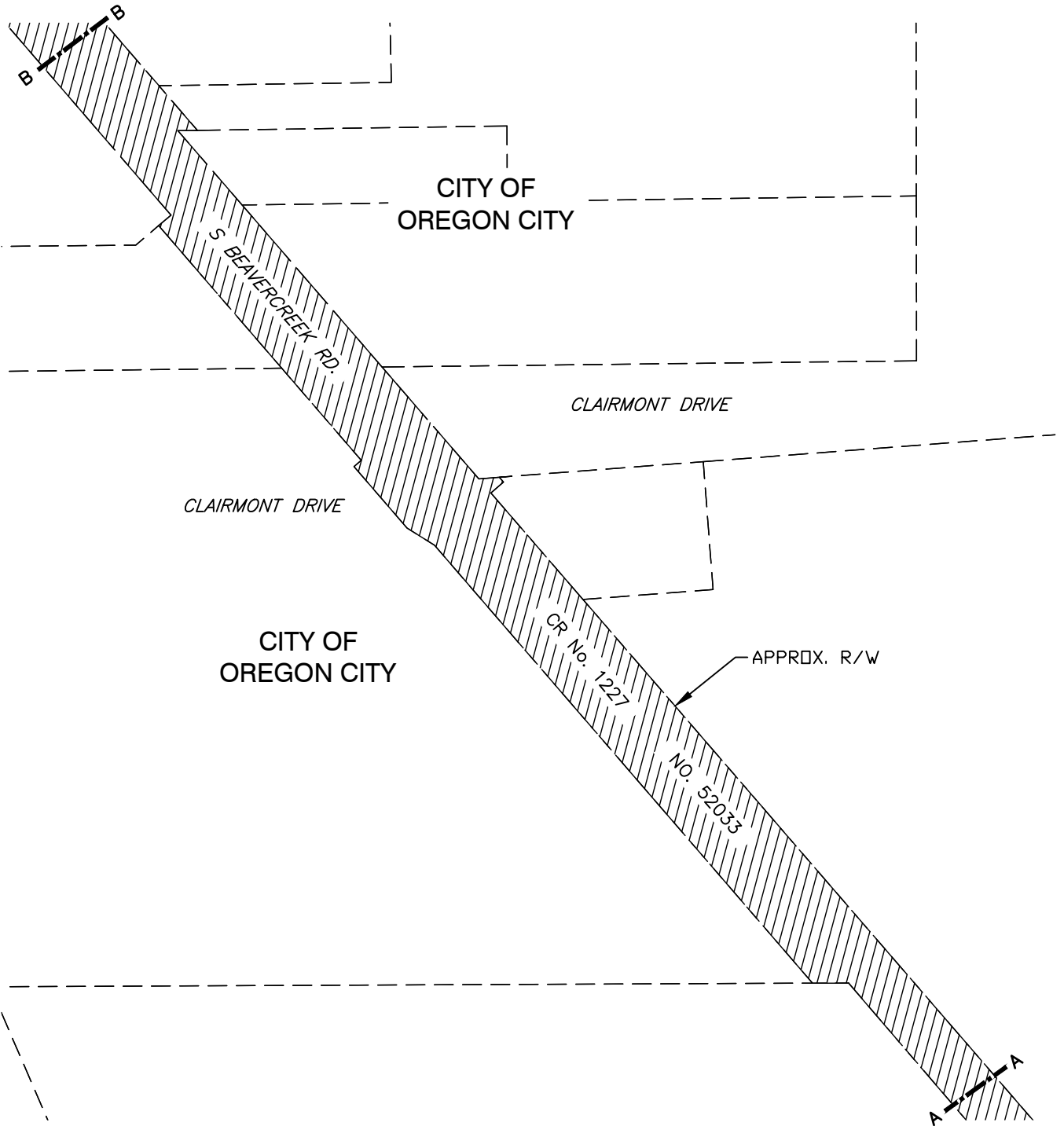
DATE: 3/19/2025

JURISDICTIONAL TRANSFER
S BEAVERCREEK ROAD
COUNTY ROAD NO. 1227

SHEET

3 OF 6

EXHIBIT "B"



LEGEND



TRANSFERRED AREA
799,800 Sq. Ft.

LOCATED IN THE NE 1/4 OF SECTION 15 AND THE SW 1/4 OF
SECTION 10, SECTION 9 AND THE SW 1/4 OF SECTION 4

T. 3 S., R. 2 E., W.M.

CLACKAMAS COUNTY, OREGON



PLAN
1"=200'

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL

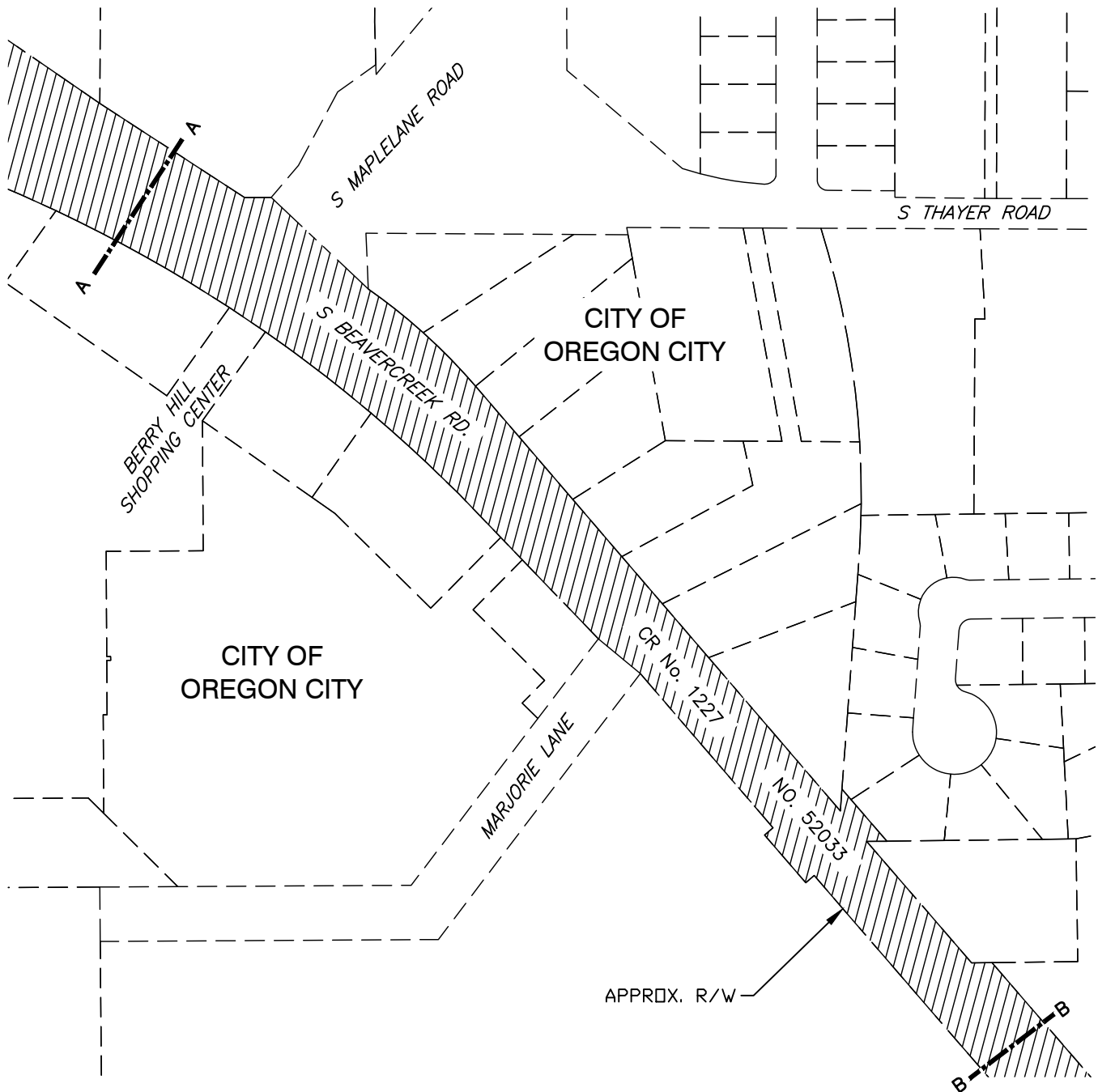
DATE: 3/19/2025

JURISDICTIONAL TRANSFER
S BEAVERCREEK ROAD
COUNTY ROAD NO. 1227

SHEET

4 OF 6

EXHIBIT "B"



LEGEND



TRANSFERRED AREA
799,800 Sq. Ft.

LOCATED IN THE NE 1/4 OF SECTION 15 AND THE SW 1/4 OF
SECTION 10, SECTION 9 AND THE SW 1/4 OF SECTION 4
T. 3 S., R. 2 E., W.M.

CLACKAMAS COUNTY, OREGON



PLAN
1"=200'

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL

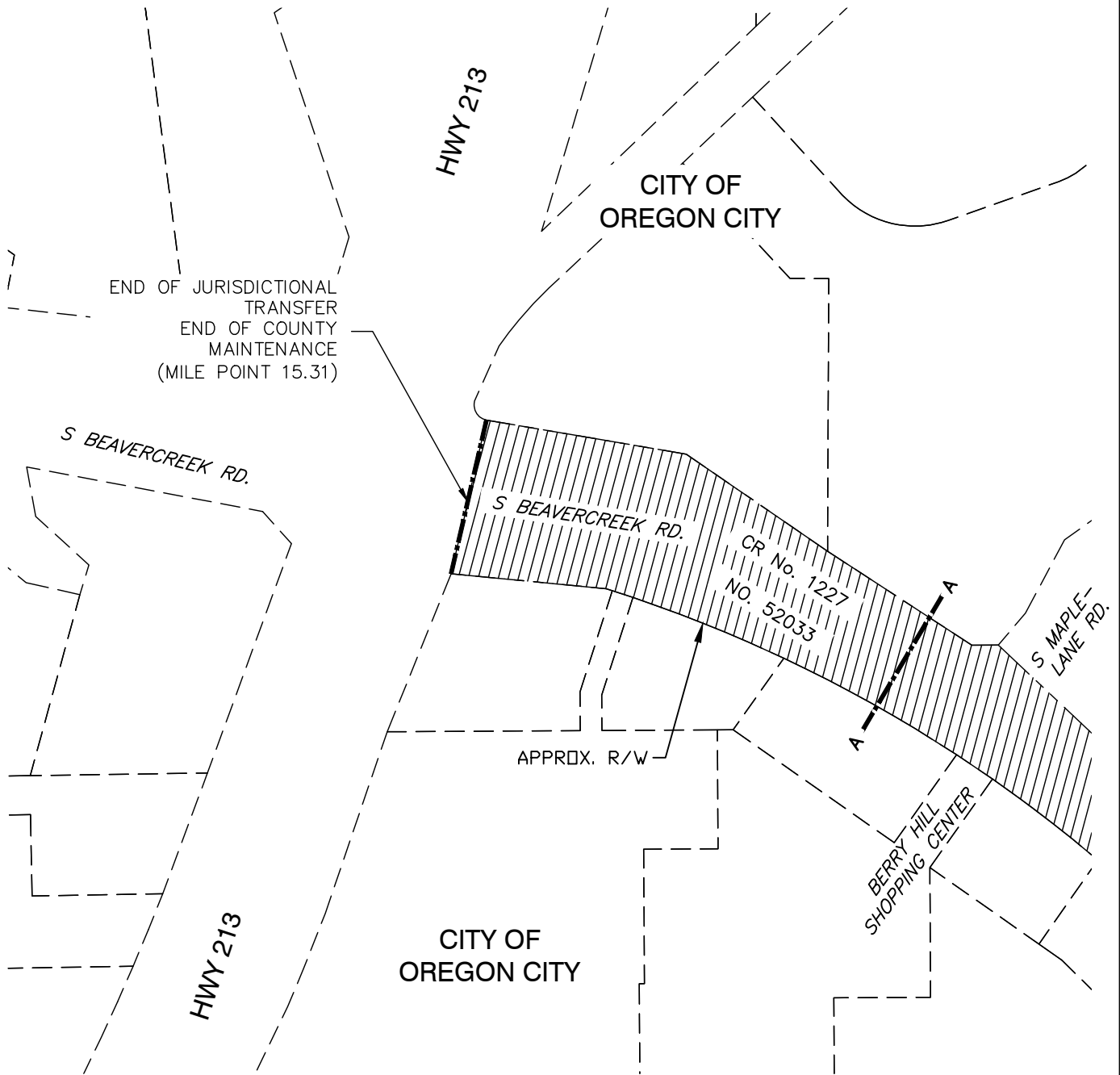
DATE: 3/19/2025

JURISDICTIONAL TRANSFER
S BEAVERCREEK ROAD
COUNTY ROAD NO. 1227

SHEET

5 OF 6

EXHIBIT "B"



LEGEND



TRANSFERRED AREA
799,800 Sq. Ft.

LOCATED IN THE NE 1/4 OF SECTION 15 AND THE SW 1/4 OF
SECTION 10, SECTION 9 AND THE SW 1/4 OF SECTION 4
T. 3 S., R. 2 E., W.M.

CLACKAMAS COUNTY, OREGON



PLAN
1"=200'

DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

150 BEAVERCREEK ROAD
OREGON CITY, OR 97045



BY: R. MAXWELL

DATE: 3/19/2025

JURISDICTIONAL TRANSFER
S BEAVERCREEK ROAD
COUNTY ROAD NO. 1227

SHEET

6 OF 6



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** May 21, 2025
From: Dayna Webb, Public Works Director

SUBJECT:

Item 7.c. - Intergovernmental Agreement with Water Environment Services for Siphon Storm Pipe Maintenance

STAFF RECOMMENDATION:

Authorize the City Manager to execute an Intergovernmental Agreement (IGA) between the City of Oregon City (City) and Water Environment Services (WES) to assign maintenance responsibilities of a stormwater siphon pipe to WES.

EXECUTIVE SUMMARY:

In 2024, Water Environment Services (WES) replaced an existing 42-inch stormwater main with a new 48-inch siphon stormwater pipe that is part of the City's Stormwater Facility (located east of Interstate 205). Because the new pipe functions as a siphon pipe rather than the previous gravity-flow pipe, and the concerns about clogging, the City is requiring WES to assume full responsibility for its maintenance. Both the City and WES have agreed to this, as shown in the Intergovernmental Agreement (IGA).

BACKGROUND:

The City owns, manages, and maintains a stormwater collection system within its boundaries, including a stormwater facility located east of Interstate 205. One of the main components of this system is a 42-inch stormwater main, located east of the roundabout at Main Street and Agnes Avenue. Stormwater drainage is conveyed to the facility via gravity due to a continuous slope.

In 2024, Water Environmental Services (WES) installed a new sewer main that would conflict with the existing City's 42-inch stormwater pipe. Because of this, WES had to remove the 42-inch pipe and install a larger 48-inch siphon stormwater pipe in its place. The siphon pipe (non-gravity-fed) is approximately nine (9) feet lower than the gravity pipe, which can lead to clogging. The City voiced concerns to WES about the new pipe and the potential for clogging. Following the discussions, WES and the City agreed that WES will take full responsibility for the 48-pipe, via an IGA.

WES shall be solely responsible for the maintenance of this pipe, including keeping it free of debris, ensuring its full functionality, and maintaining compliance with the Maintenance Plan outlined in Exhibit B of the IGA.

OPTIONS:

1. Approve Intergovernmental Agreement with Water Environment Services for Siphon Storm Pipe Maintenance.
2. Approve Intergovernmental Agreement with Water Environment Services for Siphon Storm Pipe Maintenance with Amendments.
3. Deny Intergovernmental Agreement with Water Environment Services for Siphon Storm Pipe Maintenance and provide further direction.

BUDGET IMPACT:

Amount \$0

Fiscal Year(s):

Funding Source(s):

**INTERGOVERNMENTAL AGREEMENT
BETWEEN WATER ENVIRONMENT SERVICES
AND THE CITY OF OREGON CITY**

THIS AGREEMENT (this “Agreement”) is entered into and between Water Environment Services (“WES”), an intergovernmental entity formed pursuant to ORS Chapter 190, and the City of Oregon City (“City”), an Oregon municipal corporation, collectively referred to as the “Parties” and each as “Party.”

RECITALS

Oregon Revised Statutes Chapter 190.010 confers authority upon local governments to enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform.

The City owns, manages, and maintains a stormwater collection system within its boundaries, including a stormwater facility with a continuous slope that conveyed stormwater drainage by gravity from the City’s existing storm collection system east of Interstate Highway 205, as shown on Exhibit A (the “Old Facility”).

WES desired to construct and, in 2024, did construct a new sewer main that crossed the Old Facility and required WES to construct a new 48-inch siphon stormwater pipe (the “New Facility”) to replace the Old Facility in the same location because the Old Facility conflicted with the installation of a new WES sewer main.

The New Facility constructed by WES will not convey stormwater by gravity and the parties agree to assign maintenance responsibilities of the New Facility to WES. The portion of 48-inch siphon stormwater pipe to be maintained by WES is depicted in Exhibit A.

WES agrees to accept maintenance responsibility for the collection system assets described in this Agreement.

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

TERMS

1. **Effective Date.** This Agreement shall take effect when executed by both Parties (the “Effective Date”).

2. **WES Obligations.**

2.A **Agreement to Maintain and Repair.** WES shall, at their sole expense, at all times maintain the 48-inch siphon stormwater pipe, i.e., the New Facility, in good working order, condition, repair, clear of all debris, and in compliance with the Maintenance Plan attached as Exhibit B of this Agreement.

2.B **Agreement to Inspect.** WES shall perform inspections of the New Facility covered by this Agreement, per guidelines in Exhibit B, attached. The inspections required by this Agreement shall identify work necessary to repair or maintain the New Facility in good working order. WES shall provide Oregon City Public Works with an annual maintenance inspection report, which will include identification of the corrective actions taken in response to the annual inspection.

- 2.C **Agreement to Comply with Applicable Law.** WES agrees to ensure the New Facility is in compliance with all legal obligations regarding stormwater including, but not limited to, obligations under any applicable Municipal Separate Storm Sewer System permit or other applicable requirements of the Oregon Department of Environmental Quality. Notwithstanding the above, nothing in this Agreement shall make WES responsible for any legal obligation of the City as it relates to any other aspect of the City's stormwater system beyond the New Facility.
3. **Representations and Warranties.**
- 3.A *City Representations and Warranties:* City represents and warrants to WES that City has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of City enforceable in accordance with its terms.
- 3.B *WES Representations and Warranties:* WES represents and warrants to City that WES has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of WES enforceable in accordance with its terms.
- 3.C The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.
4. **Termination.** This Agreement may only be terminated by the express written consent of both parties.
5. **Indemnification.**
- 5.A Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, WES agrees to indemnify, save harmless and defend the City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the WES or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the WES has a right to control, occurring prior to the Effective Date of this Agreement.
- 5.B Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City agrees to indemnify, save harmless and defend the WES, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the City or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the City has a right to control, occurring after the Effective Date of this Agreement.
6. **Insurance.** The Parties agree to maintain levels of insurance, or self-insurance, sufficient to satisfy their obligations under this Agreement and all requirements under applicable law.

7. **Notices; Contacts.** Legal notice provided under this Agreement shall be delivered personally, by email or by certified mail to the individuals identified below. Any communication or notice so addressed and mailed shall be deemed to be given upon receipt. Any communication or notice sent by electronic mail to an address indicated herein is deemed to be received 2 hours after the time sent (as recorded on the device from which the sender sent the email), unless the sender receives an automated message or other indication that the email has not been delivered. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. Either Party may change the Party contact information by giving prior written notice thereof to the other Party at its then current notice address.

7.A Jeff Stallard or their designee will act as liaison for the WES.

Contact Information:

150 Beaver Creek Rd Suite 430
Oregon City, OR 9704
JStallard@clackamas.us
Office: 503-742-4694
Mobile: 503-278-2311

Vance Walker or their designee will act as liaison for the City.

Contact Information:

Oregon City Public Works
13895 Fir Street
Oregon City, OR 97045
vwalker@orc.org
Office: 971-204-4600
Mobile: 971-204-4682

8. **General Provisions.**

8.A **Oregon Law and Forum.** This Agreement, and all rights, obligations, and disputes arising out of it will be governed by and construed in accordance with the laws of the State of Oregon without giving effect to the conflict of law provisions thereof. Any claim between WES and City that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Clackamas County for the State of Oregon; provided, however, if a claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this section be construed as a waiver by the WES or the City of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court.

8.B **Compliance with Applicable Law.** Both Parties shall comply with all applicable local, state and federal ordinances, statutes, laws and regulations. All provisions of law required to be a part of this Agreement, whether listed or otherwise, are

hereby integrated and adopted herein. Failure to comply with such obligations is a material breach of this Agreement.

- 8.C **Non-Exclusive Rights and Remedies.** Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.
- 8.D **Failure to Perform Agreement.** If the City, in its sole discretion, determines that that WES is not in compliance with its obligations described in Section 5 of this Agreement, the City or its designee shall provide written notice to WES requesting performance of WES' obligations specified in the notice. Provided, however, no prior written notice shall be required in the case of an emergency, which shall be governed by Section G below. If such work is not performed to the City's satisfaction within seven (7) days after the date of such notice, or such other time as the City may, in its sole discretion, determine, the City, its employees, independent contractors and designees may exercise their rights described in Section 5 to perform any and all work required in bringing 48-inch siphon stormwater pipe in good working order.
- 8.E **Emergency.** If the City, in its sole discretion, determines that there exists or will likely exist an emergency, the City, its employees, independent contractors and designees may immediately exercise their rights described in Section F of this Agreement to perform any and all work required to bring the 48-inch siphon stormwater pipe into compliance with this Agreement, and in such case the City shall use reasonable efforts to notify WES prior to performing the work.
- 8.F **City Under No Obligation.** The City, as well as its departments, employees, independent contractors and/or designees shall have no obligation to exercise its rights under this Agreement, or to perform any other maintenance or repair of the New Facility. In addition, neither the City, nor any of its departments, employees, independent contractors and/or designees shall have any liability to WES in connection with the exercise or non-exercise of such rights, the maintenance or repair of New Facility, or the failure to perform the same.
- 8.G **Debt Limitation.** This Agreement is expressly subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act, and is contingent upon appropriation of funds. Any provisions herein that conflict with the above referenced laws are deemed inoperative to that extent.
- 8.H **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.

- 8.I **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the Project. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.
- 8.J **Interpretation.** The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.
- 8.K **No Third-Party Beneficiary.** City and WES are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
- 8.L **Assignment.** WES may not assign or transfer this Agreement, in whole or in part, or any right or obligation hereunder, without the written consent of the City.
- 8.M **Counterparts.** This Agreement may be executed in several counterparts (electronic or otherwise), each of which shall be an original, all of which shall constitute the same instrument.
- 8.N **Survival.** All provisions in Sections 2, 5, and 8 (A), (C), (D), (E), (F), (G), (H), (I), (J), (K), (P), and (R), shall survive the termination of this Agreement, together with all other rights and obligations herein which by their context are intended to survive.
- 8.O **Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.
- 8.P **Time is of the Essence.** Both parties agree that time is of the essence in the performance this Agreement.
- 8.Q **Successors in Interest.** The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective authorized successors and assigns.
- 8.R **No Attorney Fees.** In the event any arbitration, legal action or other proceeding, including any bankruptcy proceeding, is instituted to enforce any term of this

Agreement, each party shall be responsible for its own attorneys' fees and expenses.

IN WITNESS HEREOF, the Parties have executed this Agreement by the date set forth opposite their names below.

Water Environment Services

City of Oregon City

Chair

By: Anthony J. Konkol III, City Manager

Date

Date

Approved as form

Signature

Name
Oregon City – City Attorney

Date

EXHIBIT A

PROJECT

Tri-City WRRF Outfall

MICHEL'S
TRENCHLESS, INC.

AECOM

CONTRACT No. P632241

OWNER

Clackamas Water
Environment Services

150 Beaverbrook Road
City of Oregon City, OR 97045
www.clackamas.us

DESIGN-BUILDER

MICHEL'S TRENCHLESS, INC.
817 Main St.
Brownsville, WI 53006
www.michels.us

AECOM
888 SW 5th Avenue, Suite 600
Portland, OR 97204
www.aecom.com

REGISTRATION



ISSUE/REVISION

1	04/25/2024	REVISION 1
0	02/20/2024	ISSUED FOR CONSTRUCTION
1/R	DATE	DESCRIPTION

PROJECT NUMBER

60692055

Designed By: R. MEYER

Drawn By: S. GREBENNIKOV

Dept Check: D. PODUSKA

Proj Check: L. FINNEFROCK

Date: FEBRUARY 20, 2024

Scale: AS SHOWN

DISCIPLINE

CIVIL / OUTFALL PIPES

SHEET TITLE

SIPHON PLAN AND PROFILE

SHEET NUMBER

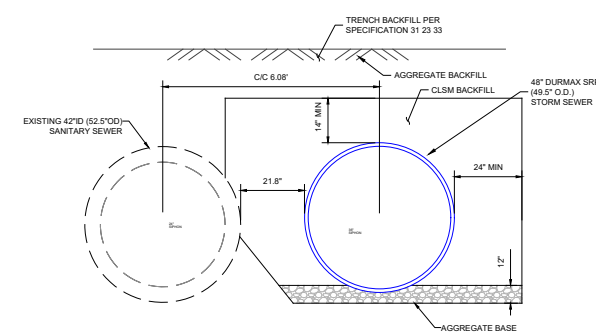
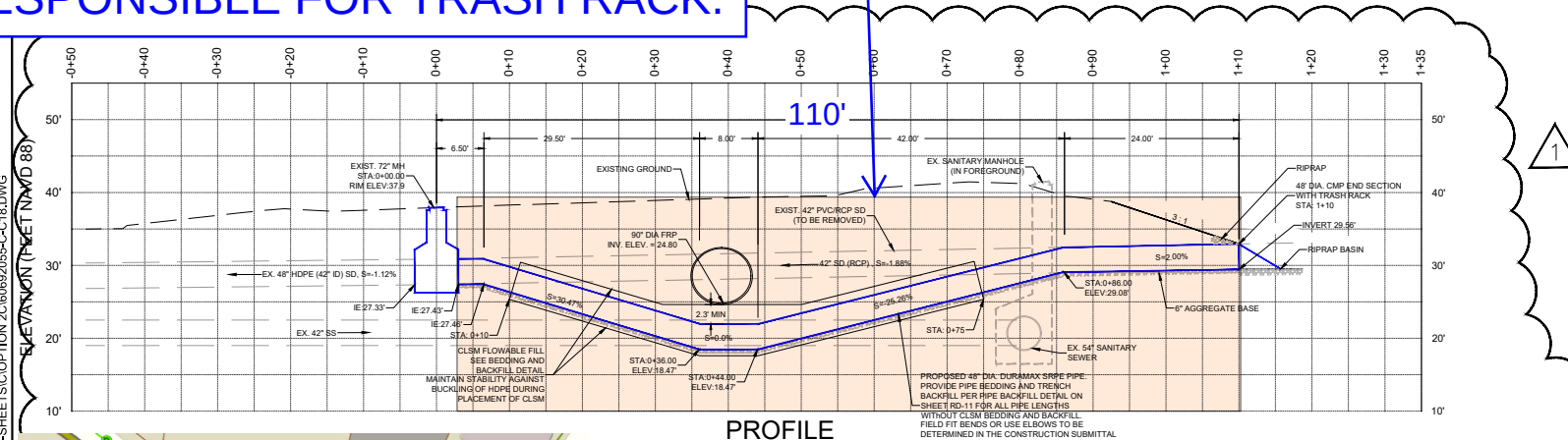
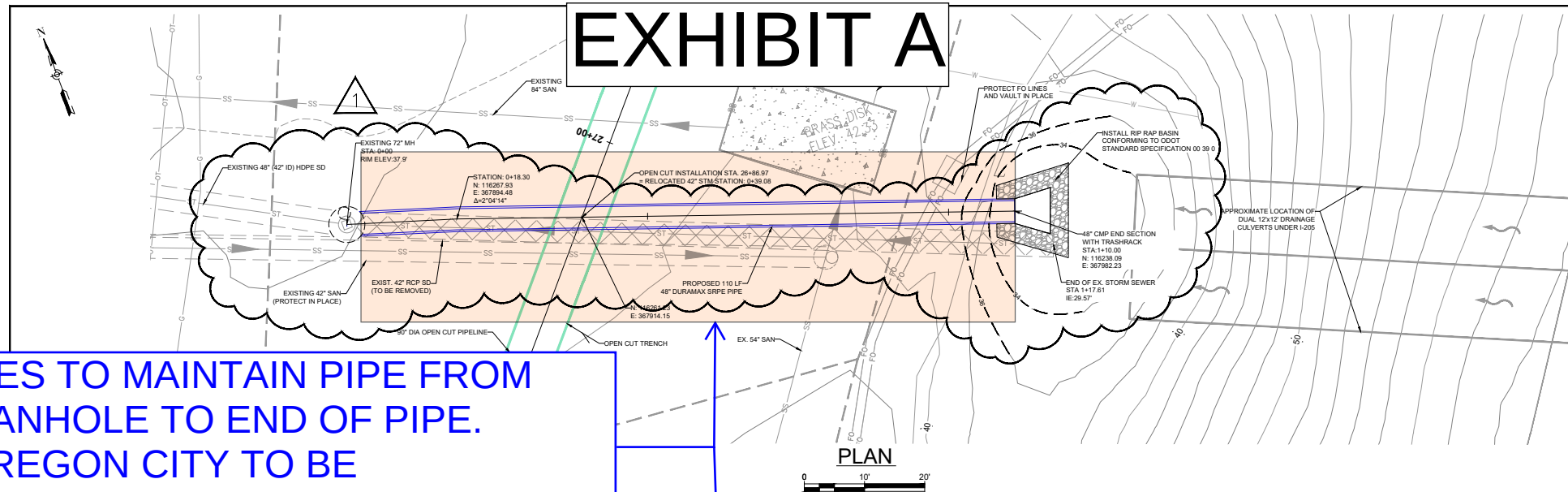
C-18

PAGE NUMBER

43 OF 100

Page 40 of 304

WES TO MAINTAIN PIPE FROM
MANHOLE TO END OF PIPE.
OREGON CITY TO BE
RESPONSIBLE FOR TRASH RACK.



BEDDING AND BACKFILL DETAIL
(AT OUTFALL PIPE CROSSING)

Exhibit B

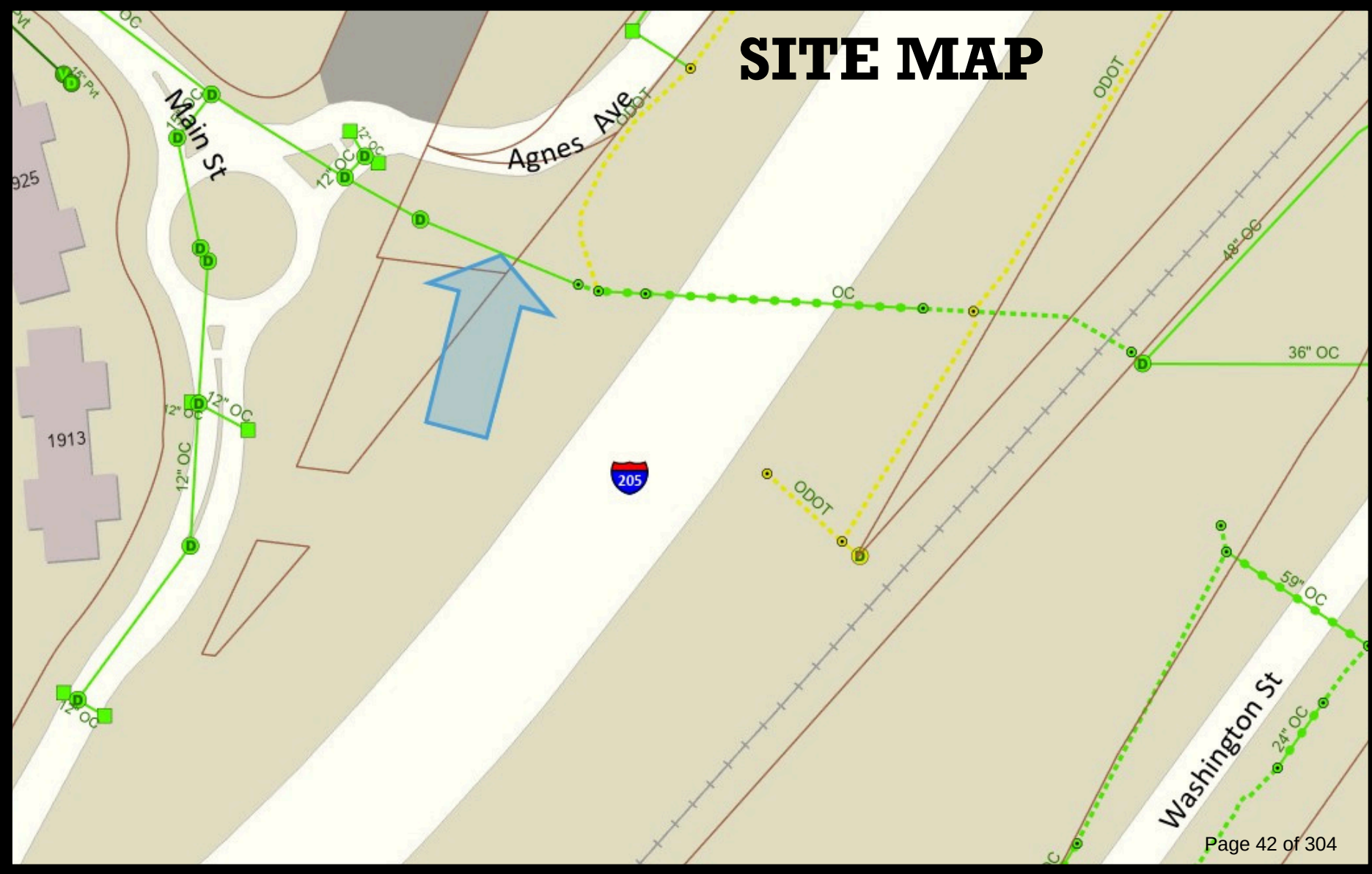
Maintenance Plan

Water Environmental Services (WES) shall inspect the portion of the 48-inch stormwater siphon pipe, located east of Interstate Highway 205, as depicted in Exhibit A of this Intergovernmental Agreement (IGA) for the problems identified below and, to the maximum extent practicable, either remedy any problems found or immediately notify the City. WES shall maintain detailed records of all maintenance and repairs performed and retain these records for a minimum of three years. Upon request, these records shall be made available to the City.

Problem	Timing*	Remedy
Trash and Debris	Annually	Remove sediment, trash and debris blockages within pipe.
Contamination and Pollution	Annually	Notify Oregon City immediately.
Insects	Annually	Remove harmful insects.
Rodents	Annually	Notify Oregon City immediately.
Leaks in pipe	Biennially	Repair/seal leak. Replace the portion of leaking pipe if repair is insufficient.

*The inspection and maintenance frequency may be increased as deemed necessary to ensure proper functioning of the 48-inch siphon stormwater pipe.

SITE MAP





CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	May 21, 2025
From:	Dayna Webb, Public Works Director		

SUBJECT:

Item 7.d. - Purchase of Asphalt for 2025 In-House Paving Projects from South County Asphalt, LLC/Eagle-Elsner, Inc.

STAFF RECOMMENDATION:

Authorize the purchase of Asphalt for 2025 In-House Paving Projects from South County Asphalt, LLC/Eagle-Elsner, Inc. in the amount of \$117,300.00.

EXECUTIVE SUMMARY:

The Public Works Street Division is continuing the In-House Paving program from May through October to address vulnerable roads that would otherwise remain unrepaired. These roads are currently classified as low priority and do not meet the specifications required for Pavement Maintenance Utility Fund (PMUF) Reconstruction Projects that are contracted out.

By aligning this effort with the annual PMUF maintenance schedule, the Streets Division is extending the life of more roadways before their foundations deteriorate. This proactive approach not only preserves infrastructure but also enhances the overall value and long-term sustainability of the City's transportation network.

As part of the summer in-house paving plan, the Streets Division will purchase 1,700 tons of asphalt for \$117,300. Crews will conduct taper grinding and apply a 2.5-inch asphalt overlay on 10 selected roadways identified in coordination with the City's five-year PMUF plan.

This initiative reflects the City's ongoing investment in preserving infrastructure and enhancing livability. The annual in-house paving program supports the City's long-term commitment to sustainable infrastructure and essential services, ensuring safe and reliable roadways for current residents and future growth.

BACKGROUND:

For over a decade, the Street Division has been performing small-scale in-house paving projects, steadily building the expertise, skills, and equipment needed to take on larger efforts. This year marks the third consecutive year of completing larger-scale in-house paving projects, and the Division plans to continue this work annually. A dedicated five-year In-House Paving Plan is in place, which includes a projected 3% budget increase each year to support continued growth and capability. Roadways selected for in-house paving are

carefully chosen in alignment with the five-year Pavement Maintenance Utility Fund (PMUF) Plan and must meet all the following criteria:

1. Low Average Daily Traffic (ADT).Low Pavement Condition Index (PCI).
2. No outstanding Americans with Disabilities Act (ADA) improvement requirements, or ADA needs have been taken care of prior to paving.
3. Sound roadway base, with no need for full depth reclamation (full depth reclamation is when the base is gone or extremely deteriorated and needs to be dug out and removed).
4. No known underground utility issues, such as water, sewer or stormwater problems.

These roads often exhibit alligator cracking, a pattern of interconnected cracks resulting from fatigue in the asphalt. Without timely intervention, these cracks can worsen, leading to base failure, potholes, and increased risks for vehicle damage and pedestrian accidents. Timely paving extends the life of the roadway, reduces liability, and supports safer travel for residents.

The 2025 In-House Paving project includes the following roadways and includes their Pavement Condition Index (PCI). The City's current average PCI is 76.

5 th Avenue	PCI 17
5 th Place	PCI 17
12 th Street	PCI 23
Boardwalk Avenue	PCI 0
Forsythe Road	PCI 0
Grant Street	PCI 19
Lincoln Street	PCI 23
Morton Road	PCI 25
Oaktree Court	PCI 68
Pinewood Court	PCI 68

In April 2025, a request for quotes was sent to 3 vendors in accordance with City and State contracting procedures for Intermediate Procurement procedures. Two (2) quotes were received, with one company providing no response. The quote with the lowest cost is South County Asphalt, LLC/Eagle-Elsner, Inc. The quotes received are as follows, listed lowest to highest:

South County Asphalt, LLC/Eagle-Elsner, Inc	\$69.00 ton x 1,700 tons = \$117,300.00
Lakeside Industries	\$81.00 ton x 1,700 tons = \$137,700.00
Knife River Northwest	No response

This intermediate procurement (\$25,000 to \$250,000) follows City procurement guidelines and Oregon Revised Statue. Intermediate procurements are required to seek at least three informally solicited competitive quotes from perspective vendors.

OPTIONS:

1. Approve Purchase of Asphalt for 2025 In-House Paving Projects from South County Asphalt, LLC/Eagle-Elsner, Inc..
2. Approve Purchase of Asphalt for 2025 In-House Paving Projects from South County Asphalt, LLC/Eagle-Elsner, Inc. with Amendments.
3. Deny Purchase of Asphalt for 2025 In-House Paving Projects from South County Asphalt, LLC/Eagle-Elsner, Inc. and provide further direction.

BUDGET IMPACT:

Amount	\$117,300.00
Fiscal Year(s):	2024-2025 and 2025-2026
Funding Source(s):	Pavement Maintenance Fund

From: [Mary Meirow](#)
To: [Jayson Thornberg](#)
Subject: RE: 2025 Oregon City In-house paving asphalt quote
Date: Monday, April 14, 2025 5:15:09 AM
Attachments: [image001.jpg](#)

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.

Dave say \$69.00 firm through October.

Thanks,

Mary

Mary Meirow
Eagle-Elsner, Inc.
(503) 628-1137
(503) 628-1138

From: Jayson Thornberg <jthornberg@orccity.org>
Sent: Friday, April 11, 2025 12:56 PM
To: Mary Meirow <mary@eagle-elsner.com>
Subject: 2025 Oregon City In-house paving asphalt quote

Hi Mary,

I'm reaching out to get an asphalt quote for the 2025 Oregon City in-house paving projects. We have multiple paving projects lined up for this summer between the middle of May and the middle of October. Would you please provide a quote for 1,700 tons of Level 3 ½" PG-64-22?

Thank you,
Jayson

Jayson Thornberg

Transportation Maintenance Manager - Public Works

jthornberg@orccity.org

City of Oregon City

PO Box 3040

13895 Fir Street

Oregon City, Oregon 97045

(971) 204-4680 Direct

In-House Paving 5-year plan

Year:	Street:	Begin :	End:	PCI:	Treatment:	Length (Lf):	Width (Lf):	A/C quantity (Tn):	A/C Cost:	Comments:
2025	Morton Rd.	City Limits	Division St.	30	Taper grind/2.5" overlay	1,597	23	545	\$ 37,605.00	Committed to doing due to noise complaints
2025	Forsythe Rd.	Railroad Tracks	Park Place	0	Taper grind/2.5" overlay	246	32	115	\$ 7,935.00	Committed to doing, UPRR track removal permit
2025	Boardwalk Ave.	Forsythe Rd.	End	3	Taper grind/2.5" overlay	394	18	111	\$ 7,659.00	Makes sense to do in conjunction with Forsythe
2025	Lincoln St.	12th St.	End	27	Taper grind/2.5" overlay	267	19	80	\$ 5,520.00	Makes sense to do in conjunction with 12th
2025	Grant St.	11th St.	12th St.	24	Taper grind/2.5" overlay	459	18	129	\$ 8,901.00	Makes sense to do in conjunction with 12th
2025	12th St.	Grant St.	End	27	Taper grind/2.5" overlay	399	22	137	\$ 9,453.00	Committed to doing following water line replacement 2024
2025	5th Ave.	Blanchard	End	1	Taper grind/2.5" overlay	218	28	95	\$ 6,555.00	
2025	Oaktree Ct.	Lafayette Ave.	End	70	Taper grind/2.5" overlay	125	45	88	\$ 6,072.00	Pushed off of the PMUF paving project
2025	Pinewood Ct.	South End Rd.	End	69	Taper grind/2.5" overlay	326	32	150	\$ 10,350.00	Pushed off of the PMUF paving project
2025	5th Ave.	Miller St.	Coffee Cr.	22	Taper grind/2.5" overlay	808	20	243	\$ 16,767.00	
A/C cost \$69.00 per ton Budget estimate for A/C cost = \$77.25.							Subtotal	1693	\$ 116,817.00	
							Yearly		\$ 115,000.00	
							Remaining		\$ (1,817.00)	
2026	Jason Lee Dr.	Barclay Hills Dr.	Jason Lee Way	11	Taper grind/2.5" overlay	791	28	346	\$ 27,536.00	
2026	Gleason St.	Hilda St.	Parking Lot	44	Taper grind/2.5" overlay	350	22	120	\$ 9,573.00	
2026	Prospect St.	Holmes Ln.	Warner St.	27	Taper grind/2.5" overlay	1133	27	478	\$ 38,033.00	2 ADA ramps at Holmes, 2 Ramps at May, 1 Ramp at Warner
2026	May St.	Molalla Ave.	Apartment Complex	19	Taper grind/2.5" overlay	698	24	261	\$ 20,827.00	1 ADA ramp at Bullard
2026	Bullard St.	May St.	Warner St.	16	Taper grind/2.5" overlay	524	20	164	\$ 13,030.00	
A/C cost calculated at \$79.57 per ton							Subtotal	1369	\$ 108,999.00	
							Yearly		\$ 115,000.00	
							Remaining		\$ 6,001.00	
2027	Ed St.	Gaffney Ln.	Setera Circle	73	Taper grind/2.5" overlay	256	32	128	\$ 10,490.00	2 ADA ramps at Gaffney
2027	Tina St.	Berta Dr.	Setera Circle	66	Taper grind/2.5" overlay	240	32	120	\$ 9,834.00	2 ADA ramps at Berta
2027	Setera Circle	Entirety	Entirety	70	Taper grind/2.5" overlay	1320	32	660	\$ 54,087.00	
2027	18th St.	Harrison St.	Jackson St.	27	Taper grind/2.5" overlay	707	18	198	\$ 16,295.00	
2027	Jackson St.	18th St.	16th St.	7	Taper grind/2.5" overlay	527	20	165	\$ 13,469.00	1 ADA ramp at Jackson & 17th
2027	17th St.	Jackson St.	End	N/A	Grade and Pave	138	32	69	\$ 5,655.00	
A/C cost calculated at \$81.95 per ton							Subtotal	1340	\$ 109,830.00	
							Yearly		\$ 115,000.00	
							Remaining		\$ 5,170.00	
2028	Grant St.	12th St.	13th St.	24	Taper grind/2.5" overlay	459	18	129	\$ 10,888.00	
2028	13th St.	Division St.	Lincoln St.	31	Taper grind/2.5" overlay	253	19	75	\$ 6,330.00	1 ADA ramp at 13th & Grant
2028	14th St.	Prescot St.	Pierce St.	21	Taper grind/2.5" overlay	243	22	84	\$ 7,090.00	
2028	Pierce St.	14th St.	15th St.	30	Taper grind/2.5" overlay	260	17	69	\$ 5,824.00	2 ADA ramps at Pierce and 15th
2028	Prescot St.	14th St.	15th St.	29	Taper grind/2.5" overlay	270	15	63	\$ 5,137.00	1 ADA ramp at Prescot and 15th
2028	Lincoln St.	Division St.	9th St.	43	Taper grind/2.5" overlay	228	25	89	\$ 7,512.00	1 ADA ramp at Lincoln and 9th
2028	Cherry Ave.	Holmes Ln.	Park Dr.	62	Taper grind/2.5" overlay	1216	28	532	\$ 41,097.00	Coordinate paving for after I&I project
2028	Valley View Dr.	McCarver Ave.	Park Dr.	72	Taper grind/2.5" overlay	938	25	366	\$ 28,274.00	Coordinate paving for after I&I project
A/C cost calculated at \$84.40 per ton							Subtotal	1407	\$ 112,152.00	
							Yearly		\$ 115,000.00	
							Remaining		\$ 33,475.00	
Year:	Street:	Begin :	End:	PCI:	Treatment:	Length (Lf):	Width (Lf):	A/C quantity	A/C Cost:	Comments:
2029	Duayne St.	Barclay Hills Dr.	End	15	Taper grind/2.5" overlay	1110	16	277	\$ 24,080.00	
2029	Laurel Ln.	Holmes Ln.	972 Laurel Ln.	32	Taper grind/2.5" overlay	684	20	213	\$ 18,516.00	2 ADA ramps at Laurel and Holmes
2029	Terrace Ave.	109 Terrace Ave.	147 Terrace Ave	50	Taper grind/2.5" overlay	444	27	187	\$ 16,256.00	

In-House Paving 5-year plan

2029	Summit St.	Jersey Ave.	Summit Ave.	15	Taper grind/2.5" overlay	213	19	65	\$ 5,650.00	
2029	Pierce St.	8th St.	9th St.	29	Taper grind/2.5" overlay	300	30	140	\$ 11,816.00	
2029	Buchanon St.	9th St.	Division St.	30	Taper grind/2.5" overlay	409	24	153	\$ 12,913.00	ADA
2029	8th St.	Taylor St.	Buchanon St.	13	Taper grind/2.5" overlay	501	30	235	\$ 19,834.00	ADA
*A/C cost calculated at \$86.93 per ton									1270	\$ 109,065.00
										\$ 115,000.00
										\$ 5,935.00
2030	Buckner Ln.	Molalla Ave.	End	26	Taper grind/2.5" overlay	419	17	111	\$ 9,939.00	ADA, coordinate with sewer project
2030	Beverly St.	Entirety								
2030	Hillcrest Ln	Molalla Ave.	End	31	Taper grind/2.5" overlay	353	22	121	\$ 10,834.00	ADA, coordinate with sewer project
*A/C cost calculated at \$89.54 per ton									232	\$ 20,773.00
										\$ 115,000.00
										\$ 9,902.00
Back Burner	Beverly St.	Molalla Ave.	Molalla Ave.	73	Taper grind/2.5" overlay	1172	32	586		4 ADA ramps at Mololla, Slurry in 2025
Back Burner	Pope Ln.	Washington St.	End	23	Taper grind/2.5" overlay	546	29	247		1 ADA ramp at Washington
Back Burner	Ridgecrest Dr.	Barker Ave.	End	9	Taper grind/2.5" overlay	312	33	160		
Back Burner	5th Pl.	Blanchard	Cul-de-sac	20	Taper grind/2.5" overlay	300	30	140		

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

2025 All PMUF Projects

Printed February 5, 2025

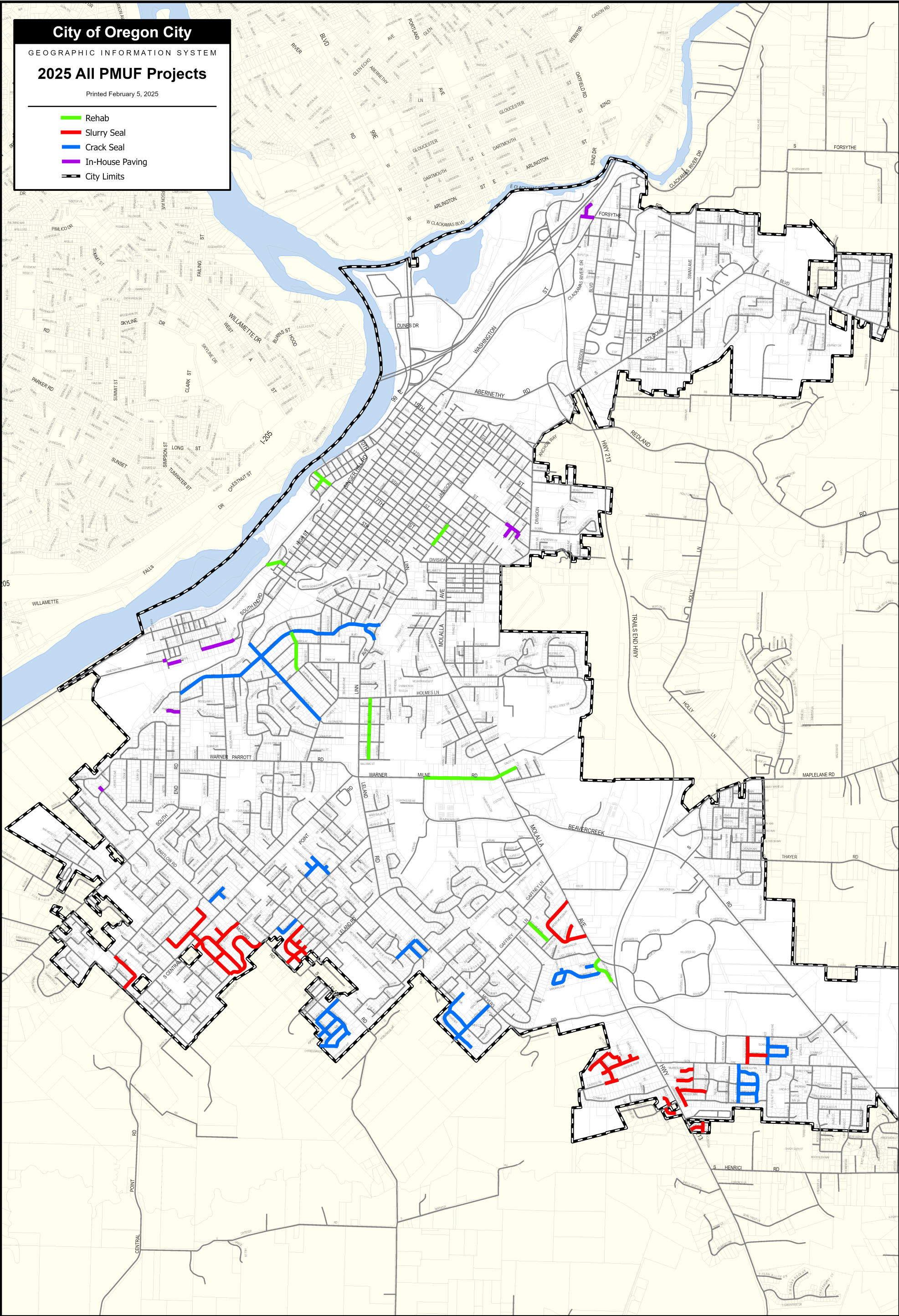
Rehab

Slurry Seal

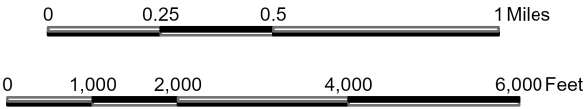
Crack Seal

In-House Paving

City Limits



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, or surveying purposes. Notification of any errors is appreciated.



City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.ocity.org





CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** May 21, 2025
From: Dayna Webb, Public Works Director

SUBJECT:

Item 7.e. - Amendment No. 6, Extension of Professional Services Agreement (PS 22-006), One Additional Year for Landscape Maintenance Services with C & R Reforestation

STAFF RECOMMENDATION:

Authorize City Manager to execute Amendment No. 6 to the Personal Services Agreement (PS 22-006) with C & R Reforestation in the amount of \$456,446.26.

EXECUTIVE SUMMARY:

The Public Works Stormwater Division is responsible for a variety of ongoing landscape maintenance, including approximately 128 sites encompassing a total of 37 acres of stormwater ponds, roadside planters, swales, ditches, City-owned tracts, and abutting rights-of-way. Historically, these landscaping needs were maintained using outside contractors, community service crews, and in-house crews.

In 2022, a two-year contract was executed with the option to renew three additional, one-year terms increasing the price by the Consumer Price Index (CPI-U) rate. The two-year initial contract ended in 2024 and was extended one-year through May 2025. Amendment No. 6 will extend the contract to a second term through May 2026 at the CPI rate increase of 2.8%.

The cost of all sites included in the contract through Amendment No. 5 will be increased by 2.8% for a total amount of \$450,626.26, and three additional sites are being included in the amount of \$5,820.00. The total contract amount of Amendment No. 6 for one year of landscape maintenance services is \$456,446.26, a monthly cost of \$38,037.19. The total contract from 2022 through May 2026 shall not exceed \$1,736,901.68.

BACKGROUND:

The Public Works Stormwater Division is responsible for a variety of ongoing landscape maintenance, including approximately 128 sites that encompass a total of 37 acres of stormwater ponds, roadside planters, swales, ditches, City-owned tracts, and abutting rights-of-way. Historically, these landscaping needs were maintained using outside contractors, community service crews, and in-house crews.

In February 2022, the City solicited the original proposal, February 15 and February 22, 2022, in the Daily Journal of Commerce in accordance with the City and State contracting procedures. The bid opening was held on March 10, 2022, and two bids were received. A

selection committee reviewed the proposals and determined that C & R Reforestation was to be awarded a two-year contract with the option to renew for an additional three (3), one (1) year terms at the Consumer Price Index (CPI-U) rate, unless sooner terminated pursuant to provisions of the agreement.

Staff and C & R Reforestation would like to exercise the renewal option of this Personal Services Agreement (PS 22-006), to extend the agreement for a second term through May 2026 at the CPI-U rate increase of 2.8%.

Amendment No. 6, a total of \$456,446.26, includes the following:

- A 2.8% Consumer Price Index (CPI-U) rate increase applied to the original contract's one-year amount of \$438,387.39, and Amendments 1, 2, 3, and 5. A total increase of \$12,238.87.
- Three (3) new sites were added to the landscape maintenance services for the amount of \$5,820.00.

Previously approved amendments included the following:

- Amendment No. 1, added maintenance care along several locations of Meyers Road from Highway 213 to High School Lane for the remaining 20 months of the contract. This amendment was within the signing authority of the Public Works Director and was approved administratively.
- Amendment No. 2, added maintenance care at the following sites: Parker Knoll Swale along Reddaway Avenue and Leland Road, and Hillock Heights Pond and roadside planters, along Hillock Lane and Hunter Avenue to Holcomb Road. This amendment was within the signing authority of the Public Works Director and was approved administratively.
- Amendment No. 3, added maintenance care at the following sites: Clairmont Drive, Dotson Farms Pond, Juniper Meadows Roadside Planter, and the Laurel Ridge Stormwater Planter. All the site costs previously approved with the 3.45% CPI-U increase were included. This amendment was within the signing authority of the City Manager and was approved administratively.
- Amendment No. 4, was the first one-year extension of three years to renew the initial two-year agreement. It included the maintenance services at the original contracted sites, in addition to sites listed in Amendment numbered 1, 2 and 3. This amendment was approved by the City Commission on June 5, 2024.
- Amendment No. 5, added maintenance care at one site: Edward Oaks Manor Stormwater Planters in the amount of \$520.83. This amendment was within the signing authority of the Public Works Director and was approved administratively.

Original Contract and Amendments - Total Contracted Amount (2022-2026)				
Original Contract	4/20/2022 - 4/20/2024	2 years	117 Sites	\$783,222.00

Amendment 1	4/20/2022 - 4/20/2024	20 months	Meyers Road	\$19,000.00
Amendment 2	8/1/2023 - 4/20/2024	8 months	Hillock Heights Road and Parker Knoll	\$4,185.00
Amendment 3	5/1/2024 - 5/31/2024	1 month	Includes all site costs previously approved with a 3.45% CPI-U rate increase, plus four new sites: Clairmont Drive Dotson Farms Pond Juniper Meadows Roadside Planter Laurel Ridge Stormwater Planter	\$36,425.20
Amendment 4	6/1/2024 - 5/31/2025	1 year	All sites	\$437,102.39
Amendment 5	12/30/2024 - 5/30/2025	5 months	Edward Oaks Manor Stormwater Planters	\$520.83
Amendment 6	6/1/2025 - 5/31/2026	1 year	Including all sites previously approved with a 2.8% CPI-U rate increase plus three new sites: Harley Apartments Bio-swales Mirales Roadside Stormwater Planters Williams Street by Gardiner	\$456,446.26

			Middle School	
Total contract from 2022 through 2026 shall not exceed:				\$1,736,901.68

OPTIONS:

1. Approve Amendment No. 6, Extension of Professional Services Agreement (PS 22-006), One Additional Year for Landscape Maintenance Services with C & R Reforestation.
2. Approve Amendment No. 6, Extension of Professional Services Agreement (PS 22-006), One Additional Year for Landscape Maintenance Services with C & R Reforestation with Amendments.
3. Deny Amendment No. 6, Extension of Professional Services Agreement (PS 22-006), One Additional Year for Landscape Maintenance Services with C & R Reforestation and provide further direction.

BUDGET IMPACT:

Amount \$456,446.26
Fiscal Year(s): 2024-2025 and 2025-2026
Funding Source(s): Stormwater Fund

CITY OF OREGON CITY
Amendment No. 6 to Personal Services Agreement

LANDSCAPE SERVICES – STORMWATER DIVISION (PS 22-006)

This is an Amendment to the Personal Services Agreement by and between the City of Oregon City ("City") and **C & R REFORESTATION**, ("PS Contractor"), which was previously entered into on **April 20, 2022** ("Contract") for **LANDSCAPE SERVICES – STORMWATER DIVISION** 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 includes the following landscape sites for maintenance

- Original contracted sites (117)
- Amendment No. 1: Meyers Road
- Amendment No. 2: Parker Knoll Swale, Leland Road, Hillock Heights Pond, and roadside planters along Hillock Lane and Hunter Avenue to Holcomb Road. Maintenance care at the stormwater quality facility locations: Clairmont Drive, Juniper Meadows and Dotson Farms, and Stormwater planters at Laurel Ridge roadside.
- Amendment No. 3: Clairmont Drive, Dotson Farms Pond, Juniper Meadows Roadside Planter and Pond, and Laurel Ridge Stormwater Planters.
- Amendment No. 5: Edward Oaks Manor Stormwater Planters
- Amendment No. 6: Harley Apartment Bio-swales, Mirales Roadside Stormwater Planters and Williams Street by Gardiner Middle School.

2. The **Duration of Contract** is hereby amended as follows:

The Duration of Contract is amended for one (1) additional year, per the original contract option to renew for an additional three (3) one (1) year terms. This is the second year of the option being exercised.

3. The **Payment Provisions** are hereby amended as follows:

The Payment Provision includes a 2.8% increase applied for the Consumer Price Index – Urban for all site costs previously approved.

Amendment No. 6 is a total of \$456,446.26. A monthly payment of \$38,037.19. The total contracted amount is \$1,736,901.68.

All other provisions of the Personal Services Agreement referenced above shall remain in full force and effect.

CITY OF OREGON CITY

By: _____

Name: Anthony J. Konkol II

Title: City Manager

DATED: _____, 2025

C & R REFORESTATION

By: _____

Name: _____

Title: _____

DATED: _____, 2025

By: _____

Name: Dayna Webb, P.E.

Title: Public Works Director

DATED: _____, 2025

ORIGINAL CITY COMMISSION APPROVAL (IF
APPLICABLE):

DATE: 4/20/2022

PS 22-006 Landscape Services - Stormwater Division

** Original 2 year contract: \$783,222.00 with the option to renew 3 additional 1 year terms
Contract start date: April 20, 2022
Term date: April 21, 2024
Amendments 1, 2, 3 & 5 - Additional sites included between one-year renewals
Amendment No. 4: Year 1 renewal
Amendment No. 6: Year 2 renewal

Sites	Amendment	Original Contract (2 years) 2022 - 2024		3.45% CPI-U Increase	Option To Renew Year 1 of 3 2024 - 2025		2.8% CPI-U Increase	Option to Renew Year 2 of 3 2025 - 2026	
		Annually	Monthly		Annual	Monthly		Annual	Monthly
Original Contract	Original - 117 Sites	\$ 391,611.00	\$ 32,634.25	\$ 13,510.58	\$ 405,121.58	\$ 33,760.13	\$ 11,343.40	\$ 416,464.98	\$ 34,705.42
Meyers Road	Amendment 1	\$ 11,400.00	\$ 950.00	\$ 393.30	\$ 11,793.30	\$ 982.78	\$ 330.21	\$ 12,123.51	\$ 1,010.29
Hillock Heights Road	Amendment 2	\$ 2,280.00	\$ 190.00	\$ 78.66	\$ 2,358.66	\$ 196.56	\$ 66.04	\$ 2,424.70	\$ 202.06
Parker Knoll	Amendment 2	\$ 3,300.00	\$ 275.00	\$ 113.85	\$ 3,413.85	\$ 284.49	\$ 95.59	\$ 3,509.44	\$ 292.45
Clairmont Drive	Amendment 3				\$ 6,000.00	\$ 500.00	\$ 168.00	\$ 6,168.00	\$ 514.00
Dotson Farms Pond	Amendment 3				\$ 5,100.00	\$ 425.00	\$ 142.80	\$ 5,242.80	\$ 436.90
Juniper Meadows Roadside Planter and Pond	Amendment 3				\$ 2,295.00	\$ 191.25	\$ 64.26	\$ 2,359.26	\$ 196.61
Laurel Ridge Stormwater Planters	Amendment 3				\$ 1,020.00	\$ 85.00	\$ 28.56	\$ 1,048.56	\$ 87.38
Edward Oaks Manor Stormwater Planters	Amendment 5				\$ 1,250.00	\$ 104.17	\$ 35.00	\$ 1,285.00	\$ 107.08
Includes Site Original Sites(117) + Sites listed in Amendment No. 1 - 5					\$ 438,352.39	\$ 36,529.38		\$ 450,626.26	\$ 37,552.19
Harley Apartments Bio-swales	Amendment 6							\$ 2,580.00	\$ 215.00
Mirales Roadside Stormwater Planters	Amendment 6							\$ 1,440.00	\$ 120.00
Williams Street by Gardiner Middle School	Amendment 6							\$ 1,800.00	\$ 150.00
Amendment No. 6: New Sites							\$ 5,820.00	\$ 485.00	
Amendment No. 6 - ALL SITES - 1 Year Contract							\$ 456,446.26	\$ 38,037.19	

Total Contracted Amount April 2022 - May 2026	
Original Contract - 2 yr. contract - 117 sites	\$ 783,222.00
Amendment 1 - Added one new site	\$ 19,000.00
Amendment 2 - Added two new sites	\$ 4,185.00
Amendment 3 - Added four new sites	\$ 36,425.20
Amendment 4 - 1 Year Renewal	\$ 437,102.39
Amendment 5 - Added one new site	\$ 520.83
Amendment 6 - Added four new sites + Annual Renewal of all sites	\$ 456,446.26
Total Contract Shall Not Exceed:	\$ 1,736,901.68

Count	Site Num	RFP ID	Name	Maint Sched	Maint SqFt
1	50	Stm-1	Leland Run Basin (North)	Pond	2,916
2	85	Stm-2	High School Basin (South)	Pond	8,165
3	66	Stm-3	Glen Oak Meadows Basin	Pond	101,443
4	67	Stm-4	Meadowood Basin (North)	Pond	9,305
5	68	Stm-5	Meadowood Basin (South)	Pond	12,058
6	25	Stm-6	Chestnut Circle Basin	Pond	11,388
7	35	Stm-7	Sophia Gardens Basin	Pond	7,947
8	4	Stm-8	Barlow Crest Detention Basin	Pond	20,423
9	30	Stm-9	Newell Ridge Basin	Pond	20,975
10	100	Stm-10	Barclay Hills Basin	Pond	14,869
11	36	Stm-11	Duck Run Basin	Pond	5,657
12	130	Stm-12	Vincent and Conn Natural Resource Area	Pond	4,929
13	43	Stm-13	Salmon Springs Basin	Pond	4,465
14	23	Stm-14	Hazel Grove Basin	Pond	12,562
15	555	Stm-15	Moccasin Basin	Pond	43,321
16	28	Stm-16	Kolar Basin	Pond	52,625
17	26	Stm-17	Parrish Grove Basin	Pond	14,689
18	131	Stm-18	Pioneer Place Natural Resource Area	Pond	47,741
19	64	Stm-19	Coquille Basin	Pond	20,073
20	61	Stm-20	Fairway Downs Basin (Beaver Creek)	Pond	72,229
21	83	Stm-21	Melinda Basin	Pond	720
22	47	Stm-22	Hazel Creek Farms Basin (North & South)	Pond	68,132
23	51	Stm-23	Willow Run Basin	Pond	7,737
24	69	Stm-24	Bailey Estates Basin	Pond	11,731
25	9	Stm-25	Tracey Heights Basin	Pond	6,028
26	58	Stm-26	Berry Hill Basin	Pond	28,323
27	16	Stm-27	Barclay Hills Detention Basin	Pond	15,060
28	39	Stm-28	Mays Point Basin	Pond	6,659
29	70	Stm-29	Sequoia Basin (South)	Pond	5,153
30	71	Stm-30	Sequoia Basin (North)	Pond	20,629
31	7	Stm-31	Trails View Basin	Pond	14,401
32	29	Stm-32	Walnut Grove Basin	Pond	27,487

Count	Site Num	RFP ID	Name	Maint Sched	Maint SqFt
33	12	Stm-33	Allen Heights Basin	Pond	3,039
34	18	Stm-34	Cook Street Basin	Pond	8,469
35	22	Stm-35	Filbert Basin	Pond	22,163
36	40	Stm-36	Gentry Highlands Basin	Pond	7,820
37	11	Stm-37	Jennifer Estates Basin	Pond	7,343
38	27	Stm-38	Little Creek Basin	Pond	13,420
39	19	Stm-39	Maxwell Meadows Basin	Pond	8,487
40	56	Stm-40	Millenium Park Basin	Pond	16,043
41	63	Stm-41	Quinalt Basin	Pond	7,769
42	53	Stm-42	Silver Fox Basin	Pond	15,605
43	41	Stm-43	South Hampton Basin	Pond	8,182
44	24	Stm-44	South Ridge Basin	Pond	23,489
45	57	Stm-45	Thayer Basin	Pond	7,112
46	8	Stm-46	Wasco Acres Basin	Pond	20,238
47	42	Stm-47	Chinook Landing Basin	Pond	7,036
48	6	Stm-48	Holcomb Ridge Basin	Pond	14,961
49	33	Stm-49	Knots Landing Basin	Pond	4,088
50	10	Stm-50	Camellia Place Basin	Pond	7,343
51	20	Stm-51	Dawn Meadows Basin (Middle)	Pond	11,723
52	21	Stm-52	Dawn Meadows Basin (North)	Pond	22,163
53	38	Stm-53	Katys Place Basin	Pond	7,390
54	34	Stm-54	Laurel Lane Basin	Pond	15,710
55	49	Stm-55	McDowell Water Quality Facility	Pond	8,046
56	52	Stm-56	Newberry Basin	Pond	15,464
57	44	Stm-57	Rian Park Basin	Pond	10,137
58	60	Stm-58	Sequoia Crossing Basin	Pond	6,690
59	62	Stm-59	Edgemont Estates Basin	Pond	5,816
60	3	Stm-60	Sunny Brook Basin	Pond	10,472
61	45	Stm-61	Pavilion Park Basin	Pond	32,125
62	59	Stm-62	Caufield Place Basin	Pond	13,969
63	2	Stm-63	Thurman Estates Basin	Pond	5,144
64	37	Stm-64	Tugs Landing Basin	Pond	11,455

Count	Site Num	RFP ID	Name	Maint Sched	Maint SqFt
65	105	Stm-65	Juneberry Basin	Pond	2,829
66	140	Stm-66	Lindsey Anne Estates	Pond	5,185
67	135	Stm-67	Adeline Acres	Pond	12,723
68	136	Stm-68	Central Point Crossing	Pond	17,562
69	142	Stm-69	Marlo Farms	Pond	9,045
70	141	Stm-70	Ellis Estates	Pond	6,799
71	138	Stm-71	Sunnybrook Ridge	Pond	3,077
72	145	Stm-72	Boulder Run	Pond	4,126
73	146	Stm-73	Small Slope	Pond	2,188
74	144	Stm-74	Lucille Riggs	Pond	8,489
75	154	Stm-75	Eds Orchard	Pond	13,350
76	150	Stm-76	Abernethy Landing	Pond	15,619
77	153	Stm-77	Wheeler Farms Pond	Pond	14,908
78	152	Stm-78	Lindsay Anne Estates Too	Pond	7,812
79	111	Stm-79	Depot Ln Pond	Pond	15,221
80	82	Stm-80	Ives Estates Detention Pond	Pond	8,493
81	107	Stm-81	10th Street Roadside Planter	Roadside Planter	310
82	155	Stm-82	Clearbrook Dr Roadside Planters	Roadside Planter	372
83	156	Stm-83	Meyers Rd Stormwater Planters	Roadside Planter	33,394
84	157	Stm-84	15th St Roadside Planter	Roadside Planter	432
85	158	Stm-85	Hunter Hills Subdivision	Roadside Planter/Swale	1,451
86	159	Stm-86	Caufield St. & Pleasant Ave	Roadside Planter	432
87	160	Stm-87	Apperson Blvd. Roadside Planter	Roadside Planter	288
88	109	Stm-88	Holcomb Blvd Storm Swales	Swale	3,382
89	108	Stm-89	Swan Ave	Swale	4,429
90	148	Stm-90	Main St. Ext Swales	Swale	16,834
91	161	Stm-91	Prospector Terrace Swale	Swale	1,780
92	101	Stm-92	Warner Miline Rain Garden	Rain Garden	5,929
93	151	Stm-93	Abernethy Landing Subdivision	Roadside Planter	10,265
94	87	Stm-94	Central Point Rd. & McCord Rd.	Ditch	6,592
95	89	Stm-95	3rd Ave.	Ditch	3,463
96	90	Stm-96	Park Place Ct.	Ditch	8,406

Count	Site Num	RFP ID	Name	Maint Sched	Maint SqFt
97	91 Stm-97		Warner Parrott Rd.	Ditch	9,248
98	92 Stm-98		St. Johns Cemetery & Kamm St.	Ditch	20,536
99	93 Stm-99		Washington St.	Ditch	17,365
100	94 Stm-100		South End Rd	Ditch	8,197
101	95 Stm-101		Hazelwood Dr.	Ditch	580
102	96 Stm-102		Chapin Park	Ditch	1,482
103	121 Stm-103		Theater Ditch on Beavercreek Rd.	Ditch	19,869
104	122 Stm-104		Rossman Landfill	Ditch	39,186
105	132 Stm-105		Credit Union Ditch	Ditch	20,037
106	54 Stm-106		Old Hillendale Pump Sta.	City Tract	25,985
107	106 Stm-107		Glen Oak Detention Tanks	City Tract	10,867
108	133 Stm-108		Maywood Ct. Natural Area	City Tract	10,643
109	134 Stm-109		Hunter Ave Natural Area	City Tract	10,812
110	143 Stm-110		Marlo Farms Open Space	City Tract	21,918
111	162 Stm-111		Bonn St. Roadside Planters	Roadside Planter	642
112	137 Stm-112		Kamm St Ditch	Ditch	2,306
113	86 Stm-113		Payson Farms Detention Pond	Pond	10,602
114	163 Stm-114		Brendon Estates Swale	Swale	2,712
115	84 Stm-115		Merchant Pl. Pond	Pond	3,111
116	164 Stm-116		Lindsey Anne Too Subdivision	Roadside Planter	1,249
117	165 Stm-117		Wheeler Farms Subdivision	Roadside Planter	4,724
118	168 Stm-118		Hillock Heights Pond	Pond	3,773
119	170 Stm-119		Dotson Farms Pond	Pond	4,245
120	171 Stm-120		Dotson Farms Subdivision	Roadside Planter	574
121	172 Stm-121		Edwards Oaks Subdivision	Roadside Planter/Rain Garden	2,771
122	173 Stm-122		Harley Townhomes	Roadside Planter	1,166
123	174 Stm-123		Mireles Subdivision	Roadside Planter	1,012
124	175 Stm-124		Gardiner Middle School Entrance	Roadside Planter	1,504
125	176 Stm-125		Clairmont Ponds (North & South)	Pond	13,604
126	177 Stm-126		Lazy Creek Detention Pond	Pond	4,993
127	178 Stm-127		Glen Oak Rd & High School Ave Roadside Planters	Roadside Planter	3,773
128	179 Stm-128		Reddaway Ave Swale	Swale	8101

Count	Site Num	RFP ID	Name	Maint Sched	Maint SqFt
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Squarefeet	1,611,523
Acres	36.99



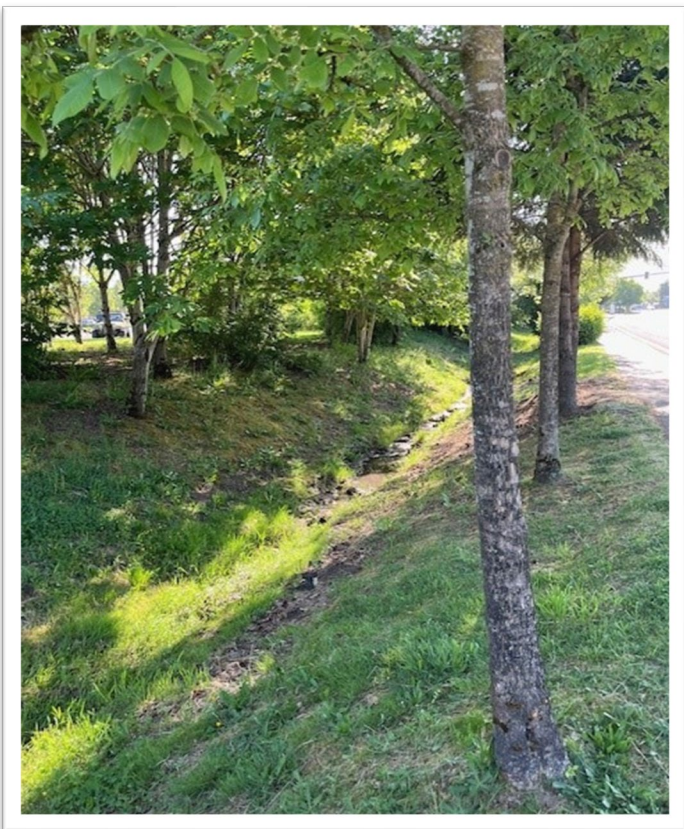
Ponds



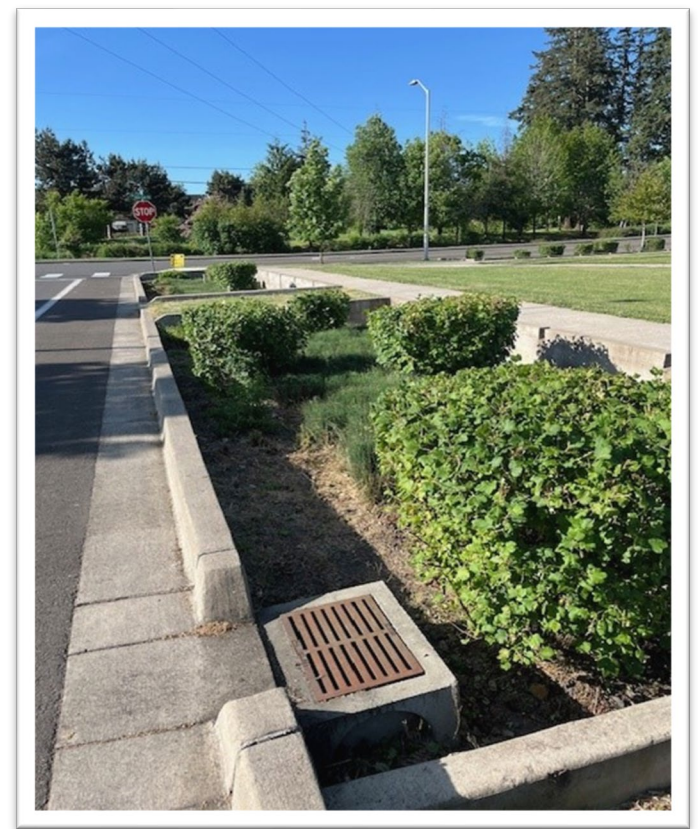
Rain Garden



Regional Stormwater Ditch



Roadside Stormwater Planter



Swale



STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

2. Payment.

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

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

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

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

3. Independent Contractor Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

5. No Third-Party Beneficiaries. City and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

6. Payment of Laborers; Payment of Taxes.

(a) Contractor shall:

- (i) Make payment promptly, as due, to all persons supplying to Contractor labor and materials for the prosecution of the services to be provided pursuant to this Agreement.
- (ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.
- (iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.
- (iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Contractor under this Agreement and, unless Contractor is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligation.
- (v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.
- (b) If the Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Contractor by reason of this Agreement.

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

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

7. SubContractors and Assignment.

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

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

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

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

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

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

13. Indemnity and Insurance.

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

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

workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Contractors of Contractor shall maintain such insurance.

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

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

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

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

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

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

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

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

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

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

be provided free of cost to City.

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

24. Arbitration.

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

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

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

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

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

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

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

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

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



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** May 21, 2025
From: Pete Walter, Planning Manager

SUBJECT:

Item 8.a. - First Reading of Ordinance 25-1006, Adopting LEG-25-02 Climate Friendly and Equitable Communities Code Amendments

STAFF RECOMMENDATION:

Staff recommends the City Commission hold a Public Hearing to consider legislative file LEG-25-02 and approve the first reading of Ordinance 25-1006.

EXECUTIVE SUMMARY:

Planning Commission unanimously recommended approval of the code amendments to implement the Climate Friendly and Equitable Communities (CFEC) rules on April 14, 2025, and also recommended the City Commission adopt the 1/2 mile walkshed measurement from the frequent transit corridor bus line 33 as permitted by state law (see map).

Statewide CFEC rules require Oregon Cities and Counties to implement a number of reforms related to parking requirements 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. Oregon City chose to selectively adopt many of the requirements but also to retain some minimum parking requirements while conforming substantially to the new State rules, discussed in more detail in the background and attached recommended findings.

BACKGROUND:

The proposed code amendments reflect some minor changes since the Planning Commission's recommendation on April 14 based on comments from DLCD staff for consistency with state statutes.

Staff has prepared a map of where the amendments will be effective within a 1/2 mile walkshed from bus line 33, the frequent transit corridor. The area affected using this approach is significantly smaller than the 1/2 mile straight line measurement method and is permitted under the CFEC rules. The rules also apply within a 1/4 mile of the adopted regional center based on a straight-line measurement.

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).

At their meeting in January 2024, the Oregon City Commission directed Staff to proceed with Option 3. Since then, staff has worked with Brian Davis of Studio Davis to conduct public outreach and develop a set of conceptual recommendations which are discussed in the memo titled “Oregon City Conceptual Approach to CFEC Compliance” dated March 1, 2025.

The recommendations 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. 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.

The following chapters of the OCMC will be amended:

17.04 Definitions
 17.08.025 Low Density Residential- Conditional Uses
 17.10.025 Medium Density Residential- Conditional Uses
 17.12.020 High Density Residential- Permitted Uses
 17.29.020 MUC1&MUC2- Permitted Uses
 17.34.030 MUD-Permitted Uses
 17.35.030 Willamette Falls Downtown District-Conditional Uses
 17.52 Off Street Parking and Loading
 17.54.115 Supplemental Zoning Regulations and Exceptions- Mobile Food Units
 17.56.040 Conditional Uses-Criterial and Standards for conditional uses
 17.62 Site Plan and Design Review

Planning Commission Direction

Requiring parking within one-half mile of Tri-Met Bus Line 33 is disallowed per OAR 660-012-0440. However, the rule allows the City to distinguish between a straight-line distance and a walking distance.

OAR 660-012-0440(4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.

The original maps and corridors the City has used to implement this section were based on the straight-line measurements which creates a rather wide transit corridor throughout the

City. Since receiving feedback from the City Commission, City staff worked to analyze a half (1/2) mile walking distance buffer based on bus stops along Line 33. This approach reduces the width of the buffer which means there are more areas of the City subject to parking minimums.

The Planning Commission recommended the walking distance method to use when measuring the half (1/2) mile transit corridor. Based on this direction staff has created a GIS based map that will be used for implementation.

PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission prior to adoption by the City Commission following public hearings.

OPTIONS:

1. Approve the first reading of Ordinance 25-1006, adopting the CFEC code amendments and using the walking distance measurement for the half-mile transit corridor, as recommended by the Planning Commission
2. Approve the first reading of Ordinance 25-1006, with modifications suggested by the City Commission.
3. Request revisions and modifications and continue the public hearing to a date certain.

BUDGET IMPACT:

ORDINANCE NO. 25-1006

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING TITLE 17 – ZONING OF THE OREGON CITY MUNICIPAL CODE TO IMPLEMENT PARKING REFORMS REQUIRED UNDER THE TRANSPORTATION PLANNING RULE, OREGON ADMINISTRATIVE RULES (OAR) 660-012-0400 – 0450 AND OAR 660-012-0630

WHEREAS, it is the city’s intent to reduce greenhouse gas emissions, remove regulations that contribute to the overbuilding of off-street parking, create a safe and pleasant pedestrian environment, and mitigate the negative impacts of large surface parking lots; and

WHEREAS, OAR 660-12-0400 through -0450 and OAR 660-012-0630 generally aim to reduce the amount of unnecessary parking built due to minimum requirements, to reduce impacts of new parking to the extent possible, and expand opportunities within parking lots for tree canopy, electric vehicle charging, solar and wind power and bicycle parking; and

WHEREAS, the proposed code amendments comply with OAR 660-012-0400 – 0450 and OAR 660-012-0630 and implement several of the goals and policies of the city's Comprehensive Plan related to climate, economic development, housing affordability, and active transportation; and

WHEREAS, the City conducted an extensive public outreach process to get feedback from Oregon City residents and business to inform the City’s preferred approach to implementing state requirements; and

WHEREAS, on April 14, 2025 the Oregon City Planning Commission conducted a public hearing and voted to recommend approval of the proposed amendments to the City Commission; and

WHEREAS, the City Commission finds that the proposed amendments are in the public interest of Oregon City.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City Commission hereby amends the chapters of the Oregon City Municipal Code Chapter Title 17; which are attached hereto as Exhibits A and B.

Section 2. The Commission adopts the findings in the “Staff Report and Recommendation for Legislative File LEG-25-02.”

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

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

Read for the first time at a regular meeting of the City Commission held on the 21st day of May, 2025, and the City Commission finally enacted the foregoing ordinance this 4th day of June, 2025.

Ordinance No. 25-1006

Effective Date: _____

Page 1 of 2

DENYSE C. MCGRIFF
Mayor

Attested to this 4th day of June 2025,

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Exhibits:

- A. Amended sections of the Oregon City Municipal Code – Redline Version
- B. Amended sections of the Oregon City Municipal Code – Clean Version

Chapter 17.04 DEFINITIONS

[Note: the following is a list of new or amended definitions intended to implement CFEC code requirements) – these definitions will be numbered in the Municipal Code when codified.]

Change of Use

“Change of Use” means a type of development in which the principal use for an existing site or building is changed to a new different use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged. A change of use may or may not require land use approval depending on the scale and type of use proposed. For example, if an existing warehouse in an industrial zone were to be converted to a manufacturing facility, and both the existing and the proposed use are permitted in the zone, a change of use is occurring, however, land use review would be limited to only the aspects of the use that are changing. See also definition for “Development”.

Electrical Service Capacity

“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

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

Frequent Transit Corridor

“Frequent Transit Corridor” means:

- (a) Priority transit corridors designated under OAR 660-012-0710; or
- (b) Corridors with transit service arriving with a scheduled frequency of at least four times an hour during peak service; or
- (c) If no corridor qualifying under subsection (b), corridors with the most frequent transit service in the community if the scheduled frequency is at least once per hour during peak service.

Level 2 electric vehicle charging station

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

Mixed Use Development

“Mixed Use Development” means

Existing language in code: “more than one type of land use occupies a single structure or parcel of land.”

or:

The development of a single property, or contiguous properties under single ownership, with a building or buildings which comprise two or more different land uses including residential, office, retail, recreational, light industrial, institutional, and other listed uses where permitted.

New Parking Lot

“New parking lot” or space means any of the following:

- (a) New parking lot area or space where no parking previously existed.
- (b) Removal and replacement of pavement and subgrade of existing parking areas greater than six inches deep (6”).
- (c) The term new parking lot does not apply to crack and chip sealing, patching, repaving over existing subgrade or selective repair of damaged areas less than six inches (6”).

New Parking lot area.

“New parking lot area” means all surface area on which a vehicle can drive, including all parking stalls, all drives and drive-through lanes within the property regardless of length, and all maneuvering areas regardless of depth. New parking lot area does not include areas not used by passenger vehicles such as loading areas or outdoor storage.

Oregon City Regional Center

Oregon City Regional Center means the area indicated on the adopted Regional Center Map for downtown and North End Areas of the City that implements the Metro Region 2040 Center Concept for Oregon City. The Regional Center spans the area from the former paper mill to Clackamette Cove and the intersection of OR-213 / I-205 / OR 99E, from the banks of the Willamette and Clackamas Rivers to the bluff, and areas on both sides of McLoughlin Boulevard. The majority of the Oregon City Regional Center is zoned Mixed Use Downtown, although other zone districts are present within the boundary of the Regional Center.

Oregon Residential Reach Code

“Oregon Residential Reach Code” means 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.

Small scale mobility device

“Small scale mobility device” means electric bicycles, electric scooters, and other personal electric assistive mobility devices such as electric wheelchairs.

Surface Parking

“Surface Parking” means the area measured around the perimeter of all new parking spaces, maneuvering areas, and interior landscaping.

Underused parking

“Underused parking” means parking lots or facilities that are below 50% of capacity most or all of the time.

17.04.595 Institutional development.

"Institutional development" includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, residential ~~care~~ facilities, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses.

"Residential Care Facilities" is revised to "Residential Facilities" to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.

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

17.08.025 Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential ~~care~~ facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

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

~~“Residential Care Facilities” is revised to “Residential Facilities” to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.~~

17.10.025 Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential ~~care~~ facilities;

“Residential Care Facilities” is revised to “Residential Facilities” to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.

- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work dwellings.

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

17.12.020 Permitted uses.

Permitted uses in the R-2 district are:

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of the ordinance codified in this chapter;
- B. Duplexes;
- C. Triplexes;
- D. Quadplexes;
- E. Townhouses;
- F. Multi-family residential;
- G. Cottage clusters;
- H. Residential ~~care~~ facilities;

“Residential Care Facilities” is revised to “Residential Facilities” to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.

- I. Accessory buildings;
- J. Parks, playgrounds, playfields and community or neighborhood centers;
- K. Home occupations;
- L. Family day care providers;
- M. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- N. Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- O. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.29.020 Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Indoor entertainment centers and arcades.
- E. Health and fitness clubs.
- F. Medical and dental clinics, outpatient; infirmity services.
- G. Museums, libraries and cultural facilities.
- H. Offices, including finance, insurance, real estate and government.
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- J. Postal services.
- K. Parks, playgrounds, playfields and community or neighborhood centers.
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- M. Multi-family residential, triplexes and quadplexes.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent of the total square footage of the development.
- O. Restaurants, eating and drinking establishments without a drive-through.
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- R. Seasonal sales.
- S. Residential ~~care~~ facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.

[“Residential Care Facilities” is revised to “Residential Facilities” to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.](#)

- T. Studios and galleries, including dance, art, photography, music and other arts.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Research and development activities.

Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.

Z. Transportation facilities.

AA. Live/work dwellings.

BB. Accessory dwelling unit in conjunction with a legally established non-conforming single-family dwelling.

CC. Duplex.

DD. After-hours public parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multi-family residential, triplexes and quadplexes;
- M. One or two units in conjunction with a nonresidential use provided that the residential use occupies no more than fifty percent of the total square footage of the development;
- N. Restaurants, eating and drinking establishments without a drive-through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- Q. Seasonal sales;
- R. Residential ~~care~~ facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

<u>“Residential Care Facilities” is revised to “Residential Facilities” to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.</u>

- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;

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- W. Research and development activities;
 - X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
 - Y. Transportation facilities;
 - Z. Live/work dwellings;
 - AA. After-hours public parking;
 - BB. Marinas;
 - CC. Religious institutions;
 - DD. Mobile food units outside of the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.35.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential ~~care~~ facilities and group homes for over fifteen patients;

“Residential Care Facilities” is revised to “Residential Facilities” to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.

- D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;
- H. Public utilities and services such as pump stations and sub-stations;
- I. Stadiums and arenas.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.52 OFF-STREET PARKING AND LOADING¹

17.52.005 Purpose

The purpose of this chapter is...

- A. To ensure that off-street parking is well-designed, efficiently used and compatible with adjacent land uses and the transportation system, and provides safe internal circulation for temporary parking of vehicles, pedestrians, bicycles, small scale mobility devices and transit needs;
- C. To regulate the number of spaces, access, dimensions, tree canopy, landscaping, surfacing and drainage of parking areas;
- D. To provide incentives for repurposing, reusing and reducing underused and unneeded parking areas and impervious areas used for parking.

CFEC Requirement

N/A

Explanation

Although not required for CFEC compliance, this adds a purpose statement to clarify the chapter's intent. The "Applicability" section below should remain a distinct section from the "Purpose" section.

17.52.010 Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to residential developments including single-family detached residential dwellings, duplexes, townhouses, tri- or 3-plexes, quad- or 4-plexes, and cottage clusters. Multi-family and commercial mixed-use development with five or more units shall demonstrate compliance with these standards through the Site Plan and Design Review process per OCMC 17.62.

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.52 in its entirety to read as herein set out. Former Chapter 17.52, §§ 17.52.010—17.52.090, pertained to similar subject matter, and derived from Ord. No. 10-1003, adopted July 7, 2010; Ord. No. 13-1003, adopted July 17, 2013; Ord. No. 14-1016, adopted November 5, 2014 and Ord. No. 18-1005, adopted May 2, 2018.

CFEC Requirement

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

Explanation

Oregon City complies per OCMC 17.52.010 – Applicability, but this addition now expressly mentions triplex and 4-plexes for clarity.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.52.015 Planning commission adjustment of parking standards.

- A. Purpose. The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.
- B. Procedure. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.
- C. Approval criteria for the adjustment are as follows:
 - 1. Documentation. The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.
 - 2. Parking Analysis for Surrounding Uses and On-Street Parking Availability. The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.
 - a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3, the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.
 - b. The on-site parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in on-site parking shall be calculated as follows:
 - i. Vacant on-street parking spaces within three hundred feet of the site will reduce on-site parking requirements by 0.5 parking spaces; and

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- ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce on-site parking requirements by 0.2 parking spaces.
 - 3. Function and Use of Site. The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.
 - 4. Compatibility. The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.
 - 5. Safety. The proposal does not significantly impact the safety of adjacent properties and rights-of-way.
 - 6. Services. The proposal will not create a significant impact to public services, including fire and emergency services.

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

17.52.020 Number of automobile spaces ~~required~~.

- A. Exemptions. The City shall not require a minimum number of parking spaces in the following situations.
- 1. Residential developments with more than one unit on a single Lot of Record as defined by 17.04.695.
 - 2. Developments on a lot or parcel that includes lands within one-half (1/2) mile walking distance of a frequent transit corridor.
 - 3. Per OAR 660-012-0435, no off-street parking is required within the Oregon City Regional Center, and within one-quarter mile of the Oregon City Regional Center.
 - 4. 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;
 - 5. Child care facility as defined in ORS 329A.250;
 - ~~Single room occupancy housing;~~
 - 6. Residential units smaller than 750 square feet;
 - 7. Single-room occupancy housing;
 - 8. Affordable housing as defined in OAR 660-039-0010;
 - 9. Publicly supported housing as defined in ORS 456.250;
 - 10. Emergency and transitional shelters for people experiencing homelessness; and
 - 11. Domestic violence shelters.
 - 12. Change of use of or redevelopment of buildings vacant for more than two years provided the applicant provides evidence that the building was vacant for two years prior to the date of application/permit submittal~~of~~.
 - 13. Change of use or redevelopment where at least 50 percent of the building floor area is retained.
 - 14. Expansion of existing businesses provided that the cumulative expansion within one calendar year does not exceed 30 percent of the existing building footprint.
 - 15. Designated historic buildings and landmarks pursuant to OCMC 17.40.030 – Historic Overlay District.
 - 16. Commercial properties with fewer than ten (10) on-site employees or 3,000 square feet of floor space.

17. Developments built under the Oregon Residential Reach Code.
18. Developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system.
19. Schools as defined in OCMC 17.04
20. Bars and taverns
21. Mixed-use development.
- A change in use within an existing habitable building located in the MUD design district or the Willamette Falls Downtown District is exempt from additional parking requirements.
22. Additions to an existing building and new construction that do not constitute cumulative expansion more than 30% within one calendar year are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

CFEC Requirement

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

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

Explanation

The new exemption section implements the majority of CFEC requirements in OAR 660-012-0425 and 660-012-0430 into one part of the code, although there is some redundancy with Table 17.52.020 which displays minimum and maximum parking by specific use in a tabular format. References to “minimum” and “required” parking have been removed in accordance with CFEC guidance, where needed.

- B. Where new parking is proposed ~~The~~ the number of parking spaces shall comply with the minimum and maximum standards-ratio listed in Table 17.52.020. The maximum parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020

Land Use	<u>Minimum and Maximum Parking Requirements</u>	
	Minimum	Maximum
<u>Bars and taverns</u>	<u>Not required</u>	
<u>Cottage cluster</u>	<u>Not required</u>	
Multi-family residential- <u>(no studio units)</u>	1.00 per unit	<u>2.5</u> per unit
<u>Multi-family residential, studio unit or one-bedroom</u>	<u>Not required</u>	<u>1.2 per unit</u>
Triplex and quadplex	<u>2.00</u> <u>Not required</u>	4
Hotel, motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	<u>1 per 7 beds</u> <u>Not required</u>	1 per 5 beds
Hospital	2.00	4.00
Preschool nursery/kindergarten	<u>2.00</u> <u>Not required</u>	3.00
Elementary/middle school	<u>1 per classroom</u> <u>Not required</u>	1 per classroom + 1 per administrative employee + 0.25 per seat in

		auditorium/assembly room/stadium
High school, college, commercial school for adults	0.20 per # staff and students <u>Not required</u>	0.30 per # staff and students
Auditorium, meeting room, stadium, religious assembly building, movie theater	.25 per seat	0.5 per seat
Retail store, shopping center, restaurants	4.10	5.00
Office	2.70	3.33
Medical or dental clinic	2.70	3.33
Sports club, recreation facilities	Case specific	5.40
Storage warehouse, freight terminal	0.30	0.40
Manufacturing, wholesale establishment	1.60	1.67
Light industrial, industrial park	1.3	1.60

1. ~~Mixed multiple~~ Uses. Unless exempt under (A), if in the event several land uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
4. Fleet vehicle parking shall be accommodated within the maximum parking ratio, except that in GI, CI, and MUE zones, fleet vehicle parking may be included in a parking lot in addition to the maximum number of permitted parking spaces.
5. For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building.
5. ~~A change in use within an existing habitable building located in the MUD design district or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.~~

C FEC Requirement

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

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

Explanation

Table 17.52.020 displays minimum and maximum parking by specific use in a tabular format. References to "minimum" and "required" parking have been removed in accordance with C FEC guidance, where needed.

BC. ~~P~~arking requirements can be met ~~either~~ on-site, or off-site ~~by meeting through~~ one or ~~multiple more~~ of the following ~~conditions options~~:

1. Parking may be located on the same site as the associated use which it is supporting.
2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, ~~the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless~~

~~it can be shown that the peak parking demands are actually less (e.g. and the uses operate on different days or at different times of the day). In that case, the total requirements shall may be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.~~

3. Shared Parking. ~~Provision of shared parking shall be permitted in order to meet parking requirements. Shared Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided shall provide sufficient proof of the right of -that the right of joint use in a form acceptable to the Community Development Director use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.~~

CFEC Requirement

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

Explanation

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.”

4. On-Street Parking. On-street parking may be counted toward ~~the minimum standard on-site parking~~ when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses requesting this shall conform to the following standards:
 - a. Dimensions. The following constitutes one on-street parking space:
 - ~~1i.~~ Parallel parking: Twenty-two feet of uninterrupted and available curb;
 - ~~2ii.~~ Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;
 - ~~3iii.~~ Ninety-degree (perpendicular) parking: Twelve feet of curb.
 - ~~4iv.~~ Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use ~~may shall~~ not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
 - b. The public works director shall allow conversion of on-street parking spaces to other uses including bicycle parking, mini-parks, tree canopy, wind and solar power, transit-oriented facilities and pedestrian enhancement projects when consistent with public works standards and policies and in accordance with OCMC chapters 12.04, 12.08, and 16.12
- ~~-5. Garage parking spaces and driveways at least 20 feet deep shall count towards off-street parking.~~
- ~~6. Off-site parking. Required parking spaces may be provided offsite, 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 offsite, 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.

CFEC Requirement

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

Explanation

Adds two new prescriptive requirements to comply with CFEC addressing explicitly counting driveway spaces and garages towards parking.

Additional revisions were required in response to comments from DLCD to remove language inconsistent with the rule. DLCD considers land use regulations to be compliant with the 'facilitate' provision of this rule if the shared parking process does not involve applicability limitations, approval criteria, or an application process that discourages shared parking through unreasonable cost or delay.

- C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted. The reductions may be cumulative and not capped.

- ~~1. Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the downtown parking overlay by fifty percent.~~
- ~~2. Transit Oriented Development. For projects not located within the downtown parking overlay district, the minimum required number of parking stalls is reduced up to twenty-five percent when:~~
 - ~~a. In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius);~~
 - ~~b. When adjacent to multi-family development with over eighty units; or~~
 - ~~c. Within one thousand three hundred twenty feet of an existing or planned public transit street and within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).~~

31. Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves any tree greater than 20 inches in diameter designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.

42. Transportation Demand Management. The community development director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

-
53. The minimum required number of Parking stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.
64. Parking 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.
75. Parking shall be reduced by one off-street parking space for each dedicated car sharing parking space in a development. These spaces shall be clearly signed or marked appropriately.
86. Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development.
97. Parking mandates shall be reduced by one off-street parking space for every two units in a development that are fully accessible to people with mobility disabilities.

CFEC Requirement

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

Explanation

This is largely self-explanatory, and the additions are prescriptive. One could use the term “receive credit for” as an alternative to “shall be reduced by” in the context of this section.

Additional revisions were required in response to comments from DLCD for consistency with state rules.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.52.025 Reuse and redevelopment of parking allowed

- A. Purpose. The purpose of this section is to encourage other beneficial uses within parking areas, especially in situations where parking is underused as defined in OCMC 17.04.
- B. Property owners shall be allowed to redevelop, remove, reuse and repurpose any portion of any existing off-street parking areas for bicycle-oriented, pedestrian-oriented or transit supportive facilities including but not limited to bicycle parking, bus stops and pull-outs, transit shelters, and park and ride stations. These requests may be approved through the Type I Site Plan and Design Review application process in OCMC 17.62.030.
- C. In applying (A) and (B) above, property owners shall be permitted to reduce existing mandated minimum parking, access for emergency vehicles must be retained, and adequate parking for loading areas shall be consistent pursuant to OCMC 17.52.090 – Loading Areas.

CFEC Requirement

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

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

Explanation

This is largely self-explanatory, and the additions are prescriptive. The current code does not clearly articulate redevelopment of parking for bike or transit uses. New language added to the code to explicitly allow for this to allow redevelopment of any portion of any parking area, and to allow redevelopment of underused parking. The City can still require review for new or expanded uses or structures.

A definition of “underused parking” will be added to 17.04 to provide clarity; “parking lots or facilities that are below 50% of capacity most or all of the time.”

Additional revisions were required in response to comments from DLCD to clarify that redevelopment of any portion of any parking area is permitted, not just ‘underused’ parking, and to specifically allow reductions below minimums.

17.52.030 Standards for automobile parking.

- A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce stormwater runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.
- C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the city public works stormwater and grading design standards.
- D. Dimensional Standards.
 - 1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the ~~minimum required~~ parking ~~may shall~~ be compact, while the remaining required parking stalls ~~are may be~~ designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls ~~in excess of the minimum requirement~~ which comply with the intent of this chapter.
 - 2. Alternative Parking/Plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping ~~to of~~ the quantity and quality found within standard parking lot landscaping requirements.

CFEC Requirement

N/A.

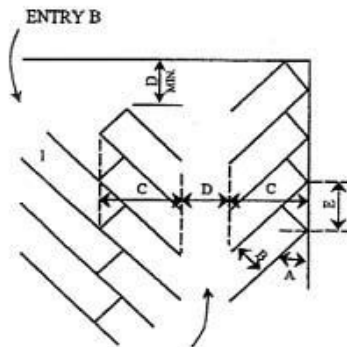
Explanation

Revisions for clarification. Staff will continue to review any parking, if required, for compliance with applicable dimensional standards.

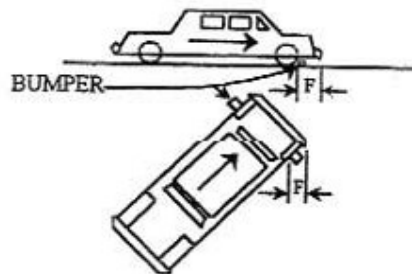
Parking Standard
Parking Angle Space Dimensions

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT
ENTRY A



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(Supp. No. 47)

NOTE: SPACE 1 CONTINGENT UPON ENTRY B
OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of
bumpers.

E. Carpool and Vanpool Parking.

1. ~~Designated employee parking areas in new developments with seventy-five (50) 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 and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and~~ designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. ~~The required~~ Carpool and vanpool parking spaces ~~shall be~~ shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked or signed "Reserved — Carpool/Vanpool Only."
2. ~~The standards in E(1) shall not apply to projects where seventy-five percent or more of the floor area is residential.~~

CFEC Requirement

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

Explanation

OCMC 17.52.030(E) currently requires preferential parking for carpools/vanpools for many developments. 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 the OCMC will need to be slightly updated to meet this.

Additional revisions were required in response to comments from DLCD to clarify applicability to designated employee parking areas .

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

17.52.040 Bicycle parking standards.

- A. Purpose—Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings on-site (excluding cottage clusters).
- B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

Table A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

Use	Minimum Bicycle Parking	Minimum Bicycle Parking — Covered — The following percentage of bicycle parking is required to be covered
Multi-family (five or more units)	1 per 10-2 units (minimum of 2)	50%- 0.5 spaces per unit (minimum of 1)
<u>Mixed-use with five or more residential units</u>	<u>1 per 2 units (minimum of 2)</u>	<u>0.5 spaces per unit (minimum of 1)</u>
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%
Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)
Automobile parking structures	1 per 10 auto spaces (minimum of 4)	80% (minimum of 2)
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)
College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%

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Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%
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* Covered bicycle parking is not required for developments with two or fewer parking stalls.

CFEC Requirement

Bicycle Parking Requirements (OAR 660-012-0630)

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

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

Explanation

OCMC 17.52.040 Table A specifies bicycle parking requirements, and includes a minimum requirement for all uses specified by this rule. Cities must require at least 0.5 stalls per unit in covered bicycle parking for multifamily and mixed use 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.

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure on-site, secure room in a building on-site, a covered or uncovered rack on-site, or within the adjacent right-of-way.
2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.

3. Bicycle parking areas shall be illuminated pursuant to OCMC 17.62.065 – Outdoor Lighting.

34. All bicycle racks shall be designed so that:

- a. The bicycle frame is supported horizontally at two or more places.
- b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.
- c. The user is not required to lift the bicycle onto the bicycle rack.
- d. Each bicycle parking space is accessible without moving another bicycle.
- e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
- f. Provides an area of at least six feet by two feet per standard bicycle.
- g. Provides an area of at least six feet by three feet for cargo bicycles and large bicycles. Where only one bicycle space is required per Table A, it shall meet the larger space requirement of is standard.
- g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

CFEC Requirement

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

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

Explanation

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.”, however, it does not stipulate how many of those spaces should be sized this way, so staff has specified a minimum of one space Oregon City’s design standards are likely adequate to ensure that these bicycles are accommodated at most or all bike spaces.

17.52.060 Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;
 2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
 3. To shade and cool parking areas;
 4. To reduce air and water pollution;
 5. To reduce stormwater impacts and improve water quality; and
 6. To establish parking lots that are more inviting to pedestrians and bicyclists.
- A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.
- B. Development Standards.
1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
 2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
 3. Developments adding off-street parking areas of one-half acre (21,780 square feet) or more shall comply with (a), or (b) or (c) below:
 - (a) Provide tree canopy that will cover at least 40 percent of the new parking lot at maturity but no later than 15 years after planting.
 - (b) ~~Where~~ an applicant can demonstrate that it is infeasible to meet the 40% canopy requirement in (a) the Community Development Director may approve installation of solar panels with a generation capacity of at least 0.5 kilowatts per parking space. Panels may be located anywhere on the property subject to applicable standards of the OCMC.

The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

4. ~~3.~~ Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.
45. Required landscaping trees shall be of a minimum two-inch minimum caliper size for deciduous species or a minimum 8 foot height for evergreen species (though it may not be standard for some tree types to be distinguished by caliper), at the time of planting planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List, Parking Lot Tree list or other -approved species recommended by a certified arborist or registered landscape architect. Trees shall be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible.
56. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
67. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance.
78. All landscaping shall be installed according to accepted planting procedures as recommended by a Landscape Architect, according to American Nurseryman Standards.
9. Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases. The minimum standards for tree planting shall be no lower than the 2021 American National Standards Institute A300 standards.

CFEC Requirement

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

Explanation

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.

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.

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.

Additional revisions were required in response to comments from DLCD for consistency with state rules.

- C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening for New Parking Lots and new parking lots over ½ acre. Shall New Parking lots and include associated drive aisles shall include a with five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where

the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are[a] shall include:
 - a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
 - c. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted shall be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations.

CFEC Requirement

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

Explanation

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. Additional revisions were required in response to comments from DLCD for consistency with state rules.

- D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:
 1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:
 2. Minimum seven-foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.
- E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce stormwater runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:
 - a. A minimum of one tree per four parking spaces.
 - b. A minimum of 1.5 shrubs per parking space.
 - c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
- F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with subsection 1 and/or 2 below.

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015, Modifications that will better meet design review requirements.
2. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).
3. Alternative landscaping plans shall not be permitted for any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

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

17.52.070 Electrical Service Capacity Vehicle Charging

- A. New private multi-family residential or mixed-use developments with five or more residential units shall install electrical service capacity, as defined in OCMC 17.04, to new off-street parking spaces subject to the following standards. ~~Variance requests to these standards are prohibited.~~
1. Non-residential development and residential or mixed-use developments with less than five dwelling units shall provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.
 2. Residential or mixed-use development with five or more dwelling units shall provide electrical service capacity to a minimum of 40 percent of all off-street vehicle parking spaces on site.
 3. The placement of electrical service equipment shall not conflict with, or block access required under the Americans with Disabilities Act. Electrical service equipment shall not displace required pedestrian paths, sidewalks, landscaping, bicycle paths and parking spaces.
 4. Parking mandates shall be reduced by two off street parking spaces for every electric vehicle charging station provided in a development.

CFEC Requirement

Electric Vehicle Charging (OAR 660-012-0410)

Explanation

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.

The definition of Electrical Service Capacity will 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 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.

17.52.080 Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- A. It will not interfere with the maintenance or repair of any public utility;
- B. It will not restrict pedestrian or vehicular access; and
- C. It will not constitute a traffic hazard due to reduced visibility.

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

17.52.090 Loading areas.

- A. Purpose. The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.
- B. Applicability. OCMC 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.
- C. Standards.
 - 1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
 - 2. Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.
 - 3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
 - a. Short in duration (i.e., less than one hour);
 - b. Infrequent (less than three operations daily between five a.m. and twelve a.m. or all operations between twelve a.m. and five a.m. at a location that is not adjacent to a residential zone);
 - c. Does not obstruct traffic during peak traffic hours;
 - d. Does not interfere with emergency response services; and
 - e. Is acceptable to the applicable roadway authority.

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

17.54.115 Mobile food units.

- A. Applicability. The following provisions apply to mobile food units not located within a building. The provisions do not apply to indoor mobile food units or mobile food units allowed pursuant to a special event permit issued by the city.
- B. General Requirements.
1. Mobile food units shall primarily sell food items.
 2. Mobile food units shall not sell cannabis, in any form.
 3. Mobile food units shall have a valid Oregon City business license.
 4. Mobile food units shall not be located within the right-of-way, except as approved by the city engineer.
 5. Mobile food units shall maintain continuous compliance with applicable federal, state, and city standards.
 6. Discharge or leakage draining into the stormwater system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.
 7. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
 8. Power connections may not be connected by overhead wires to the individual mobile food units.
 9. Comply with the stormwater and grading design standards for additional impervious surfaces.
 10. Mobile food units, equipment, customer service areas, or any associated item may not be located within the right-of-way.
 11. Sites with more than ten mobile food units at any time shall have a designated loading area.
 12. Parking lots, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the mobile food units) are subject to compliance with site plan and design review standards in OCMC 17.62. Mobile food units are exempt from OCMC 17.52 unless otherwise identified below.
 13. Mobile food unit owners are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition. This includes but is not limited to regular maintenance and cleaning of the exterior of the mobile food unit to avoid rust and peeling paint, repair of broken or sagging awnings, canopies, platforms, counters, benches, tables, umbrellas, and other structures used by customers adjacent to the mobile food unit.
- C. Design Standards.
1. Transitory Mobile Food Units. Mobile food units that remain on a property for five hours or less in a twenty-four-hour period shall comply with the following:
 - a. Standards related to the site.
 - i. Be limited to three food units on a property at any one time;
 - ii. Maintain ~~the minimum number of parking stalls and~~ minimum drive aisle widths and ~~landscaping parking lot~~ requirements for parking lots; and
 - iii. Not result in the reduction of landscaping less than the minimum site.

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- b. Standards related to the mobile food unit.
 - i. Comply with nuisances regulations in OCMC 8.08.040;
 - ii. Comply with OCMC 17.62.050.I for all temporary structures associated with the mobile food cart units (except for the unit itself);
 - iii. Connect to individual wastewater holding tanks at all times; and
 - iv. Connect to a potable water tank at all times.
 - 2. Non-Transitory Mobile Food Units. All other mobile food units that remain on a property for more than five hours at a time shall comply with the following:
 - a. Standards related to the site.
 - i. Maintain ~~the minimum number of parking stalls and~~ minimum drive aisle widths and ~~parking lot landscaping~~ requirements for parking lots;
 - ii. Not result in the reduction of landscaping less than the minimum site;
 - b. Standards related to the unit.
 - i. Fully screen from view any mechanical or power generating equipment that is separated from and external to the mobile food unit with vegetation or screening at a height equal to or greater than the height of the generating unit;
 - ii. Connect to a permanent water source, unless exempted by the city engineer if utilities are not available;
 - iii. Connect to public sewer. This may be achieved through a communal system;
 - iv. Connect to a permanent power source; and
 - v. Comply with the minimum setbacks and maximum height of the zoning designation.
- D. Process.
- 1. A Type I minor site plan and design review shall be submitted for each property in compliance with the transitory standards in OCMC 17.54.115.C.1 with a wastewater/water operations and maintenance plan.
 - 2. A Type II minor site plan and design review shall be submitted for each property in compliance with the non-transitory standards in OCMC 17.54.115.C with a wastewater/water operations and maintenance plan.
 - 3. Mobile food cart units shall each submit a business license and mobile food cart unit form.

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

17.56.040 Criteria and standards for conditional uses.

In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.
- D. Schools. The site shall be located to best serve the intended area, shall be in conformance with the city plan, shall have adequate access, and shall be in accordance with appropriate state standards.
- E. Helipad Landing Facility.
 - 1. Size of runways and landing areas;
 - 2. Approaches and obstructions within the runways and landing areas;
 - 3. Fencing and/or screening to provide visual and noise buffering and to deflect winds or blast due to aircraft operation;
 - 4. Fire protection measures and equipment;
 - 5. Night illumination adequate for operations, and its effects upon surrounding property;
 - 6. Landing markers;
 - 7. Structural adequacy of runways, pads and other structures;
 - 8. Paving and ground cover materials in relation to noise and down wash.
- F. Residential ~~Care~~ Facilities.
 - 1. In addition to the general provisions of OCMC 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.
 - 2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:
 - a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.
 - b. All residential ~~care~~ facilities shall be subject to design review. Special considerations for this use are:

- i. Compatibility in appearance with the surrounding area;
- ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;
- iii. Clearly defined property boundaries.

"Residential Care Facilities" is revised to "Residential Facilities" to be consistent with ORS 443.400, and the existing definition in OCMC 17.04.1025.

G. Bed and Breakfast Inns.

1. The bed and breakfast inn shall maintain all applicable licenses required by governmental agencies for the use described in the application.
2. All bed and breakfast inns shall be subject to design review. Special considerations for this use are:
 - a. Compatibility of the structure in appearance with the surrounding area;
 - b. Compatibility of ~~the~~ any parking facilities in appearance and circulation of traffic with the surrounding area. Parking facilities, if proposed, shall also comply with Chapter 17.52;

Clarifies that if parking is proposed for the development, the applicable standards in the Chapter 17.52 apply, such as landscaping, dimensions, pedestrian circulation, etc.

- c. Compatibility of the signage in appearance with the surrounding area. Signage shall also comply with Chapter 15.28;
- d. The number of rooms to be used as overnight public accommodations shall not exceed four rooms in an underlying residential zone, or seven rooms in an underlying nonresidential zone;
- e. The owner/operators shall reside in the bed and breakfast inn, or in a residence adjacent to the bed and breakfast inn; and
- f. The planning commission may allow up to an additional six non-guests to be served along with the guests at a meal.

H. Shelters.

1. Shelters shall be processed as a Type IV review.
2. The shelter shall maintain a written community engagement plan include the following information:
 - a. Description of purpose and scope of services of the shelter;
 - b. Population to be housed at the shelter and the process and criteria for the selection of guests;
 - c. Bed capacity for nightly guests;
 - d. Hours of operations and curfew, if applicable;
 - e. Twenty-four-hour contact information; and
 - f. Explanation of how the shelter will address concerns/complaints.

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3. Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within three hundred feet, the neighborhood association, and the city. The meeting shall be open to the public.

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

Chapter 17.62 SITE PLAN AND DESIGN REVIEW¹

17.62.010 Purpose.

The purposes of site plan and design review are to: Encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

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

17.62.015 Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:
 - a. Landscaping in OCMC 17.62.050.A;
 - b. Vehicular connections to adjoining properties in OCMC 17.62.050.B.2;
 - c. On-site pedestrian circulation in OCMC 17.62.050.C;
 - d. Onsite utility location OCMC 17.62.050.G;
 - e. Building location in OCMC 17.62.055.D;
 - f. Building details in OCMC 17.62.055.I;
 - g. Windows in OCMC 17.62.055.J;
 - h. Parking lot landscaping in OCMC 17.52.060.
2. Modifications that are denied through Type II design review may be requested as a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.62 in its entirety to read as herein set out. Former Chapter 17.62, §§ 17.62.010—17.62.100, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010; Ord. No. 16-1007, adopted August 17, 2016; Ord. No. 13-1003, adopted July 17, 2013; Ord. No. 17-1007, adopted June 21, 2017 and Ord. No. 18-1005, adopted May 2, 2018.

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3. Rather than a modification, applicants may choose to apply for a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.
 - B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:
 1. The modification will result in a development that better meets the applicable design guidelines; and
 2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

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

17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and nonresidential uses in all zones. Site plan and design review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	Proposed Use
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	3 or more dwellings

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

Only the standards of OCMC 17.62.035 apply to duplex, triplex, quadplex, cottage cluster, townhouse, single-family detached residential unit, live/work dwelling and accessory dwelling unit Type I applications.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.62.035 Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor site plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A, subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

- A. Type I Minor Site Plan and Design Review.

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1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II—IV review.
 - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
 - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
 - d. Any proposal in which modifications are proposed under OCMC 17.62.015.
 2. The following projects may be processed as a Type I application:
 - a. Addition of up to two hundred square feet to a commercial, institutional, or multi-family structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
 - c. Temporary structures, excluding mobile vendors.
 - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
 - e. Addition, modification, or relocation of refuse enclosure.
 - f. Changes to amount, location, or design of bicycle parking.
 - g. Installation of mechanical equipment.
 - h. Repaving of previously approved parking lots with no change to striping.
 - i. Replacement of exterior building materials.
 - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - k. Addition or alteration of parapets or rooflines.
 - l. Modification of building entrances.
 - m. Addition to or alteration of a legal nonconforming single- or two-family dwelling.
 - n. Change to parking lot circulation or layout, excluding driveway modifications.
 - o. Removal or relocation of ~~existing~~ vehicle parking stalls ~~provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district to accomodate~~ accommodate tree planting, landscaping, stormwater facilities, solar and wind power equipment, outdoor seating, parking for bicycles, scooters and other small scale mobility devices, pedestrian improvements and similar purposes.-

C FEC Requirement

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

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

Explanation

This addition specifies the review process will be a Type I administrative review process for redevelopment and repurposing of parking lots. Oregon City already has a Type I review of this type for reductions in parking, however, this explicitly states some of the uses that would be permitted in these areas instead of parking for vehicles.

- p. Adoption of shared parking agreements.
- q. Changes to landscaping ~~that do not require to improve~~ stormwater quality and quantity treatment under OCMC 13.12.
- r. New or changes to existing pedestrian accessways, walkways or plazas.
- s. Installation of or alterations to ADA accessibility site elements.
- t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.
- u. Addition of or alterations to outdoor lighting.
- v. Demolition of any structure or portion of a structure.
- w. Tree removal.
- x. Type I master plan amendments under OCMC 17.65.080.
- y. Mobile food units in one location for five hours or less as identified in OCMC 17.54.115.
- z. Duplex, triplex, quadplex, cottage cluster, townhouse, single-family detached residential unit, live/work dwelling, and accessory dwelling unit.
- aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
- 3. Submittal Requirements. A Type I application shall include:
 - a. A narrative describing the project.
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - d. A completed application form.
 - e. Any other information determined necessary by the community development director.
- B. Type II Minor Site Plan and Design Review.
 - 1. Type II minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A:
 - a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

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- b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
 - d. Mobile food units in OCMC 17.54.115.
 - e. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
 2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
 - a. The submittal requirements of OCMC 17.50.
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the community development director on a case-by-case basis.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.62.040 Items required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

- A. A site plan or plans, to scale, containing the following:
 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;
 3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,
 - b. Unstable slopes, as defined in OCMC 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;

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5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces);
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.
- D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.
- E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the public works erosion and sediment control standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards. The drainage plan shall identify the location of drainage patterns and

drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.

- F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
- G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
 - 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 - 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

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

- H. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the city's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.
- I. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 - 1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;
 - 2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.

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- J. All new utilities shall be placed underground.
 - 1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
 - K. One full-sized copy of all architectural and site plans.

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

17.62.050 General standards.

All development shall comply with the following standards:

- A. Landscaping.
 - 1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
 - 2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be fifteen percent of the total site area. Except as allowed elsewhere in Title 16 or 17 of this code, all areas to be credited towards landscaping shall be installed with growing plant materials.
 - 3. Pursuant to OCMC 17.49, landscaping requirements within the natural resource overlay district, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
 - 4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
 - 5. Landscaping shall be visible from public thoroughfares to the extent practicable.
 - 6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.
- B. Vehicular Access and Connectivity.
 - 1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.
 - 2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.
 - 3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.
 - 4. Parking garage entries shall not be more than half of the streetscape.

C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be as direct as possible and shall not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
2. The pedestrian circulation system shall connect all main entrances, transit stops, ADA spaces, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.
3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.
5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier.

If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel.

6. Pedestrian ~~walkways that cross~~ crossings at intersections with drive aisles or other vehicular circulation areas shall ~~be demarcated with striping and, in addition preferably by a raised surface that slows vehicular travel, or utilize a other~~ change in textural material or height to alert the driver of the pedestrian crossing area. ~~Crossings demarcated only by striping are discouraged as they are less effective.~~

7. Pedestrian facilities within parking lots shall be illuminated to at least the same level as the on-site driveways pursuant to section 17.62.065.

C FEC Requirement

Implements the requirement for certain designs for Pedestrian connections through large parking lots (660-012-0405(4)(c))

Explanation

This addition amendment specifies the type of design to be used for pedestrian crossings in large parking lots. Including the levels of illumination.

D. All development shall maintain continuous compliance with applicable federal, state, and city standards.

E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that

adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off-site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

- F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the city's transportation system plan.
- G. Screening of Mechanical Equipment. Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements:
 - 1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.
 - 2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall [be] exempt from this standard if painted.

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3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right-of-way.
 4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.
- H. Building Materials.
1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure:
 - a. Vinyl or plywood siding (including T-111 or similar plywood).
 - b. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - c. Corrugated fiberglass.
 - d. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.g, or when located on properties within the general industrial district).
 - e. Crushed colored rock/crushed tumbled glass.
 - f. Non-corrugated and highly reflective sheet metal.
 - g. Tarps, except for the protection of outside storage.
 2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:
 - a. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
 - b. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
 - c. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
 - d. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 - e. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.
 - f. Vinyl or powder coated chain link fencing is permitted for city-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the general industrial district.
 - g. Chain link fencing is permitted in the following circumstances:

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1. Within city-owned parks and recreational facilities.
 2. On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.
- I. Temporary Structures. Temporary structures are permitted pursuant to the following standards:
1. Structures up to two hundred square feet:
 - a. Shall not be on a property for more than three consecutive days;
 - b. Shall not be on a property more than six times per year;
 - c. Shall comply with the minimum dimensional standards of the zoning designation;
 - d. Shall be sited so as to leave ~~the minimum number of adequate~~ parking spaces for the primary uses ~~as-if~~ required by OCMC 17.52 or as otherwise specified in a land use approval;
 - e. Shall not disturb ingress or egress to the site; and
 - f. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 2. Temporary structures larger than two hundred square feet may be permitted up to two times per year; and:
 - a. Structures larger than two hundred square feet up to eight hundred square feet:
 - i. Shall not be on a property for more than thirty consecutive days;
 - ii. Shall comply with the minimum dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave ~~the minimum number of adequate~~ parking spaces for the primary uses ~~as-if~~ required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 - b. Structures larger than eight hundred square feet:
 - i. Shall not be on a property for more than seven consecutive days;
 - ii. Shall comply with the minimum dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave ~~the minimum number of adequate~~ parking spaces for the primary uses ~~as-if~~ required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 3. Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.
- J. All new utilities shall be placed underground.

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1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
 - K. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
 1. Chapter 12.04, Streets, Sidewalks and Public Places.
 2. Chapter 12.08, Public and Street Trees.
 3. Chapter 13.04, Water Service System.
 4. Chapter 13.08, Sewer Regulations.
 5. Chapter 13.12, Stormwater Management.
 6. Chapter 16.12, Minimum Improvements and Design Standards for Development.
 7. Chapter 17.20, Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks.
 8. Chapter 17.40, Historic Overlay District.
 9. Chapter 17.41, Tree Protection Standards.
 10. Chapter 17.42, Flood Management Overlay District.
 11. Chapter 17.44, Geologic Hazards.
 12. Chapter 17.47, Erosion and Sediment Control.
 13. Chapter 17.48, Willamette River Greenway.
 14. Chapter 17.49, Natural Resource Overlay District.
 15. Chapter 17.50, Administration and Procedures.
 16. Chapter 17.52, Off-Street Parking and Loading.
 17. Chapter 17.54, Supplemental Zoning Regulations and Exceptions.
 18. Chapter 17.58, Lawful Nonconforming Uses, Structures, and Lots.
 19. Chapter 17.65, Master Plans and Planned Unit Development.

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

17.62.055 Institutional, office, multi-family, retail, and commercial building standards.

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.

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- C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
- D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

1. Tables, benches or other approved seating area.
 2. Cobbled, patterned or paved stone or enhanced concrete.
 3. Pedestrian scale lighting.
 4. Sculpture/public art.
 5. Fountains/water feature.
 6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
 7. Outdoor café.
 8. Enhanced landscaping or additional landscaping.
 9. Other elements, as approved by the community development director, that can meet the intent of this section.
- E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:
1. Display windows; recesses or projections; peaked roof or raised parapet over the door; canopy of at least five feet in depth; porch; distinct materials; architectural details such as tile work and moldings; pedestrian amenities such as benches, planters or planter boxes; landscape treatments integrating arbors, low walls, trellis work; or similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.
- G. Corner Lots. For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:
1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
 2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

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3. Standards 1 and 2 above do not apply to vertically attached 3—4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.
- H. Variation in Massing. For street facing facades greater than one hundred twenty feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:
1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or
 2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.
- I. Building Design Elements.
1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:
 - a. Change in building material or texture;
 - b. Window or door;
 - c. Balcony; or
 - d. Pillar or post.
 2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:
 - a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
 - b. Decorative cornice and/or roof line (e.g., for flat roofs);
 - c. Roof gable;
 - d. Recessed entry;
 - e. Covered canopy entry;
 - f. Cupola or tower;
 - g. Dormer;
 - h. Balcony;
 - i. Pillars or posts;
 - j. Repeating pattern of building materials;
 - k. A change in plane of at least two feet in width and six inches in depth;
 - l. Bay or oriel window; or
 - m. An alternative feature providing visual relief and detail as approved by the community development director.
 3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.
- J. Windows.

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1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred-foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

Table 17.62.055.J
Minimum Windows

Use	Ground Floor: Front and Street Facing Facades	Upper Floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
 3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
 4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.
- K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.
- L. Drive-through facilities shall:
1. Be located at the side or rear of the building.
 2. Be designed to maximize queue storage on-site.
- M. Special development standards along transit streets.

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1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.
 2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
 3. Development Standards.
 - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
 - i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
 - ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
 - b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
 4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3 of this section:
 - a. Heavy equipment sales;
 - b. Motor vehicle service stations, including convenience stores associated therewith; or
 - c. Solid waste transfer stations.

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

17.62.056 Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower; or
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

17.62.057 Multi-family usable open space requirements.

- A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.
- B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.
 - 1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.
 - 2. In nonresidential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.
 - 3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.
 - 4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.
- C. Usable Open Space Types.
 - 1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:
 - a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.
 - b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.
 - 1. Landscaping areas.
 - 2. Community gardening areas.
 - 3. Large trees expected to reach over eighteen inches dbh at maturity.
 - 4. Seating.
 - 5. Pedestrian-scaled lighting.
 - 6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
 - 7. Paved courtyard or plaza.
 - 8. Gazebos or other decorative shelters.
 - 9. Play structures for children.

-
10. Sports courts.
 11. An alternative amenity as approved by the community development director.
 - c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the city that enhance safety and privacy for both the common open space and dwelling units.
 - d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.
 2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.
 - a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.
 3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:
 - a. Accessible to all dwelling units.
 - b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

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

17.62.058 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Nonresidential development.

- A. New non-residential development creating new commercial or industrial space will contribute to the creation of the parks and open space within the Thimble Creek Concept Plan by contributing a fee in lieu to the city to support the acquisition and interim use of needed park and open space land within the concept plan boundary as follows:
 1. The fee in lieu will be set by the city commission and adopted yearly in the city's fee schedule. The fee shall only be used by the city for park, trail and open space acquisition and interim site development.
 2. The fee-in-lieu or other equivalent monetary contribution, approved by the community development director, must be paid prior to approval of the certificate of occupancy.

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

17.62.059 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Residential development.

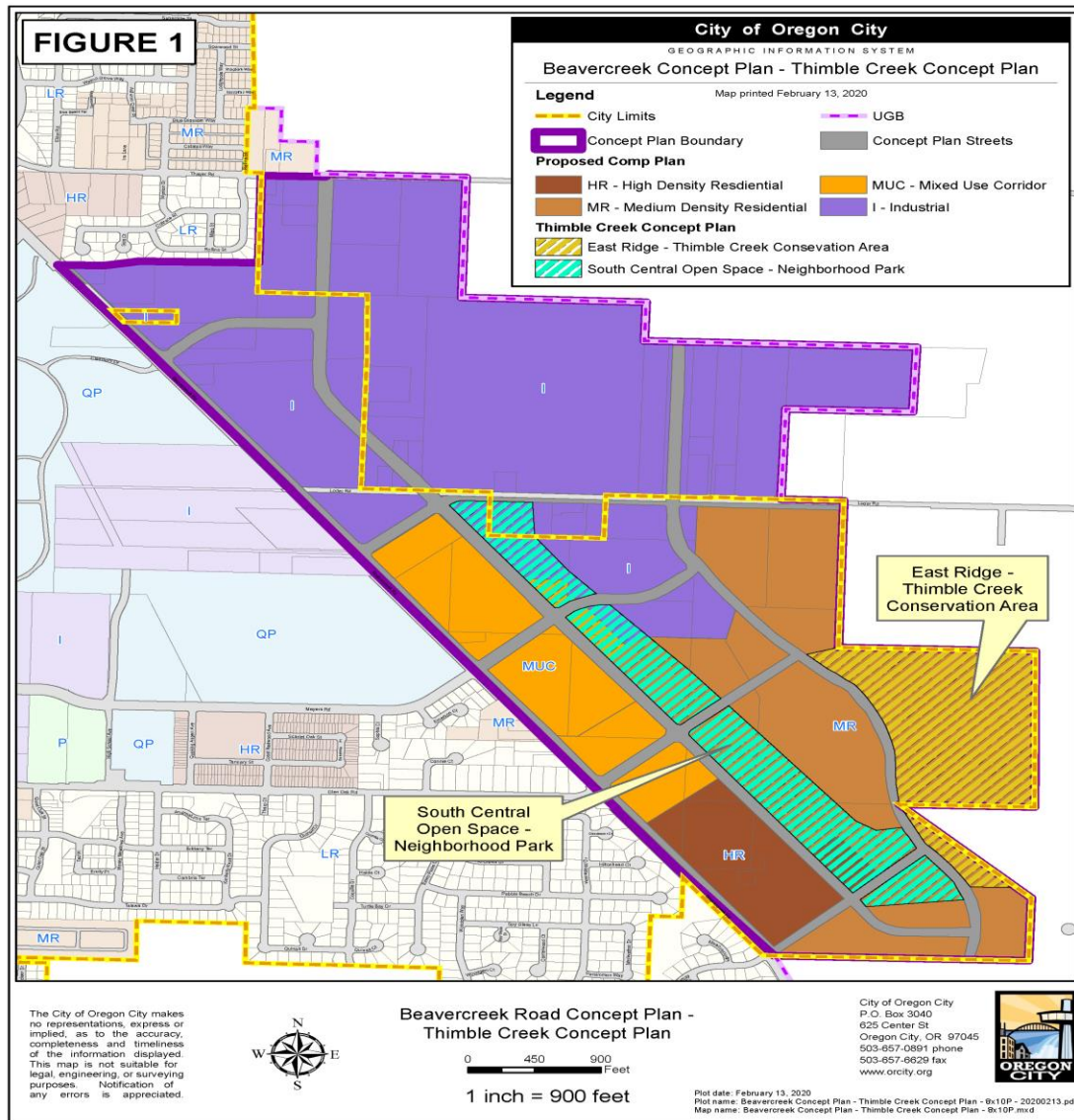
- A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirement set forth in subsection D as follows:
 1. The minimum acreage of land dedicated for the South-Central Open Space-Neighborhood Park as provided in the following calculation: $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed}) \times (\text{four acres}) / (\text{one thousand persons})$;
 2. The minimum amount of land in acres dedicated for the East Ridge-Thimble Creek Conservation Area shall be 7.5 acres; and

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(Supp. No. 47)

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3. The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.
- B. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection A, for the south Central Open Space Neighborhood Park, the city must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection C.
 - C. The city may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection D of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contributions must meet the following standards:
 1. The amount of the fee in lieu of other monetary contributions shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the excessive dedication assuming that zoning and other land use entitlement necessary for park and open space development are in place.
 2. The fee-in-lieu or other monetary contribution shall be paid current with public dedication.
 - D. Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 17.62.059-1 and meet the following locational and development standards:
 1. South Central Open Space-Neighborhood Park.
 - a. Thirty-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
 - b. Up to four pearls of various sizes spread along the open space network.
 - c. Minimum sizes pearl: Two acres minimum.
 - d. Maximum size pearl: None.
 - e. Minimum combined size of all pearls: Ten acres.
 - f. Minimum average pearl width: Two hundred feet.
 - g. Minimum average pearl depth: Two hundred feet.
 - h. At least five acres to be developed with active recreation components.
 - i. The first pearl dedicated must be at least three acres in size.
 2. East Ridge-Thimble Creek Conservation Area shall include:
 - a. One-half of area between the Thimble Creek stream buffer and the four hundred ninety-foot elevation ridgeline to be open space;
 - b. Two public viewpoints separated by at least four hundred feet with a minimum size of .35 acre at less than ten percent slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway;
 - c. Seven hundred-foot non-interrupted view corridor along the open space from the east edge of the Ridge Parkway; and
 - d. Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway.

Figure 17.62.059-1



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

17.62.060 Reserved.

Editor's note(s)—Ord. No. 22-1001, § 1(Exh. A), adopted June 1, 2022, repealed § 17.62.060, which pertained to cluster housing and derived from Ord. No. 18-1009, adopted July 3, 2019; Ord. No. 19-1008, adopted December 18, 2019 and Ord. No. 21-1006, adopted July 1, 2020.

17.62.065 Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
 6. Encourage energy efficient lighting with new technologies such as light emitting diodes (LED) or similar to reduce ongoing electrical demand and operating costs.
- B. Applicability.
1. General.
 - a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
 - b. The city engineer or public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
 2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
 3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section:
 - a. Residential lighting for single-family attached and detached homes, and duplexes.
 - b. Public street and right-of-way lighting.
 - c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
 - d. Temporary lighting for emergency or nighttime work and construction.
 - e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
 - f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
 - g. Lighting required and regulated by the Federal Aviation Administration.

C. Design and Illumination Standards.

1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
2. Lighting shall be provided in parking lots, bicycle parking areas, and vehicular circulation areas.
3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
4. Lighting shall be provided at all building entrances.
5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
7. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.
8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

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

17.62.085 Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions, or exterior alterations to uses, other than single-family detached residential units, duplexes, triplexes, quadplexes, townhouses, cottage clusters or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Fully enclosed and visually screened;

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- B. Located in a manner easily and safely accessible by collection vehicles;
 - C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
 - D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
 - E. Maintained by the property owner;
 - F. Used only for purposes of storing solid waste and recyclable materials;
 - G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20, Solid Waste Collection and Disposal) and city adopted policies.

Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.62.090 Implementation.

- A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.
- B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.
- C. The site plan and design review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:
 - 1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or
 - 2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the natural resource overlay district regulations of OCMC 17.49, the geologic hazard overlay district regulations of OCMC 17.44, or the floodplain management overlay district regulations of OCMC 17.42 or steep slope regulations.

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

Chapter 17.04 DEFINITIONS

[Note: the following is a list of new or amended definitions intended to implement CFEC code requirements) – these definitions will be numbered in the Municipal Code when codified.]

Change of Use

“Change of Use” means a type of development in which the principal use for an existing site or building is changed to a new different use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged. A change of use may or may not require land use approval depending on the scale and type of use proposed. For example, if an existing warehouse in an industrial zone were to be converted to a manufacturing facility, and both the existing and the proposed use are permitted in the zone, a change of use is occurring, however, land use review would be limited to only the aspects of the use that are changing. See also definition for “Development”.

Electrical Service Capacity

“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

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

Frequent Transit Corridor

“Frequent Transit Corridor” means:

- (a) Priority transit corridors designated under OAR 660-012-0710; or
- (b) Corridors with transit service arriving with a scheduled frequency of at least four times an hour during peak service; or
- (c) If no corridor qualifying under subsection (b), corridors with the most frequent transit service in the community if the scheduled frequency is at least once per hour during peak service.

Level 2 electric vehicle charging station

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

Mixed Use Development

“Mixed Use Development” means

Existing language in code: “more than one type of land use occupies a single structure or parcel of land.”

or:

The development of a single property, or contiguous properties under single ownership, with a building or buildings which comprise two or more different land uses including residential, office, retail, recreational, light industrial, institutional, and other listed uses where permitted.

New Parking Lot

“New parking lot” or space means any of the following:

- (a) New parking lot area or space where no parking previously existed.
- (b) Removal and replacement of pavement and subgrade of existing parking areas greater than six inches deep (6”).
- (c) The term new parking lot does not apply to crack and chip sealing, patching, repaving over existing subgrade or selective repair of damaged areas less than six inches (6”).

New Parking lot area.

“New parking lot area” means all surface area on which a vehicle can drive, including all parking stalls, all drives and drive-through lanes within the property regardless of length, and all maneuvering areas regardless of depth. New parking lot area does not include areas not used by passenger vehicles such as loading areas or outdoor storage.

Oregon City Regional Center

Oregon City Regional Center means the area indicated on the adopted Regional Center Map for downtown and North End Areas of the City that implements the Metro Region 2040 Center Concept for Oregon City. The Regional Center spans the area from the former paper mill to Clackamette Cove and the intersection of OR-213 / I-205 / OR 99E, from the banks of the Willamette and Clackamas Rivers to the bluff, and areas on both sides of McLoughlin Boulevard. The majority of the Oregon City Regional Center is zoned Mixed Use Downtown, although other zone districts are present within the boundary of the Regional Center.

Oregon Residential Reach Code

“Oregon Residential Reach Code” means 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.

Small scale mobility device

“Small scale mobility device” means electric bicycles, electric scooters, and other personal electric assistive mobility devices such as electric wheelchairs.

Surface Parking

“Surface Parking” means the area measured around the perimeter of all new parking spaces, maneuvering areas, and interior landscaping.

Underused parking

“Underused parking” means parking lots or facilities that are below 50% of capacity most or all of the time.

17.04.595 Institutional development.

"Institutional development" includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, residential facilities, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses.

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

17.08.025 Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

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

17.10.025 Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work dwellings.

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

17.12.020 Permitted uses.

Permitted uses in the R-2 district are:

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of the ordinance codified in this chapter;
- B. Duplexes;
- C. Triplexes;
- D. Quadplexes;
- E. Townhouses;
- F. Multi-family residential;
- G. Cottage clusters;
- H. Residential facilities;
- I. Accessory buildings;
- J. Parks, playgrounds, playfields and community or neighborhood centers;
- K. Home occupations;
- L. Family day care providers;
- M. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- N. Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- O. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.29.020 Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Indoor entertainment centers and arcades.
- E. Health and fitness clubs.
- F. Medical and dental clinics, outpatient; infirmary services.
- G. Museums, libraries and cultural facilities.
- H. Offices, including finance, insurance, real estate and government.
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- J. Postal services.
- K. Parks, playgrounds, playfields and community or neighborhood centers.
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- M. Multi-family residential, triplexes and quadplexes.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent of the total square footage of the development.
- O. Restaurants, eating and drinking establishments without a drive-through.
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- R. Seasonal sales.
- S. Residential facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.
- T. Studios and galleries, including dance, art, photography, music and other arts.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Research and development activities.
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- Z. Transportation facilities.

AA. Live/work dwellings.

BB. Accessory dwelling unit in conjunction with a legally established non-conforming single-family dwelling.

CC. Duplex.

DD. After-hours public parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multi-family residential, triplexes and quadplexes;
- M. One or two units in conjunction with a nonresidential use provided that the residential use occupies no more than fifty percent of the total square footage of the development;
- N. Restaurants, eating and drinking establishments without a drive-through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- Q. Seasonal sales;
- R. Residential facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;

Z. Live/work dwellings;

AA. After-hours public parking;

BB. Marinas;

CC. Religious institutions;

DD. Mobile food units outside of the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.35.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential facilities and group homes for over fifteen patients;
- D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;
- H. Public utilities and services such as pump stations and sub-stations;
- I. Stadiums and arenas.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.52 OFF-STREET PARKING AND LOADING¹

17.52.005 Purpose

The purpose of this chapter is...

- A. To ensure that off-street parking is well-designed, efficiently used and compatible with adjacent land uses and the transportation system, and provides safe internal circulation for temporary parking of vehicles, pedestrians, bicycles, small scale mobility devices and transit needs;
- C. To regulate the number of spaces, access, dimensions, tree canopy, landscaping, surfacing and drainage of parking areas;
- D. To provide incentives for repurposing, reusing and reducing underused and unneeded parking areas and impervious areas used for parking.

CFEC Requirement

N/A

Explanation

Although not required for CFEC compliance, this adds a purpose statement to clarify the chapter's intent. The "Applicability" section below should remain a distinct section from the "Purpose" section.

17.52.010 Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to residential developments including single-family detached residential dwellings, duplexes, townhouses, tri- or 3-plexes, quad- or 4-plexes, and cottage clusters. Multi-family and commercial mixed-use development with five or more units shall demonstrate compliance with these standards through the Site Plan and Design Review process per OCMC 17.62.

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.52 in its entirety to read as herein set out. Former Chapter 17.52, §§ 17.52.010—17.52.090, pertained to similar subject matter, and derived from Ord. No. 10-1003, adopted July 7, 2010; Ord. No. 13-1003, adopted July 17, 2013; Ord. No. 14-1016, adopted November 5, 2014 and Ord. No. 18-1005, adopted May 2, 2018.

C FEC Requirement

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

Explanation

Oregon City complies per OCMC 17.52.010 – Applicability, but this addition now expressly mentions triplex and 4-plexes for clarity.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.52.015 Planning commission adjustment of parking standards.

- A. Purpose. The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.
- B. Procedure. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.
- C. Approval criteria for the adjustment are as follows:
 - 1. Documentation. The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.
 - 2. Parking Analysis for Surrounding Uses and On-Street Parking Availability. The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.
 - a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3, the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.
 - b. The on-site parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in on-site parking shall be calculated as follows:
 - i. Vacant on-street parking spaces within three hundred feet of the site will reduce on-site parking requirements by 0.5 parking spaces; and
 - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce on-site parking requirements by 0.2 parking spaces.

-
3. Function and Use of Site. The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.
 4. Compatibility. The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.
 5. Safety. The proposal does not significantly impact the safety of adjacent properties and rights-of-way.
 6. Services. The proposal will not create a significant impact to public services, including fire and emergency services.

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

17.52.020 Number of automobile spaces.

- A. Exemptions. The City shall not require a minimum number of parking spaces in the following situations.
1. Residential developments with more than one unit on a single Lot of Record as defined by 17.04.695.
 2. Developments on a lot or parcel that includes lands within one-half (1/2) mile walking distance of a frequent transit corridor.
 3. Per OAR 660-012-0435, no off-street parking is required within the Oregon City Regional Center, and within one-quarter mile of the Oregon City Regional Center.
 4. 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;
 5. Child care facility as defined in ORS 329A.250;
 6. Residential units smaller than 750 square feet;
 7. Single-room occupancy housing;
 8. Affordable housing as defined in OAR 660-039-0010;
 9. Publicly supported housing as defined in ORS 456.250;
 10. Emergency and transitional shelters for people experiencing homelessness; and
 11. Domestic violence shelters.
 12. Change of use of or redevelopment of buildings vacant for more than two years provided the applicant provides evidence that the building was vacant for two years prior to the date of application/permit submittal.
 13. Change of use or redevelopment where at least 50 percent of the building floor area is retained.
 14. Expansion of existing businesses provided that the cumulative expansion within one calendar year does not exceed 30 percent of the existing building footprint.
 15. Designated historic buildings and landmarks pursuant to OCMC 17.40.030 – Historic Overlay District.
 16. Commercial properties with fewer than ten (10) on-site employees or 3,000 square feet of floor space.
 17. Developments built under the Oregon Residential Reach Code.
 18. Developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system.
 19. Schools as defined in OCMC 17.04

20. Bars and taverns
21. Mixed-use development.
22. A change in use within an existing habitable building located in the MUD design district or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction that do not constitute cumulative expansion more than 30% within one calendar year are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

CFEC Requirement

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

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

Explanation

The new exemption section implements the majority of CFEC requirements in OAR 660-012-0425 and 660-012-0430 into one part of the code, although there is some redundancy with Table 17.52.020 which displays minimum and maximum parking by specific use in a tabular format. References to “minimum” and “required” parking have been removed in accordance with CFEC guidance, where needed.

- B. Where new parking is proposed the number of parking spaces shall comply with the minimum and maximum ratio listed in Table 17.52.020. The maximum parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020

Land Use	Minimum and Maximum Parking	
	Minimum	Maximum
Bars and taverns	Not required	
Cottage cluster	Not required	
Multi-family residential(no studio units)	1.00 per unit	2 per unit
Multi-family residential, studio unit or one-bedroom	Not required	1.2 per unit
Triplex and quadplex	Not required	4
Hotel, motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	Not required	1 per 5 beds
Hospital	2.00	4.00
Preschool nursery/kindergarten	Not required	3.00
Elementary/middle school	Not required	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High school, college, commercial school for adults	Not required	0.30 per # staff and students
Auditorium, meeting room, stadium, religious assembly building, movie theater	.25 per seat	0.5 per seat

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(Supp. No. 47)

Retail store, shopping center, restaurants	4.10	5.00
Office	2.70	3.33
Medical or dental clinic	2.70	3.33
Sports club, recreation facilities	Case specific	5.40
Storage warehouse, freight terminal	0.30	0.40
Manufacturing, wholesale establishment	1.60	1.67
Light industrial, industrial park	1.3	1.60

1. Mixed Uses. Unless exempt under (A), in the event several land uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
4. Fleet vehicle parking shall be accommodated within the maximum parking ratio, except that in GI, CI, and MUE zones, fleet vehicle parking may be included in a parking lot in addition to the maximum number of permitted parking spaces.
5. For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building.

CFEC Requirement

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

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

Explanation

Table 17.52.020 displays minimum and maximum parking by specific use in a tabular format. References to "minimum" and "required" parking have been removed in accordance with CFEC guidance, where needed.

- C. Parking requirements can be met on-site or off-site through one or more of the following options:
1. Parking may be located on the same site as the associated use which it is supporting.
 2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land and the uses operate on different days or at different times of the day the total requirements may be reduced accordingly.
 3. Shared Parking. Provision of shared parking shall be permitted in order to meet parking requirements. Shared parking facilities for two or more uses, structures, or parcels of land shall provide sufficient proof of the right of joint use in a form acceptable to the Community Development Director.

C FEC Requirement

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

Explanation

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.”

4. On-Street Parking. On-street parking may be counted toward on-site parking when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses requesting this shall conform to the following standards:
 - a. Dimensions. The following constitutes one on-street parking space:
 - i. Parallel parking: Twenty-two feet of uninterrupted and available curb;
 - ii. Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;
 - iii. Ninety-degree (perpendicular) parking: Twelve feet of curb.
 - iv. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use shall not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
 - b. The public works director shall allow conversion of on-street parking spaces to other uses including bicycle parking, mini-parks, tree canopy, wind and solar power, transit-oriented facilities and pedestrian enhancement projects when consistent with public works standards and policies and in accordance with OCMC chapters 12.04, 12.08, and 16.12
5. Garage parking spaces and driveways at least 20 feet deep shall count towards off-street parking.
6. Off-site parking. Required parking spaces may be provided offsite, 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 offsite, 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.

C FEC Requirement

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

Explanation

Adds two new prescriptive requirements to comply with C FEC addressing explicitly counting driveway spaces and garages towards parking.

Additional revisions were required in response to comments from DLCD to remove language inconsistent with the rule. DLCD considers land use regulations to be compliant with the ‘facilitate’ provision of this rule if the shared parking process does not involve applicability limitations, approval criteria, or an application process that discourages shared parking through unreasonable cost or delay.

C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted. The reductions may be cumulative and not capped.

- 1.. Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves any tree greater than 20 inches in diameter so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.
- 2.. Transportation Demand Management. The community development director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

3. Parking stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.
4. Parking 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.
5. Parking shall be reduced by one off-street parking space for each dedicated car sharing parking space in a development. These spaces shall be clearly signed or marked appropriately.
6. Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development.
7. Parking mandates shall be reduced by one off-street parking space for every two units in a development that are fully accessible to people with mobility disabilities.

CFEC Requirement

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

Explanation

This is largely self-explanatory, and the additions are prescriptive. One could use the term “receive credit for” as an alternative to “shall be reduced by” in the context of this section.

Additional revisions were required in response to comments from DLCD for consistency with state rules.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.52.025 Reuse and redevelopment of parking allowed

- A. Purpose. The purpose of this section is to encourage other beneficial uses within parking areas, especially in situations where parking is underused as defined in OCMC 17.04.
- B. Property owners shall be allowed to redevelop, remove, reuse and repurpose any portion of any existing off-street parking areas for bicycle-oriented, pedestrian-oriented or transit supportive facilities including but not limited to bicycle parking, bus stops and pull-outs, transit shelters, and park and ride stations. These requests may be approved through the Type I Site Plan and Design Review application process in OCMC 17.62.030.
- C. In applying (A) and (B) above, property owners shall be permitted to reduce existing mandated minimum parking, access for emergency vehicles must be retained, and adequate parking for loading areas shall be consistent pursuant to OCMC 17.52.090 – Loading Areas.

CFEC Requirement

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

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

Explanation

This is largely self-explanatory, and the additions are prescriptive. The current code does not clearly articulate redevelopment of parking for bike or transit uses. New language added to the code to explicitly allow for this to allow redevelopment of any portion of any parking area, and to allow redevelopment of underused parking. The City can still require review for new or expanded uses or structures.

A definition of “underused parking” will be added to 17.04 to provide clarity; “parking lots or facilities that are below 50% of capacity most or all of the time.”

Additional revisions were required in response to comments from DLCD to clarify that redevelopment of any portion of any parking area is permitted, not just ‘underused’ parking, and to specifically allow reductions below minimums.

17.52.030 Standards for automobile parking.

- A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so

located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

- B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce stormwater runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.
- C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the city public works stormwater and grading design standards.
- D. Dimensional Standards.
 - 1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the parking shall be compact, while the remaining required parking stalls may be designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls which comply with the intent of this chapter.
 - 2. Alternative Parking/Plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping of the quantity and quality found within standard parking lot landscaping requirements.

CFEC Requirement

N/A.

Explanation

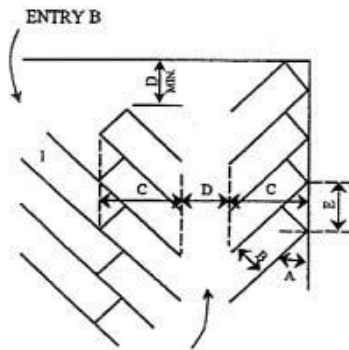
Revisions for clarification. Staff will continue to review any parking, if required, for compliance with applicable dimensional standards.

Parking Standard
Parking Angle Space Dimensions

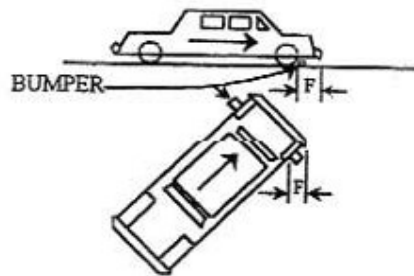
A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

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All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT
ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B
OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

E. Carpool and Vanpool Parking.

1. Designated employee parking areas in new developments with fifty (50) or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. The required carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked or signed "Reserved — Carpool/Vanpool Only."
2. The standards in E(1) shall not apply to projects where seventy-five percent or more of the floor area is residential.

C FEC Requirement

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

Explanation

OCMC 17.52.030(E) currently requires preferential parking for carpools/vanpools for many developments. 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 the OCMC will need to be slightly updated to meet this.

Additional revisions were required in response to comments from DLCD to clarify applicability to designated employee parking areas .

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

17.52.040 Bicycle parking standards.

- A. Purpose—Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings on-site (excluding cottage clusters).
- B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

Table A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

Use	Minimum Bicycle Parking	Minimum Bicycle Parking — Covered —
Multi-family (five or more units)	1 per 2 units (minimum of 2)	0.5 spaces per unit (minimum of 1)
Mixed-use with five or more residential units	1 per 2 units (minimum of 2)	0.5 spaces per unit (minimum of 1)
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%
Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)

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Automobile parking structures	1 per 10 auto spaces (minimum of 4)	80% (minimum of 2)
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)
College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%
Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%

* Covered bicycle parking is not required for developments with two or fewer parking stalls.

CFEC Requirement

Bicycle Parking Requirements (OAR 660-012-0630)

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

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

Explanation

OCMC 17.52.040 Table A specifies bicycle parking requirements, and includes a minimum requirement for all uses specified by this rule. Cities must require at least 0.5 stalls per unit in covered bicycle parking for multifamily and mixed use 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.

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure on-site, secure room in a building on-site, a covered or uncovered rack on-site, or within the adjacent right-of-way.

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2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.
 3. Bicycle parking areas shall be illuminated pursuant to OCMC 17.62.065 – Outdoor Lighting.
 4. All bicycle racks shall be designed so that:
 - a. The bicycle frame is supported horizontally at two or more places.
 - b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.
 - c. The user is not required to lift the bicycle onto the bicycle rack.
 - d. Each bicycle parking space is accessible without moving another bicycle.
 - e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
 - f. Provides an area of at least six feet by two feet per standard bicycle.
 - g. Provides an area of at least six feet by three feet for cargo bicycles and large bicycles. Where only one bicycle space is required per Table A, it shall meet the larger space requirement of is standard.
 - g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

CFEC Requirement

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

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

Explanation

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.”, however, it does not stipulate how many of those spaces should be sized this way, so staff has specified a minimum of one space Oregon City’s design standards are likely adequate to ensure that these bicycles are accommodated at most or all bike spaces.

17.52.060 Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;

-
4. To reduce air and water pollution;
 5. To reduce stormwater impacts and improve water quality; and
 6. To establish parking lots that are more inviting to pedestrians and bicyclists.
- A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.
- B. Development Standards.
1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
 2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
 3. Developments adding off-street parking areas of one-half acre (21,780 square feet) or more shall comply with (a) or (b) below:
 - (a) Provide tree canopy that will cover at least 40 percent of the new parking lot at maturity but no later than 15 years after planting.
 - (b) Where an applicant can demonstrate that it is infeasible to meet the 40% canopy requirement in (a) the Community Development Director may approve installation of solar panels with a generation capacity of at least 0.5 kilowatts per parking space. Panels may be located anywhere on the property subject to applicable standards of the OCMC.

The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.
 4. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.
 5. Required landscaping trees shall be of a minimum two-inch minimum caliper size for deciduous species or a minimum 8 foot height for evergreen species at the time of planting and selected from the Oregon City Street Tree List, Parking Lot Tree list or other approved species recommended by a certified arborist or registered landscape architect. Trees shall be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible.
 6. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
 7. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance.
 8. All landscaping shall be installed according to accepted planting procedures as recommended by a Landscape Architect.
 9. Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases. The minimum standards for tree planting shall be no lower than the 2021 American National Standards Institute A300 standards.

C FEC Requirement

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

Explanation

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.

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.

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.

Additional revisions were required in response to comments from DLCD for consistency with state rules.

- C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening for New Parking Lots and new parking lots over ½ acre. Shall include associated drive aisles with five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.
 - 1. The perimeter parking lot are[a] shall include:
 - a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
 - c. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted shall be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations.

CFEC Requirement

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

Explanation

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. Additional revisions were required in response to comments from DLCD for consistency with state rules.

D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:
2. Minimum seven-foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.

E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce stormwater runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

- a. A minimum of one tree per four parking spaces.
- b. A minimum of 1.5 shrubs per parking space.
- c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.

F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with subsection 1 and/or 2 below.

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015, Modifications that will better meet design review requirements.
2. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).
3. Alternative landscaping plans shall not be permitted for any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

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

17.52.070 ElectricalVehicle Charging

- A. New private multi-family residential or mixed-use developments with five or more residential units shall install electrical service capacity, as defined in OCMC 17.04, to new off-street parking spaces subject to the following standards.
1. Non-residential development and residential or mixed-use developments with less than five dwelling units shall provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.
 2. Residential or mixed-use development with five or more dwelling units shall provide electrical service capacity to a minimum of 40 percent of all off-street vehicle parking spaces on site.
 3. The placement of electrical service equipment shall not conflict with, or block access required under the Americans with Disabilities Act. Electrical service equipment shall not displace required pedestrian paths, sidewalks, landscaping, bicycle paths and parking spaces.
 4. Parking mandates shall be reduced by two off street parking spaces for every electric vehicle charging station provided in a development.

CFEC Requirement

Electric Vehicle Charging (OAR 660-012-0410)

Explanation

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.

The definition of Electrical Service Capacity will 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 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.

17.52.080 Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- A. It will not interfere with the maintenance or repair of any public utility;
- B. It will not restrict pedestrian or vehicular access; and
- C. It will not constitute a traffic hazard due to reduced visibility.

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

17.52.090 Loading areas.

- A. Purpose. The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.
- B. Applicability. OCMC 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.
- C. Standards.
 - 1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
 - 2. Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.
 - 3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
 - a. Short in duration (i.e., less than one hour);
 - b. Infrequent (less than three operations daily between five a.m. and twelve a.m. or all operations between twelve a.m. and five a.m. at a location that is not adjacent to a residential zone);
 - c. Does not obstruct traffic during peak traffic hours;
 - d. Does not interfere with emergency response services; and
 - e. Is acceptable to the applicable roadway authority.

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

17.54.115 Mobile food units.

- A. Applicability. The following provisions apply to mobile food units not located within a building. The provisions do not apply to indoor mobile food units or mobile food units allowed pursuant to a special event permit issued by the city.
- B. General Requirements.
 - 1. Mobile food units shall primarily sell food items.
 - 2. Mobile food units shall not sell cannabis, in any form.
 - 3. Mobile food units shall have a valid Oregon City business license.
 - 4. Mobile food units shall not be located within the right-of-way, except as approved by the city engineer.
 - 5. Mobile food units shall maintain continuous compliance with applicable federal, state, and city standards.
 - 6. Discharge or leakage draining into the stormwater system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.
 - 7. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
 - 8. Power connections may not be connected by overhead wires to the individual mobile food units.
 - 9. Comply with the stormwater and grading design standards for additional impervious surfaces.
 - 10. Mobile food units, equipment, customer service areas, or any associated item may not be located within the right-of-way.
 - 11. Sites with more than ten mobile food units at any time shall have a designated loading area.
 - 12. Parking lots, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the mobile food units) are subject to compliance with site plan and design review standards in OCMC 17.62. Mobile food units are exempt from OCMC 17.52 unless otherwise identified below.
 - 13. Mobile food unit owners are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition. This includes but is not limited to regular maintenance and cleaning of the exterior of the mobile food unit to avoid rust and peeling paint, repair of broken or sagging awnings, canopies, platforms, counters, benches, tables, umbrellas, and other structures used by customers adjacent to the mobile food unit.
- C. Design Standards.
 - 1. Transitory Mobile Food Units. Mobile food units that remain on a property for five hours or less in a twenty-four-hour period shall comply with the following:
 - a. Standards related to the site.
 - i. Be limited to three food units on a property at any one time;
 - ii. Maintain minimum drive aisle widths and landscaping requirements for parking lots; and
 - iii. Not result in the reduction of landscaping less than the minimum site.
 - b. Standards related to the mobile food unit.

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- i. Comply with nuisances regulations in OCMC 8.08.040;
 - ii. Comply with OCMC 17.62.050.I for all temporary structures associated with the mobile food cart units (except for the unit itself);
 - iii. Connect to individual wastewater holding tanks at all times; and
 - iv. Connect to a potable water tank at all times.
 - 2. Non-Transitory Mobile Food Units. All other mobile food units that remain on a property for more than five hours at a time shall comply with the following:
 - a. Standards related to the site.
 - i. Maintain minimum drive aisle widths and landscaping requirements for parking lots;
 - ii. Not result in the reduction of landscaping less than the minimum site;
 - b. Standards related to the unit.
 - i. Fully screen from view any mechanical or power generating equipment that is separated from and external to the mobile food unit with vegetation or screening at a height equal to or greater than the height of the generating unit;
 - ii. Connect to a permanent water source, unless exempted by the city engineer if utilities are not available;
 - iii. Connect to public sewer. This may be achieved through a communal system;
 - iv. Connect to a permanent power source; and
 - v. Comply with the minimum setbacks and maximum height of the zoning designation.
- D. Process.
- 1. A Type I minor site plan and design review shall be submitted for each property in compliance with the transitory standards in OCMC 17.54.115.C.1 with a wastewater/water operations and maintenance plan.
 - 2. A Type II minor site plan and design review shall be submitted for each property in compliance with the non-transitory standards in OCMC 17.54.115.C with a wastewater/water operations and maintenance plan.
 - 3. Mobile food cart units shall each submit a business license and mobile food cart unit form.

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

17.56.040 Criteria and standards for conditional uses.

In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.
- D. Schools. The site shall be located to best serve the intended area, shall be in conformance with the city plan, shall have adequate access, and shall be in accordance with appropriate state standards.
- E. Helipad Landing Facility.
 - 1. Size of runways and landing areas;
 - 2. Approaches and obstructions within the runways and landing areas;
 - 3. Fencing and/or screening to provide visual and noise buffering and to deflect winds or blast due to aircraft operation;
 - 4. Fire protection measures and equipment;
 - 5. Night illumination adequate for operations, and its effects upon surrounding property;
 - 6. Landing markers;
 - 7. Structural adequacy of runways, pads and other structures;
 - 8. Paving and ground cover materials in relation to noise and down wash.
- F. Residential Facilities.
 - 1. In addition to the general provisions of OCMC 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.
 - 2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:
 - a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.
 - b. All residential facilities shall be subject to design review. Special considerations for this use are:

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- i. Compatibility in appearance with the surrounding area;
 - ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;
 - iii. Clearly defined property boundaries.

G. Bed and Breakfast Inns.

- 1. The bed and breakfast inn shall maintain all applicable licenses required by governmental agencies for the use described in the application.
- 2. All bed and breakfast inns shall be subject to design review. Special considerations for this use are:
 - a. Compatibility of the structure in appearance with the surrounding area;
 - b. Compatibility of any parking facilities in appearance and circulation of traffic with the surrounding area. Parking facilities, if proposed, shall also comply with Chapter 17.52;
 - c. Compatibility of the signage in appearance with the surrounding area. Signage shall also comply with Chapter 15.28;
 - d. The number of rooms to be used as overnight public accommodations shall not exceed four rooms in an underlying residential zone, or seven rooms in an underlying nonresidential zone;
 - e. The owner/operators shall reside in the bed and breakfast inn, or in a residence adjacent to the bed and breakfast inn; and
 - f. The planning commission may allow up to an additional six non-guests to be served along with the guests at a meal.

H. Shelters.

- 1. Shelters shall be processed as a Type IV review.
- 2. The shelter shall maintain a written community engagement plan include the following information:
 - a. Description of purpose and scope of services of the shelter;
 - b. Population to be housed at the shelter and the process and criteria for the selection of guests;
 - c. Bed capacity for nightly guests;
 - d. Hours of operations and curfew, if applicable;
 - e. Twenty-four-hour contact information; and
 - f. Explanation of how the shelter will address concerns/complaints.
- 3. Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within three hundred feet, the neighborhood association, and the city. The meeting shall be open to the public.

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

Chapter 17.62 SITE PLAN AND DESIGN REVIEW¹

17.62.010 Purpose.

The purposes of site plan and design review are to: Encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

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

17.62.015 Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:
 - a. Landscaping in OCMC 17.62.050.A;
 - b. Vehicular connections to adjoining properties in OCMC 17.62.050.B.2;
 - c. On-site pedestrian circulation in OCMC 17.62.050.C;
 - d. Onsite utility location OCMC 17.62.050.G;
 - e. Building location in OCMC 17.62.055.D;
 - f. Building details in OCMC 17.62.055.I;
 - g. Windows in OCMC 17.62.055.J;
 - h. Parking lot landscaping in OCMC 17.52.060.
2. Modifications that are denied through Type II design review may be requested as a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.62 in its entirety to read as herein set out. Former Chapter 17.62, §§ 17.62.010—17.62.100, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010; Ord. No. 16-1007, adopted August 17, 2016; Ord. No. 13-1003, adopted July 17, 2013; Ord. No. 17-1007, adopted June 21, 2017 and Ord. No. 18-1005, adopted May 2, 2018.

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3. Rather than a modification, applicants may choose to apply for a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.
 - B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:
 1. The modification will result in a development that better meets the applicable design guidelines; and
 2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

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

17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and nonresidential uses in all zones. Site plan and design review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	Proposed Use
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	3 or more dwellings

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

Only the standards of OCMC 17.62.035 apply to duplex, triplex, quadplex, cottage cluster, townhouse, single-family detached residential unit, live/work dwelling and accessory dwelling unit Type I applications.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.62.035 Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor site plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A, subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

- A. Type I Minor Site Plan and Design Review.

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1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II—IV review.
 - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
 - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
 - d. Any proposal in which modifications are proposed under OCMC 17.62.015.
 2. The following projects may be processed as a Type I application:
 - a. Addition of up to two hundred square feet to a commercial, institutional, or multi-family structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
 - c. Temporary structures, excluding mobile vendors.
 - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
 - e. Addition, modification, or relocation of refuse enclosure.
 - f. Changes to amount, location, or design of bicycle parking.
 - g. Installation of mechanical equipment.
 - h. Repaving of previously approved parking lots with no change to striping.
 - i. Replacement of exterior building materials.
 - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - k. Addition or alteration of parapets or rooflines.
 - l. Modification of building entrances.
 - m. Addition to or alteration of a legal nonconforming single- or two-family dwelling.
 - n. Change to parking lot circulation or layout, excluding driveway modifications.
 - o. Removal or relocation of existing vehicle parking stalls to accommodate tree planting, landscaping, stormwater facilities, solar and wind power equipment, outdoor seating, parking for bicycles, scooters and other small scale mobility devices, pedestrian improvements and similar purposes.
 - p. Adoption of shared parking agreements.

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- q. Changes to landscaping to improve stormwater quality and quantity treatment under OCMC 13.12.
 - r. New or changes to existing pedestrian accessways, walkways or plazas.
 - s. Installation of or alterations to ADA accessibility site elements.
 - t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.
 - u. Addition of or alterations to outdoor lighting.
 - v. Demolition of any structure or portion of a structure.
 - w. Tree removal.
 - x. Type I master plan amendments under OCMC 17.65.080.
 - y. Mobile food units in one location for five hours or less as identified in OCMC 17.54.115.
 - z. Duplex, triplex, quadplex, cottage cluster, townhouse, single-family detached residential unit, live/work dwelling, and accessory dwelling unit.
 - aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
3. Submittal Requirements. A Type I application shall include:
- a. A narrative describing the project.
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - d. A completed application form.
 - e. Any other information determined necessary by the community development director.
- B. Type II Minor Site Plan and Design Review.
1. Type II minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A:
- a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
 - d. Mobile food units in OCMC 17.54.115.
 - e. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
2. Application. The application for the Type II minor site plan and design review shall contain the following elements:

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- a. The submittal requirements of OCMC 17.50.
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the community development director on a case-by-case basis.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.62.040 Items required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

- A. A site plan or plans, to scale, containing the following:
 - 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
 - 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;
 - 3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
 - 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,
 - b. Unstable slopes, as defined in OCMC 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
 - 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
 - 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
 - 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
 - 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;

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9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces);
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
 - C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.
 - D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.
 - E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the public works erosion and sediment control standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
 - F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
 - G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the

Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

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

- H. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the city's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.
- I. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 - 1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;
 - 2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.
- J. All new utilities shall be placed underground.
 - 1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
- K. One full-sized copy of all architectural and site plans.

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

17.62.050 General standards.

All development shall comply with the following standards:

- A. Landscaping.

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1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
 2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be fifteen percent of the total site area. Except as allowed elsewhere in Title 16 or 17 of this code, all areas to be credited towards landscaping shall be installed with growing plant materials.
 3. Pursuant to OCMC 17.49, landscaping requirements within the natural resource overlay district, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
 4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
 5. Landscaping shall be visible from public thoroughfares to the extent practicable.
 6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.
- B. Vehicular Access and Connectivity.
1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.
 2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.
 3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.
 4. Parking garage entries shall not be more than half of the streetscape.
- C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be as direct as possible and shall not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
 2. The pedestrian circulation system shall connect all main entrances, transit stops, ADA spaces, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.

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3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
 4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or skyways.
 5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel.
 6. Pedestrian crossings at intersections with drive aisles or other vehicular circulation areas shall be demarcated by a raised surface that slows vehicular travel, or other change in textural material or height to alert the driver of the pedestrian crossing area.
 7. Pedestrian facilities within parking lots shall be illuminated to at least the same level as the on-site driveways pursuant to section 17.62.065.
- D. All development shall maintain continuous compliance with applicable federal, state, and city standards.
- E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off-site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.
- F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the city's transportation system plan.
- G. Screening of Mechanical Equipment. Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements:
1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring

enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.

2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall [be] exempt from this standard if painted.
3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right-of-way.
4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.

H. Building Materials.

1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure:
 - a. Vinyl or plywood siding (including T-111 or similar plywood).
 - b. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - c. Corrugated fiberglass.
 - d. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.g, or when located on properties within the general industrial district).
 - e. Crushed colored rock/crushed tumbled glass.
 - f. Non-corrugated and highly reflective sheet metal.
 - g. Tarps, except for the protection of outside storage.

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2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:
 - a. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
 - b. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
 - c. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
 - d. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 - e. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.
 - f. Vinyl or powder coated chain link fencing is permitted for city-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the general industrial district.
 - g. Chain link fencing is permitted in the following circumstances:
 1. Within city-owned parks and recreational facilities.
 2. On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.
 - I. Temporary Structures. Temporary structures are permitted pursuant to the following standards:
 1. Structures up to two hundred square feet:
 - a. Shall not be on a property for more than three consecutive days;
 - b. Shall not be on a property more than six times per year;
 - c. Shall comply with the minimum dimensional standards of the zoning designation;
 - d. Shall be sited so as to leave adequate parking for the primary uses if required by OCMC 17.52 or as otherwise specified in a land use approval;
 - e. Shall not disturb ingress or egress to the site; and
 - f. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 2. Temporary structures larger than two hundred square feet may be permitted up to two times per year; and:
 - a. Structures larger than two hundred square feet up to eight hundred square feet:
 - i. Shall not be on a property for more than thirty consecutive days;
 - ii. Shall comply with the minimum dimensional standards of the zoning designation;

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- iii. Shall be sited so as to leave adequate parking for the primary uses if required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 - b. Structures larger than eight hundred square feet:
 - i. Shall not be on a property for more than seven consecutive days;
 - ii. Shall comply with the minimum dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave adequate parking for the primary uses if required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 - 3. Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.
- J. All new utilities shall be placed underground.
- 1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
- K. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
- 1. Chapter 12.04, Streets, Sidewalks and Public Places.
 - 2. Chapter 12.08, Public and Street Trees.
 - 3. Chapter 13.04, Water Service System.
 - 4. Chapter 13.08, Sewer Regulations.
 - 5. Chapter 13.12, Stormwater Management.
 - 6. Chapter 16.12, Minimum Improvements and Design Standards for Development.
 - 7. Chapter 17.20, Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks.
 - 8. Chapter 17.40, Historic Overlay District.
 - 9. Chapter 17.41, Tree Protection Standards.
 - 10. Chapter 17.42, Flood Management Overlay District.
 - 11. Chapter 17.44, Geologic Hazards.
 - 12. Chapter 17.47, Erosion and Sediment Control.
 - 13. Chapter 17.48, Willamette River Greenway.
 - 14. Chapter 17.49, Natural Resource Overlay District.

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15. Chapter 17.50, Administration and Procedures.
 16. Chapter 17.52, Off-Street Parking and Loading.
 17. Chapter 17.54, Supplemental Zoning Regulations and Exceptions.
 18. Chapter 17.58, Lawful Nonconforming Uses, Structures, and Lots.
 19. Chapter 17.65, Master Plans and Planned Unit Development.

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

17.62.055 Institutional, office, multi-family, retail, and commercial building standards.

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.
- C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
- D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

1. Tables, benches or other approved seating area.
2. Cobbled, patterned or paved stone or enhanced concrete.
3. Pedestrian scale lighting.
4. Sculpture/public art.
5. Fountains/water feature.
6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
7. Outdoor café.
8. Enhanced landscaping or additional landscaping.

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9. Other elements, as approved by the community development director, that can meet the intent of this section.
- E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:
1. Display windows; recesses or projections; peaked roof or raised parapet over the door; canopy of at least five feet in depth; porch; distinct materials; architectural details such as tile work and moldings; pedestrian amenities such as benches, planters or planter boxes; landscape treatments integrating arbors, low walls, trellis work; or similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.
- G. Corner Lots. For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:
1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
 2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.
 3. Standards 1 and 2 above do not apply to vertically attached 3—4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.
- H. Variation in Massing. For street facing facades greater than one hundred twenty feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:
1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or
 2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.
- I. Building Design Elements.
1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:
 - a. Change in building material or texture;
 - b. Window or door;
 - c. Balcony; or
 - d. Pillar or post.
 2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:

- a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
 - b. Decorative cornice and/or roof line (e.g., for flat roofs);
 - c. Roof gable;
 - d. Recessed entry;
 - e. Covered canopy entry;
 - f. Cupola or tower;
 - g. Dormer;
 - h. Balcony;
 - i. Pillars or posts;
 - j. Repeating pattern of building materials;
 - k. A change in plane of at least two feet in width and six inches in depth;
 - l. Bay or oriel window; or
 - m. An alternative feature providing visual relief and detail as approved by the community development director.
3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.

J. Windows.

1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred-foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

Table 17.62.055.J
Minimum Windows

Use	Ground Floor: Front and Street Facing Facades	Upper Floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of	15%	15%	10%	10%

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Buildings Thereof)				
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2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
 3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
 4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.
- K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.
- L. Drive-through facilities shall:
1. Be located at the side or rear of the building.
 2. Be designed to maximize queue storage on-site.
- M. Special development standards along transit streets.
1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.
 2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
 3. Development Standards.
 - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
 - i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
 - ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
 - b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
 4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3 of this section:
 - a. Heavy equipment sales;

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- b. Motor vehicle service stations, including convenience stores associated therewith; or
 - c. Solid waste transfer stations.

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

17.62.056 Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower; or
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

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

17.62.057 Multi-family usable open space requirements.

- A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.
- B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.
 - 1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.
 - 2. In nonresidential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.
 - 3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.
 - 4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.
- C. Usable Open Space Types.

-
1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:
 - a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.
 - b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.
 1. Landscaping areas.
 2. Community gardening areas.
 3. Large trees expected to reach over eighteen inches dbh at maturity.
 4. Seating.
 5. Pedestrian-scaled lighting.
 6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
 7. Paved courtyard or plaza.
 8. Gazebos or other decorative shelters.
 9. Play structures for children.
 10. Sports courts.
 11. An alternative amenity as approved by the community development director.
 2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.
 - a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.
 3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:
 - a. Accessible to all dwelling units.
 - b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

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

17.62.058 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Nonresidential development.

- A. New non-residential development creating new commercial or industrial space will contribute to the creation of the parks and open space within the Thimble Creek Concept Plan by contributing a fee in lieu to the city to support the acquisition and interim use of needed park and open space land within the concept plan boundary as follows:
1. The fee in lieu will be set by the city commission and adopted yearly in the city's fee schedule. The fee shall only be used by the city for park, trail and open space acquisition and interim site development.
 2. The fee-in-lieu or other equivalent monetary contribution, approved by the community development director, must be paid prior to approval of the certificate of occupancy.

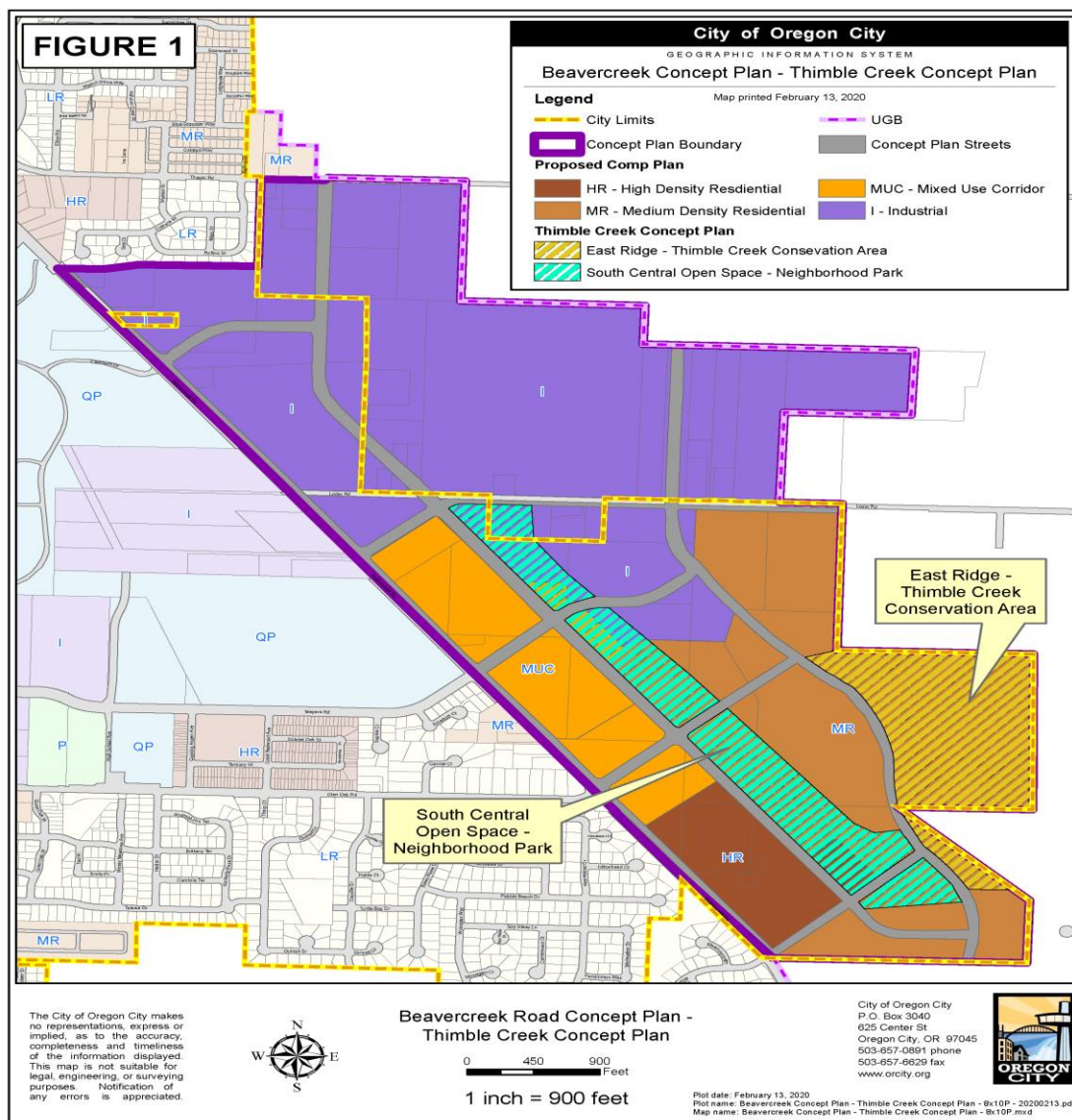
(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

17.62.059 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Residential development.

- A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirement set forth in subsection D as follows:
1. The minimum acreage of land dedicated for the South-Central Open Space-Neighborhood Park as provided in the following calculation: $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed}) \times (\text{four acres}) / (\text{one thousand persons})$;
 2. The minimum amount of land in acres dedicated for the East Ridge-Thimble Creek Conservation Area shall be 7.5 acres; and
 3. The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.
- B. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection A, for the south Central Open Space Neighborhood Park, the city must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection C.
- C. The city may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection D of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contributions must meet the following standards:
1. The amount of the fee in lieu of other monetary contributions shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the excessive dedication assuming that zoning and other land use entitlement necessary for park and open space development are in place.
 2. The fee-in-lieu or other monetary contribution shall be paid current with public dedication.
- D. Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 17.62.059-1 and meet the following locational and development standards:
1. South Central Open Space-Neighborhood Park.

-
- a. Thirty-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
 - b. Up to four pearls of various sizes spread along the open space network.
 - c. Minimum sizes pearl: Two acres minimum.
 - d. Maximum size pearl: None.
 - e. Minimum combined size of all pearls: Ten acres.
 - f. Minimum average pearl width: Two hundred feet.
 - g. Minimum average pearl depth: Two hundred feet.
 - h. At least five acres to be developed with active recreation components.
 - i. The first pearl dedicated must be at least three acres in size.
2. East Ridge-Thimble Creek Conservation Area shall include:
 - a. One-half of area between the Thimble Creek stream buffer and the four hundred ninety-foot elevation ridgeline to be open space;
 - b. Two public viewpoints separated by at least four hundred feet with a minimum size of .35 acre at less than ten percent slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway;
 - c. Seven hundred-foot non-interrupted view corridor along the open space from the east edge of the Ridge Parkway; and
 - d. Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway.

Figure 17.62.059-1



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

17.62.060 Reserved.

Editor's note(s)—Ord. No. 22-1001, § 1(Exh. A), adopted June 1, 2022, repealed § 17.62.060, which pertained to cluster housing and derived from Ord. No. 18-1009, adopted July 3, 2019; Ord. No. 19-1008, adopted December 18, 2019 and Ord. No. 21-1006, adopted July 1, 2020.

17.62.065 Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
 6. Encourage energy efficient lighting with new technologies such as light emitting diodes (LED) or similar to reduce ongoing electrical demand and operating costs.
- B. Applicability.
1. General.
 - a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
 - b. The city engineer or public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
 2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
 3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section:
 - a. Residential lighting for single-family attached and detached homes, and duplexes.
 - b. Public street and right-of-way lighting.
 - c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
 - d. Temporary lighting for emergency or nighttime work and construction.
 - e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
 - f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
 - g. Lighting required and regulated by the Federal Aviation Administration.

C. Design and Illumination Standards.

1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
2. Lighting shall be provided in parking lots, bicycle parking areas, and vehicular circulation areas.
3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
4. Lighting shall be provided at all building entrances.
5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
7. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.
8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

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

17.62.085 Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions, or exterior alterations to uses, other than single-family detached residential units, duplexes, triplexes, quadplexes, townhouses, cottage clusters or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Fully enclosed and visually screened;

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- B. Located in a manner easily and safely accessible by collection vehicles;
 - C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
 - D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
 - E. Maintained by the property owner;
 - F. Used only for purposes of storing solid waste and recyclable materials;
 - G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20, Solid Waste Collection and Disposal) and city adopted policies.

Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.62.090 Implementation.

- A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.
- B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.
- C. The site plan and design review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:
 - 1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or
 - 2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the natural resource overlay district regulations of OCMC 17.49, the geologic hazard overlay district regulations of OCMC 17.44, or the floodplain management overlay district regulations of OCMC 17.42 or steep slope regulations.

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

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.

April 7, 2025

HEARING DATE: April 14, 2025 - Planning Commission
7:00 pm, Commission Chambers, Robert Libke Public Safety Building
1234 Linn Ave, Oregon City, OR 97045

FILE NUMBER: LEG-25-02

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: City of Oregon City - Planning Division,
PO Box 3040, Oregon City, OR 97045

Aquilla Hurd-Ravich, AICP, Community Development Director
Pete Walter, Planning Manager

REQUEST: Amendments to the Oregon City Municipal Code to implement Parking Reforms for compliance with Climate Friendly and Equitable Communities rules

LOCATION(S): City Wide

I. BACKGROUND:

File No. LEG-25-02 amends various Chapters of the Oregon City Municipal Code to implement 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 provides recommended findings for legislative adoption 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).

The Oregon City Commission directed Staff to proceed with 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 addressing the maximum amount of parking that can be developed specified by OAR 660-012-0415.

The memo titled "Oregon City Conceptual Approach to CFEC Compliance" dated March 1, 2025, by the City's consultant Studio Davis 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.

PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission prior to adoption by the City Commission following public hearings.

Engagement & Outreach

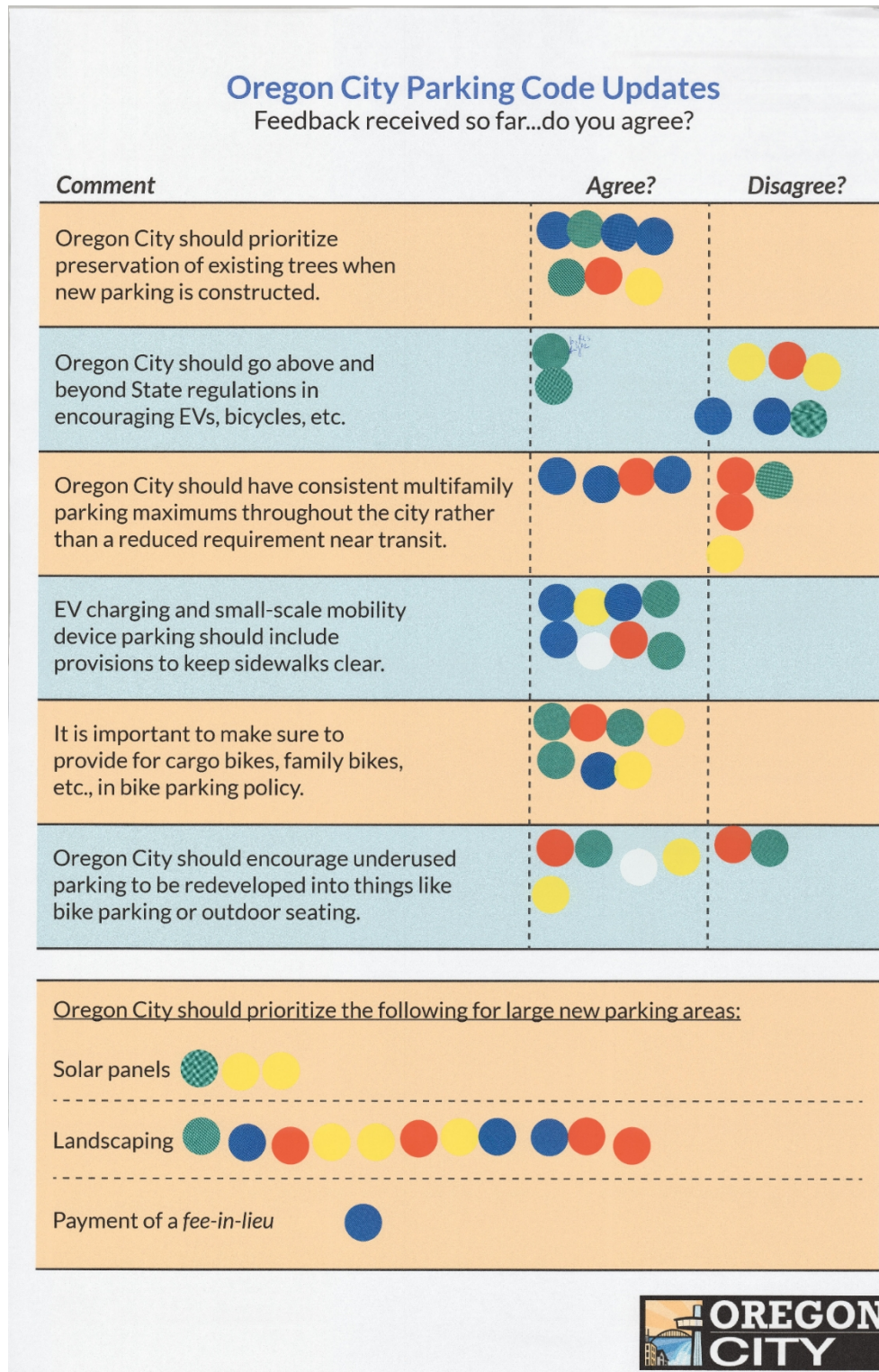
The approach to compliance detailed below was developed through a robust and inclusive outreach process that sought to obtain feedback from Oregon City residents, employees, and community leaders.

The initial round of engagement prior to October 2024 was conducted directly by City staff. 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.

Figure 1

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.

CFEC Advisory Committee

City Staff

Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager
Dayna Webb, Public Works Director
Ryan Kersey, Manager, Code and Parking Enforcement
Vance Walker, Manager, OCPW Operations
James Graham, Economic Development Manager
Ann Griffin, Economic Development Coordinator

Community Members

Juliana Allen, Downtown Oregon City Association (DOCA)
Andrew Crampton, Housing Authority of Clackamas County (HACC)
Dorothy Dahlsrud, Oregon City Citizen Involvement Committee (CIC)
Karla Laws, Community Member
Devin Ellen, Housing Authority of Clackamas County (HACC)
Dan Fowler, Downtown business owner
Gloria LaFleur, Housing Authority of Clackamas County (HACC)
Raymond Rendlemann, Transportation Advisory Committee (TAC)
Kristen Svicarovich, Confederated Tribes of the Grand Ronde
Tim Wuest, Oregon City Business Alliance, Parks and Recreation Advisory Committee (PRAC)
Vicki Yates, Resident / Mid-Town Business Owner
Ryan Webb, Confederated Tribes of the Grand Ronde
Samantha Wolf, Chair, Oregon City Natural Resources Committee (NRC)

Meetings / Outreach Dates

2024

January 9	City Commission work session
January 17	City Commission presentation
October 30	CFEC Advisory Committee Meeting #1
November 14	CFEC Advisory Committee Meeting #2

2025

January 9	Development Stakeholders Group
January 13	Planning Commission
February 3	Citizen Involvement Committee
February 10	Public Open House
February 10-17	On-Line Virtual Public Open House
February 12	Natural Resources Committee
February 26	Library Board
March 10	Planning Commission
March 11	City Commission

April 6, 2025

Page 5

March 13	CFEC Advisory Committee meeting #3
March 18	Gaffney Lane Neighborhood Association
April 14	Planning Commission Public Hearing #1
May 7	City Commission Public Hearing #1
May 21	City Commission Public Hearing #2 (if needed)
June 4	City Commission 2 nd Reading of Ordinance No. 25-1006

Public Notice and Comments

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. - *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice of the proposed changes to Land Use Regulations to the Oregon Department of Land Conservation and Development on March 7, 2025. Notice of the April 14, 2025 Planning Commission public hearing was also provided to the Citizen Involvement Committee, Natural Resources Committee, Neighborhood Associations, and affected service districts, agencies and parties by email on March 26, 2025.

Following the public notice, as of the date of this report, no public comments have been received.

Project Webpages

Prior to the legislative adoption process, staff created a webpage to inform the public about the CFEC regulations at <https://orcify.org/1553/Climate-Friendly-Equitable-Communities-C>.

At the start of the legislative adoption process, staff created a project webpage for the legislative file at <https://orcify.org/3367/LEG-25-02-Climate-Friendly-Equitable-Com>.

II. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed parking code amendments are consistent with applicable approval 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: The proposal qualifies as initiated as a legislative request by the Planning Division at the direction of the City Commission.

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.

C. City Commission Review.

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

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

Finding: This legislative action followed the procedures found in OCMC 17.50.170 including meetings with the Citizen Involvement Committee, Natural Resource Committee, Planning Commission, and City Commission where applicable. A complete timeline of the meeting is provided on Page 3 of this report. Ordinance No. 25-1006 has been drafted for enactment by the City Commission.

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: This legislative action is consistent with the applicable goals and policies of the comprehensive plan as detailed in the responses below. Therefore, the proposed amendments are consistent with Criterion (A).

OC2040 Comprehensive Plan

CHAPTER 1 - HEALTHY AND WELCOMING COMMUNITIES

GOAL 1 Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICY 1.3 Seek opportunities to develop and enhance relationships with community-based organizations (CBOs) who are working in Oregon City and the larger region.

POLICY 1.4 Utilize innovative forms of communication technology to enhance the City's public engagement efforts.

POLICY 1.5 Provide on-going education to the community regarding land use projects and processes and ensure clear communication about when and how to be involved at key points in the process.

Finding: the proposal is consistent with these applicable goals and policies of the OC2040 Comprehensive Plan. Additionally, as required under OAR 660-12 Development of the CFEC implementation included a robust public outreach and engagement process, summarized on pages 2-4 of this report. The public process that led to the legislative file included a presentation to the Citizen Involvement Committee and numerous other boards and committees. A virtual open house was held online to allow the public to participate remotely. All the meetings allowed for both in-person and virtual participation.

OC2040 Comprehensive Plan CHAPTER 2: DIVERSE ECONOMY

GOAL 3 Guide growth and development in a manner that implements the City's 2040 Vision and maintains an urban growth boundary that supports and accommodates projected population and employment during the 20-year planning period.

POLICY 3.1 Promote efficient use of land and public infrastructure and plan for appropriate infill development, redevelopment, and new development.

STRATEGY 3.1.A Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

STRATEGY 3.1.B Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

GOAL 4 Encourage and support new development that incorporates supportive community features and sustainability principles in site design and building construction.

STRATEGY 4.2.A Encourage designs that achieve a minimum “Certified” level of LEED (Leadership in Energy and Environmental Design) certification.

STRATEGY 4.2.B Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEED certified buildings and environmentally responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.

STRATEGY 4.2.C Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.

POLICY 4.3 Utilize urban design principles that create comfortable and attractive public spaces that are reflective of Oregon City’s community vision.

Finding: the proposal is consistent with these applicable goals and policies of the OC2040 Comprehensive Plan. Implementing parking reforms where land uses are supported by frequent transit and encouraging the reuse of underutilized parking areas will support community features and sustainability principles in site design and building construction and reduce barriers to redevelopment.

OC2040 Comprehensive Plan
CHAPTER 3 – CONNECTED INFRASTRUCTURE

GOAL 1 Provide a safe, comfortable, and accessible transportation network that serves all modes of travel, including non-motorized modes.

POLICY 1.2 Reduce Oregon City’s carbon footprint by supporting and emphasizing non-motorized modes.

GOAL 4 Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

POLICY 2.4 Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

POLICY 4.2 Continue to implement green, sustainable, and low-impact approaches to stormwater management.

STRATEGY 4.2.A Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption using bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and increase tree planting.

Finding: the proposal is consistent with these applicable goals and policies of the OC2040 Comprehensive Plan. The code amendments are intended to increase resiliency to climate change and will augment regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions to promote more sustainable development. The zoning code already supports significant reductions in parking minimums to support land uses like restaurants and housing. CFEC rules include encouraging reuse of underutilized parking areas for purposes like outdoor seating areas, a policy the city already supports, and for electric vehicle charging, solar panels, and pedestrian and bicycle parking spaces.

OC2040 Comprehensive Plan
CHAPTER 4 – PROTECTED ENVIRONMENT

GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City’s natural resources and ecosystems.

POLICY 2.1 Develop and adopt a Climate Action Plan for Oregon City.

POLICY 2.2 Implement site development and design practices that incorporate natural ecosystem enhancement, minimize impacts on natural resources, and avoid degradation or loss of wetlands, watershed, and habitat.

STRATEGY 2.2.A Adopt and/or establish standards for all new development that promote the use of pervious surfaces and prevent negative ecological effects of urban stormwater runoff on streams, creeks and rivers.

STRATEGY 2.2.B Encourage use of native and hardy plants such as trees, shrubs and groundcovers to maintain ecological function and reduce maintenance costs and chemical use.

POLICY 2.4 Protect and enhance the urban forest tree canopy.

STRATEGY 2.4.A Encourage the maintenance and improvement of the city’s tree canopy to improve air quality.

POLICY 2.7 Support programs and methods that will improve air quality in Oregon City.

STRATEGY 2.7.A Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for

walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: the proposal is consistent with these applicable goals and policies of the OC2040 Comprehensive Plan. Adoption of these code amendments will augment the protection of natural resources already protected by the Oregon City Comprehensive Plan and its implementing ordinances.

Requiring parking within one-half mile of Tri-Met Bus Line 33 is disallowed per OAR 660-012-0440. However, the rule allows the City to distinguish between a straight-line distance and a walking distance.

OAR 660-012-0440(4) *Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.*

The original maps and corridors the City has used to implement this section were based on the straight-line measurements which creates a rather wide transit corridor throughout the City. Since receiving feedback from the City Commission, City staff worked to analyze a half (1/2) mile walking distance buffer based on bus stops along Line 33. This approach reduces the width of the buffer which means there are more areas of the City subject to parking minimums. Staff is requesting direction on which method to use when measuring the half (½) mile transit corridor. Based on this direction staff will create a map that can be referenced upon implementation.

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.***
- 4. 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.***

- 5. 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: this application is filed by the Planning Division who is responsible for administering the legislative review process. The pre-application was waived by the Community Development Director.

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: legislative applications are not a listed land use review type that requires a neighborhood association meeting. Staff presented the proposal to the Citizen Involvement Committee on

February 3, 2025. A copy of the PowerPoint presentation is attached to the application by reference.

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: Legislative actions are not subject to the 120-day deadline.

III. RECOMMENDATION

Based on the findings in this report, staff recommends approval of file LEG-25-02. If the Planning Commission recommends approval to the City Commission, staff will prepare an Ordinance for consideration by the City Commission to adopt the proposed code amendments.

IV. EXHIBITS

- 1) Proposed Amendments to the Oregon City Municipal Code
 - a) Redline version
 - b) Clean version
- 2) Meeting materials and PowerPoint presentations for all meetings attended for the public engagement process are part of the record by reference. All the meeting dates are listed on pages 3-4 of this report. Minutes for these meetings may be available from the respective body.
- 3) Memorandum “RE: Oregon City Conceptual Approach to CFEC Compliance”, Brian Davis, AICP, March 1, 2025.
- 4) Oregon City Frequent Transit Corridor Map – ½ Mile Buffer
 - a) Buffer based on straight line measurement from corridor
 - b) Walkshed based on ½ mile walkshed from Bus Stops w/ zoning
 - c) Walkshed/Buffer comparison
 - d) Walkshed/Buffer comparison – w/ zoning in between the two areas
- 5) DLCD Summary of Parking Reforms for Oregon City
- 6) ORS 197.646 DLCD Notice to Metro Area Local Governments, Sept. 19, 2022

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.

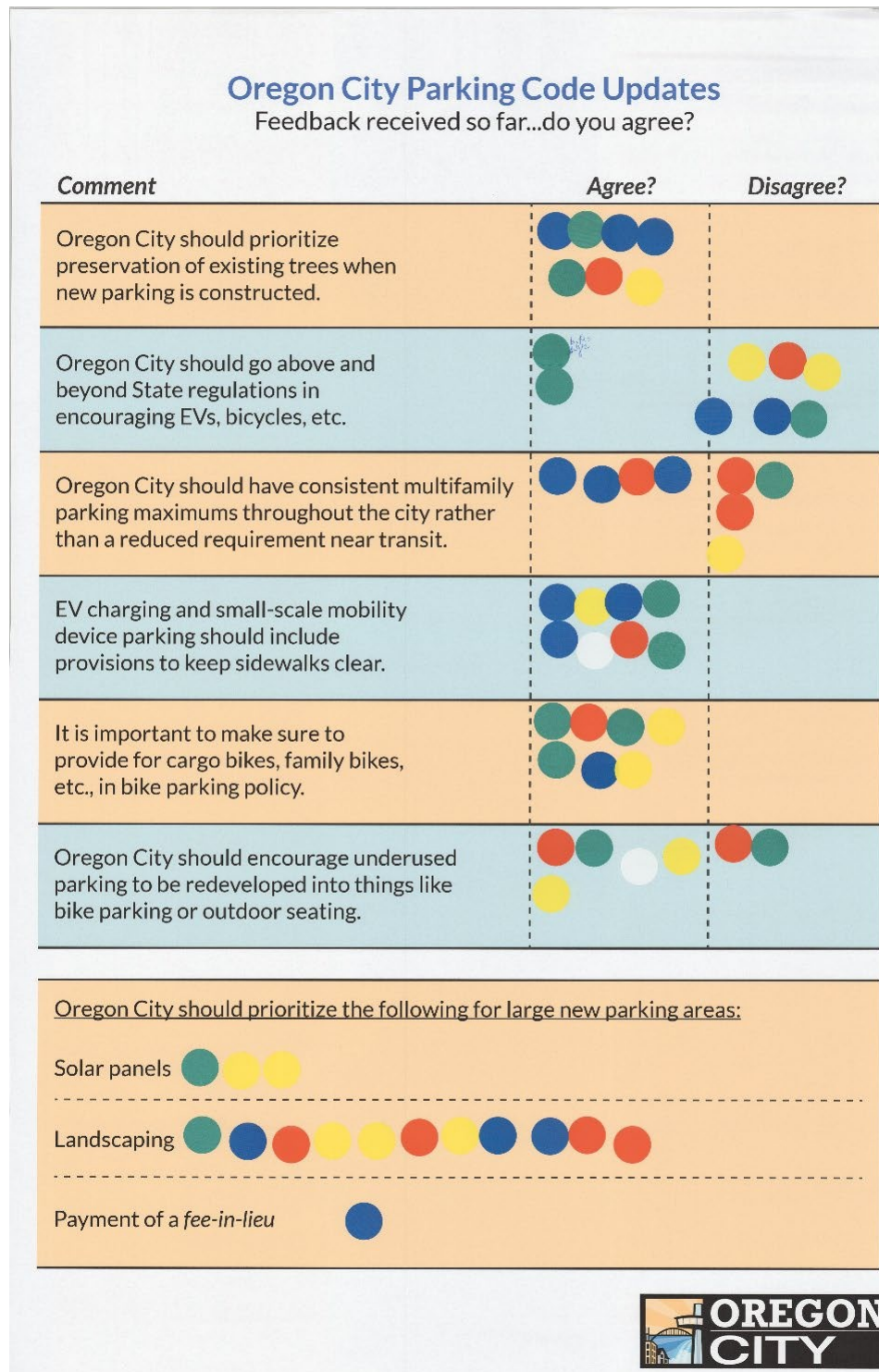


Figure 1: Poster from the *dot exercise* conducted for the public workshop, showing points of feedback received prior to the workshop and agreement or disagreement indicated by workshop attendees

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 DLCD 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*.

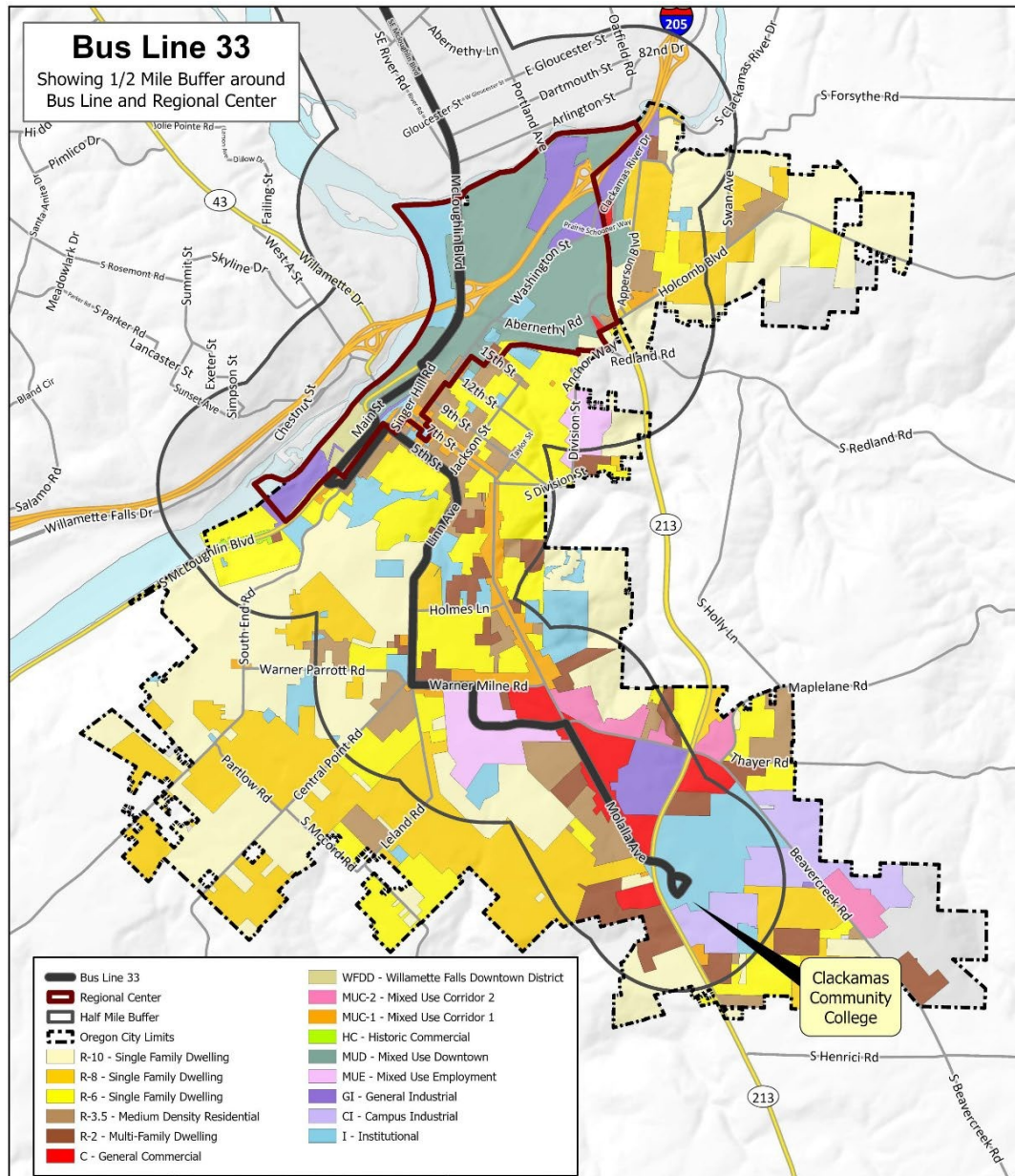


Figure 2: Areas within Oregon City that are disallowed from requiring parking per OAR 660-012-0435, -0440, and -0445

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.

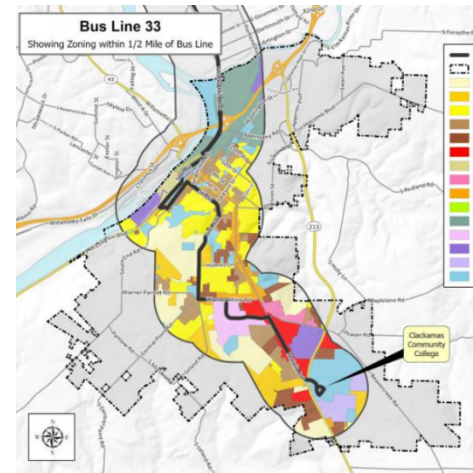
If you have any questions or would like additional information, please do not hesitate to contact us.

Summary of Parking Reforms for Oregon City

Phase 1: Owners, Builders Decide Parking Near Transit; No Mandates for Equity Uses

Applies to development applications submitted after December 31, 2022

- City may not enforce parking mandates within ½ mile of TriMet Line 33
- City may not enforce parking mandates for small housing units (<750 sq. ft), affordable housing units, child care, facilities for people with disabilities, domestic violence and emergency/transitional shelters
- City may not require more than 1 parking space/unit for residential developments with more than 1 unit



Phase 2: More Reform; Choose an Approach for Lands Outside Transit Corridors *implement by June 30, 2024*

Code must

- Provide preferential carpool/vanpool parking when >50 spaces
- Allow redevelopment of parking areas for bike or transit uses
- Allow and encourage redevelopment of underused parking
- Allow and facilitate shared parking
- Require new parking areas >½ acre to install 40% tree canopy OR solar panels OR pay a fee-in-lieu
- Require new parking areas of more than ½ acre to provide trees and pedestrian connections
- Have parking maximums within ½ mile of transit

City chooses one of three options for further reform:

Option 1	Options 2 and 3	
Repeal parking mandates no additional action needed	Reduced mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking. May not require garages/carports.	
	In Metro regional center: remove mandates in and near regional center <i>or</i> adopt parking benefit district/remove commercial mandates/reduce residential mandates to ½ space/unit or below.	
	Option 2, the above plus adopt at least two policies:	Option 3, the above plus adopt all these policies
	1. Charge for parking separate from residential rents 2. Charge for parking separate from commercial lease 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ space/unit mandated for multifamily development	No mandates for a variety of specific uses, schools, bars, small commercial buildings, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc. No additional parking for changes in use, redevelopments, expansions of over 30% No mandates within ½ mile walking distance of Metro regional center Designate on-street paid parking district or unbundle parking



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

September 19, 2022



TO: Metropolitan Area Local Governments

FROM: Brenda Ortigoza Bateman, Ph.D., Director

BOB

SUBJECT: ORS 197.646 notice on Climate-Friendly and Equitable Communities Rulemaking

Oregon Revised Statute (ORS) 197.646(2)(a) requires the Department of Land Conservation and Development to:

notify local governments when a new requirement in ... rules implementing the statutes or the goals requires changes to an acknowledged comprehensive plan, an acknowledged regional framework plan or land use regulations implementing either plan.

This memorandum serves as the required notice for the Climate-Friendly and Equitable Communities rulemaking adopted by the Land Conservation and Development Commission on July 21, 2022. The commission adopted amendments to administrative rules for Greenhouse Gas Reduction (OAR chapter 660, division 44), Housing (OAR chapter 660, division 8), and Transportation (OAR chapter 660, division 12). The amendments are intended to increase housing and transportation choices to cut climate pollution. They apply in Oregon's eight metropolitan areas, which include urban areas in the Portland Metro, Salem/Keizer, Albany, Corvallis, Bend, Eugene/Springfield, Middle Rogue (Grants Pass), and Rogue Valley (Central Point/Medford/Ashland) metropolitan planning areas. The amendments were published by the Oregon Secretary of State's Office on August 17, 2022; and became effective on that date. You are receiving this notice as a staff member for a local government subject to the amended rules.

We are dedicated to partnering with you to help implement these rules.

The amended rules may be viewed at the Secretary of State's website for Oregon Administrative Rules at this location:

[State of Oregon: State Archives - Oregon Administrative Rules \(OARs\).](#)

Additionally, the Department of Land Conservation and Development has developed the following web page with implementation resources and information:

<https://www.oregon.gov/lcd/CL/Pages/CFEC.aspx>

Other useful information may be found at the following links:

General information about the Climate-Friendly and Equitable Communities Rulemaking:

<https://www.oregon.gov/lcd/LAR/Pages/CFEC.aspx>

Summary of Rule Amendments from the July 21, 2022, Land Conservation and Development Commission packet:

[https://www.oregon.gov/lcd/Commission/Documents/2022-07_Item-3 CFEC Attachment-C Summary-of-Proposed-Amendments.pdf](https://www.oregon.gov/lcd/Commission/Documents/2022-07_Item-3_CFEC_Attachment-C_Summary-of-Proposed-Amendments.pdf)

For your convenience, we have attached a copy of our [implementation guide](#), which identifies the local governments within each of the eight regions and which requirements apply to each local government. If you have any questions about how the rules will apply for your jurisdiction, please contact department staff at the email address below:

DLCD.CFEC@dlcd.oregon.gov

Alternatively, feel free to reach out to team members individually if you have questions about implementation of specific sections of the rules.

Transportation Planning Rules; except for parking, electric vehicle charging, and climate friendly areas (OAR 660-012)

Bill Holmstrom, Land Use and Transportation Planning Coordinator, 971-375-5975, or bill.holmstrom@dlcd.oregon.gov

Greenhouse Gas Reduction Targets (OAR 660-044)

Cody Meyer, Land Use and Transportation Planner, 971-239-9475, or cody.meyer@dlcd.oregon.gov

Parking Reform and Electric Vehicle Charging (OAR 660-012-0400 through 660-012-0450)

Evan Manvel, Climate Mitigation Planner, 971-375-5979, or
evan.manvel@dlcd.oregon.gov

Climate Friendly Areas, Land Use Requirements, and Housing (OAR 660-012-0310 through 660-012-0330 and OAR 660-008)

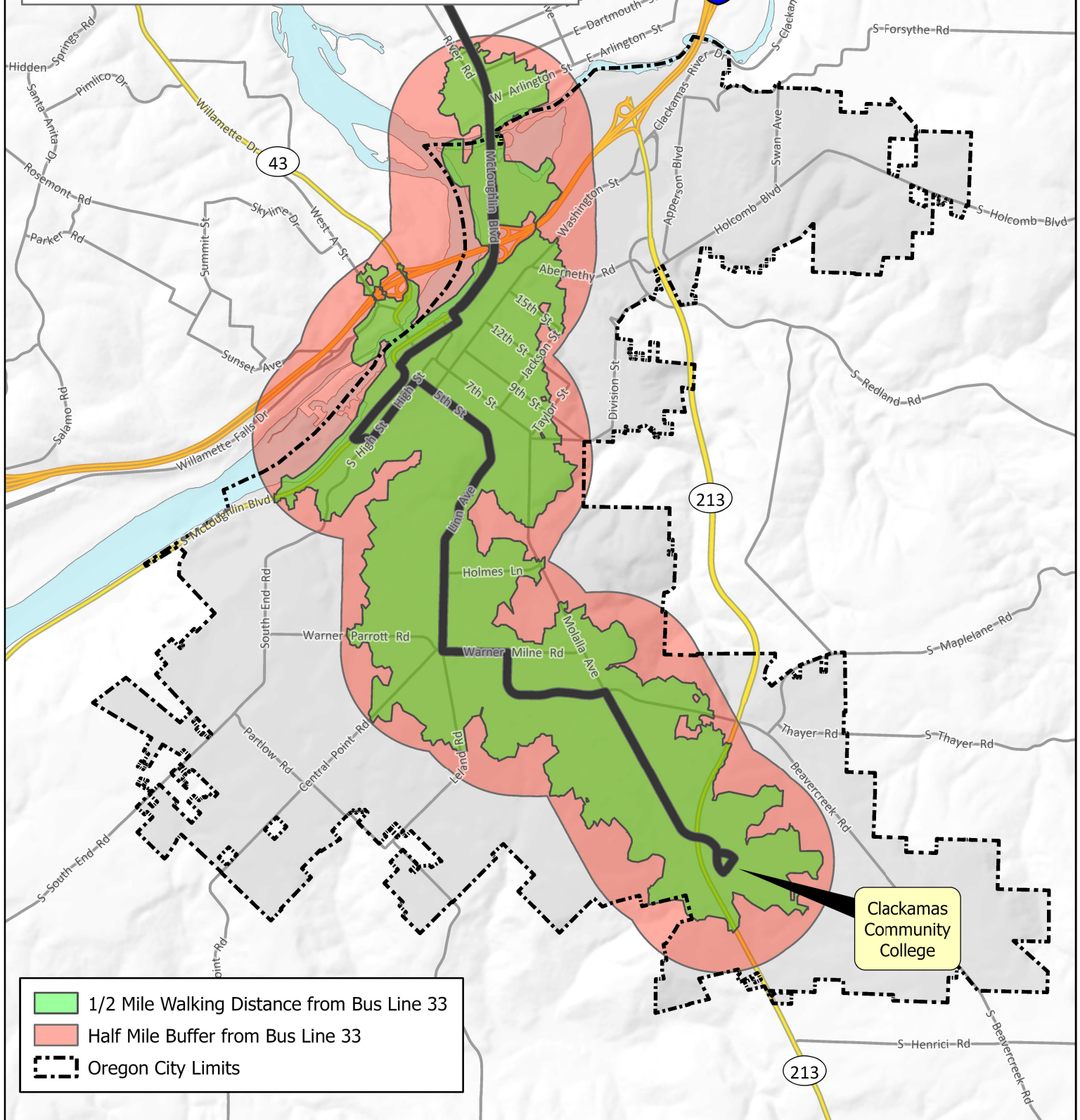
Kevin Young, Senior Urban Planner, 503-602-0238, or kevin.young@dlcd.oregon.gov

Thank you!

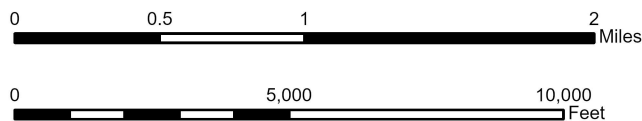
Attachment: [Climate-Friendly and Equitable Communities Implementation Guide](#)

CFEC Frequent Transit Corridor

A Comparison of 1/2 Mile Walking Distance
vs. 1/2 Mile Buffer from Bus Line 33



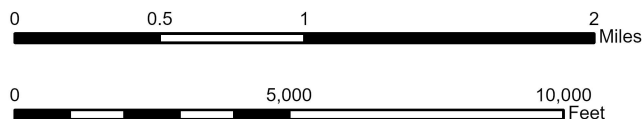
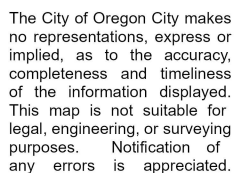
The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



City of Oregon City
P.O. Box 3040
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Oregon City, OR 97045
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www.ocity.org



Showing Zoning within 1/2 Mile
Walking Distance from Bus Line 33



City of Oregon City
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Plot date: 4/25/2025
Plot name: Bus Line 33 - Walkshed - 8.5x11P - 20250425.pdf
Map name: Climate Friendly Equitable Communities.aprx|Bus Line 33 - Walkshed - 8.5x11P



CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	May 21, 2025
From:	Matt Zook, Finance Director		

SUBJECT:

Item 8.b. - Resolution No. 25-10, Supplemental Budget for the 2023-25 Biennium

STAFF RECOMMENDATION:

Move to approve Resolution No. 25-10, A Resolution to Adopt a Supplemental Budget for the 2023-25 Biennium

EXECUTIVE SUMMARY:

The Mayor and City Commission adopted the 2023-25 Biennial Budget on June 7, 2023. Conditions not known at the time the budget was prepared have occurred that require changes in financial planning. Oregon Budget Law allows the City Commission to make budget adjustments by resolution. This public hearing was noticed in the Oregonian on May 16, 2025.

BACKGROUND:

Additional information on each adjustment is provided in "Exhibit A - Budget Adjustment Summary" attached to Resolution 25-10. The adjustments include:

- Increase Fleet additional costs for vehicle maintenance and fuel
- Increase Debt Service for FY25 interest payment
- Increase Parks Donations revenue and related program costs
- Increase General Government for city insurance costs
- Increase General Government for downtown restroom maintenance
- Increase General Government for street light maintenance

Increase General Government for Facility department building maintenance and Facility Master Plan

OPTIONS:

1. Approve Resolution No. 25-10, Supplemental Budget for the 2023-25 Biennium.
2. Approve Resolution No. 25-10, Supplemental Budget for the 2023-25 Biennium with Amendments.
3. Deny Resolution No. 25-10, Supplemental Budget for the 2023-25 Biennium and provide further direction.

BUDGET IMPACT:

Amount Information on each adjustment is provided in the Budget Adjustment

Summary attached to Resolution 25-10
Fiscal Year(s): 2023-25 Biennium
Funding Source(s): Various

RESOLUTION NO. 25-10

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET FOR THE 2023-25 BIENNIUM

WHEREAS, the City Commission adopted a budget for the 2023-25 Biennium and made appropriations by Resolution No. 23-12 on June 7, 2023; and

WHEREAS, ORS 294.338, ORS 294.463 and ORS 294.466 provide the legal basis for changes in appropriations, and ORS 294.471 and ORS 294.473 provide the legal basis for supplemental budgets, by Commission Resolution; and

WHEREAS, conditions not ascertained at the time the budget was prepared have occurred that require changes in financial planning, resulting in a change in appropriation; and

WHEREAS, the need now exists to transfer and appropriate funds for the purposes and in the amounts shown in the Budget Adjustment Summary as attached as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that the Budget Adjustment Summary as attached as Exhibit A be made a part hereof and authorized. This resolution shall take effect immediately upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of May 2025.

DENYSE C. MCGRIFF, Mayor

Attested to this 21st day of May 2025:

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney

Oregon City
Budget Adjustment Summary
2023 - 2025 Budget Adjustment 2

Description	Account	Original Budget	Increase	Decrease	Revised Budget
1) Increase Vehicle Maintenance Expense in Fleet Service Fund					
Fleet Fund					
Internal Service Charge Revenue	R 610-561-4580	\$ 1,022,800	\$ 100,000	\$ -	\$ 1,122,800
Vehicle Maintenance Expense	E 610-561-6134	\$ 350,000	\$ 85,000	\$ -	\$ 435,000
Gas/Diesel/Fuel	E 610-561-6402	\$ 400,000	\$ 30,000	\$ -	\$ 430,000
Tools & Parts	E 610-561-6436	\$ 124,000	\$ 15,000	\$ -	\$ 139,000
Contingency (Ending Fund Balance)	E 610-561-9998	\$ 37,800	\$ -	\$ 30,000	\$ 7,800
Transportation Fund					
Contingency (Ending Fund Balance)	E 260-526-9998	\$ 649,500	\$ -	\$ 5,000	\$ 644,500
Vehicle Maintenance Expense	E 260-526-6134	\$ 180,000	\$ 5,000	\$ -	\$ 185,000
Water Fund					
Contingency (Ending Fund Balance)	E 510-551-9998	\$ 1,693,300	\$ -	\$ 50,000	\$ 1,643,300
Vehicle Maintenance Expense	E 510-551-6134	\$ 70,000	\$ 50,000	\$ -	\$ 120,000
General Fund - Parks					
Beginning Cash Balance	R 100-190-4999	\$ 12,256,500	\$ 25,000	\$ -	\$ 12,281,500
Vehicle Maintenance Expense	E 100-310-6134	\$ 75,000	\$ 25,000	\$ -	\$ 100,000
General Fund - Police					
Beginning Cash Balance	R 100-190-4999	\$ 12,281,500	\$ 20,000	\$ -	\$ 12,301,500
Gas/Diesel/Fuel	E 100-210-6402	\$ 220,000	\$ 20,000	\$ -	\$ 240,000
2) Increase Current Year Bond Interest Payments for Debt Service					
Debt Service Fund					
Investment Earnings	R 420-900-4702	\$ 58,000	\$ 100	\$ -	\$ 58,100
LT Debt Pmt - Interest	E 420-900-8004	\$ 675,200	\$ 100	\$ -	\$ 675,300
3) Increase Revenue to recognize donation revenue					
Parks Donations Fund					
RV Dump Station Donations	R 290-310-4741	\$ 51,600	\$ 8,000	\$ -	\$ 59,600
Investment Earnings	R 290-310-4702	\$ -	\$ 14,000	\$ -	\$ 14,000
City Park Donation Expense	E 290-310-6655	\$ -	\$ 36,000	\$ -	\$ 36,000
Future Reserve- Parks	E 290-310-9999	\$ 221,673	\$ -	\$ 14,000	\$ 207,673
Investment Earnings	R 290-315-4702	\$ -	\$ 20,000		\$ 20,000
Equipment	E 290-315-7054	\$ -	\$ 20,000		\$ 20,000
Ermatinger Donations	R 290-316-4746	\$ 2,800	\$ 4,000		\$ 6,800
Programs	E 290-316-6638	\$ 1,000	\$ 4,000		\$ 5,000
Mt. View Cemetery Donations	R 290-311-4743	\$ -	\$ 38,000		\$ 38,000
Parks Improvements	E 290-311-7041	\$ -	\$ 38,000		\$ 38,000
4) General Fund to increase Expense for City Insurance					
General Fund					
Beginning Cash Balance	R 100-190-4999	\$ 12,301,500	\$ 130,000	\$ -	\$ 12,431,500
Insurance	E 100-190-6202	\$ 1,703,000	\$ 130,000	\$ -	\$ 1,833,000
5) General Fund to increase Expense for Downtown Bathroom Maintenance					
General Fund					
Beginning Cash Balance	R 100-190-4999	\$ 12,431,500	\$ 50,000	\$ -	\$ 12,481,500
Janitorial Services	E 100-190-6118	\$ 107,500	\$ 50,000	\$ -	\$ 157,500
6) General Fund to increase Expense for Street Light Maintenance					
General Fund					
Beginning Cash Balance	R 100-190-4999	\$ 12,481,500	\$ 125,000	\$ -	\$ 12,606,500
Street Light Maintenance	E 100-190-6144	\$ 850,000	\$ 125,000	\$ -	\$ 975,000
7) General Fund to increase Expense for Facility Building Maintenance					
General Fund					
Beginning Cash Balance	R 100-190-4999	\$ 12,606,500	\$ 40,000	\$ -	\$ 12,646,500
Building Maintenance	E 100-195-6122	\$ -	\$ 40,000	\$ -	\$ 40,000
8) General Fund to increase Expense for Facility Master Plan					
General Fund					
Beginning Cash Balance	R 100-190-4999	\$ 12,646,500	\$ 20,000	\$ -	\$ 12,666,500
Professional	E 100-195-6001	\$ 20,000	\$ 20,000	\$ -	\$ 40,000

Descriptions:

- 1) Oregon City's vehicles are serviced by the Fleet internal service fund. Vehicle maintenance expenses are higher than anticipated in the Fleet budget for this biennium, particularly for serviced fleet vehicles in the Water Fund. This adjustment recognizes additional internal service charge revenue to the Fleet Fund. This adjustment also transfers money from Contingency/Ending Fund Balance to appropriate the additional vehicle maintenance costs in the utility funds that incurred further expenses. This adjustment also increases General Fund Beginning Cash Balance to appropriate the additional vehicle maintenance costs in the Police and Parks departments, which incurred further expenses.
- 2) The City pays semi-annual interest payments for the Oregon Local Government Tax Pension Bonds PERS 2005. This requires that interest payments be accounted as debt service payments on long-term debt. This minor budget adjustment increases the City's interest payment scheduled for fiscal years 2025 to Debt Service.
- 3) The City's Parks Donations Fund is a Special Revenue Fund to account for the projects and programs that are funded from donations. This budget adjustment accounts for the unanticipated donation revenue received.
- 4) This budget adjustment increases the budget for Insurance. The cost for insurance have increased and this budget adjustment recognizes these additional costs for insurance.
- 5) This budget adjustment increases the budget for Janitorial expenses related to the new Downtown Restroom. The Downtown Restroom was completed during the current Biennium. Additionally, ongoing maintenance costs for janitorial, cleanup, damage, etc. are being completed by the DOCA contract, and this budget adjustment recognizes these expenses.
- 6) This budget adjustment increases the budget for Street Light Maintenance. The costs for Portland General Electric have increased and this budget adjustment recognizes these additional costs for street light maintenance.
- 7) This budget adjustment increases the budget for Facilities Building Maintenance. The Facilities Department was added during the Biennial Budget process and this budget adjustment recognizes general building maintenance expenses.
- 8) This budget adjustment increases the budget for Facilities Professional Services. The Facilities Department was added during the Biennial Budget process and this budget adjustment recognizes the carryforward of expenses for the Facility Master Plan.



CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	May 21, 2025
From:	Christina Robertson-Gardiner, Senior Planner Ann Griffin, Economic Development Coordinator		

SUBJECT:

Item 9.a. - Resolution No. 25-09, Thimble Creek Market Assessment and Development Scenarios

STAFF RECOMMENDATION:

Hear an update from the project champions and adopt the final report by resolution to close out the Metro Planning and Development grant.

EXECUTIVE SUMMARY:

Oregon City was awarded a Metro Planning and Development grant to further examine the barriers to industrial development in areas both in the Thimble Creek Concept Plan area and adjacent land west of Beaver Creek Road. This project is a joint effort between Community Development, Economic Development, and Public Works to further examine the obstacles to industrial development in this area and identify potential strategies to realizing the development of employment lands.

At the February 19, 2025, regular meeting, the City Commission received an update from staff and the project consultants. Staff is requesting the City Commission identify two champions to work alongside staff to provide recommended actions to the full City Commission. The Commissioners present decided to continue the discussion to a time when all Commissioners were in attendance and could discuss who would be the project champions.

At the March 5, 2025 City Commission meeting, the commission directed staff to return at a future meeting to adopt the document by resolution and chose Mayor McGriff and Commissioner Mitchell to serve as project champions.

Next Steps

It is important that the Thimble Creek Concept Plan fulfill, as closely as possible, its intended vision, that is to establish greater sharing of housing and employment opportunities with adjoining cities, thereby creating an interconnected metro area. For its part, Oregon City needs to strive for more local diversification in jobs, housing, and commerce that would allow more local residents to live and work in Oregon City.

The project champions will work with City staff on the following items and report back to the Commission at future Commission meetings for updates and request for further direction:

- Enhance communication with the full City Commission on the Champions' progress in becoming more acquainted with challenges impeding the Thimble Creek Concept Plan from fulfilling its intended mission.
- Work alongside staff to develop strategies to mitigate the various obstacles to the plan's successful implementation.
- Engage with staff, other institutional property owners, and individual property owners of larger tracts of land on property disposition.
- Work with staff to draft policy options, identify funding sources, and explore the potential of establishing public/private partnerships to mitigate challenges impacting the plan; and
- Provide recommendations to the full City Commission on further action steps.

BACKGROUND:

The Thimble Creek Concept Plan was first adopted in 2008 and updated in 2020 to provide clear and objective standards for housing. The goal of the concept plan was to create a complete and sustainable community that includes housing, retail, and a mixture of employment uses in roughly 450 acres. Although we have witnessed residential and institutional development in the Concept Plan area, potential industrial and other commercial projects that could support employment goals have not been realized. This project is intended to complete a market assessment and industrial readiness study for the employment focused subareas.

In March 2024, the City of Oregon City issued a Request for Proposals to conduct a market assessment and outline potential development scenarios that would ultimately result in new private sector investment and family-wage jobs in the Thimble Creek concept plan area. The City hired the team of Johnson Economics and Harper Hough Peterson and Righellis to complete the work. The funds to hire this consultant team were secured through a grant from the Metro regional government.

Together, city staff and the Johnson Economics team have conducted stakeholder engagement, completed an existing condition report and market analysis, conducted a code and process review, and finally completed a market assessment and recommendations for implementation.

Stakeholder Engagement

The consultant team interviewed city staff from Planning, Public Works, and Economic Development. Stakeholder interviews included property owners in the area, an industrial land broker, and the city's transportation consultant from DKS. The themes that emerged from these interviews include transportation and utility challenges, zoning impediments to marketability, development constraints like restrictive allowed uses and high parcelization.

Existing Conditions

The existing condition report looked at available buildable lands in 60 separate tax lots with

42 distinct owners. Those lands are constrained by powerline easements and environmental constraints. Transportation forecasts indicate the current roadway and intersection capacity is insufficient to handle the influx of vehicles of future growth. Water and sewer services are currently fragmented by service providers either the City or Clackamas River Water. Environmental constraints were studied including creeks, floodways, wetlands, and steep slopes.

A market analysis indicates that employment growth has been healthy and strong among industrial-space users on the local, regional, and state level over the past decade. Industrial space in the Portland-Salem region has seen demand outpace new production over the last decade.

Code and Process Review

This review found constraints for industrial development in the current zoning code. Such as strict outdoor storage limitations, sustainability requirements and associated costs, road network and freight movement, buffer zone and height restrictions, and limited flexibility in conditional uses.

The recommendations included clarifying conditional use requirements for industrial activities, allowing more flexible landscaping standards, reducing buffer zone requirements for non-residential adjacencies and providing flexible parking standards. Additional recommendations include streamlining approval for low-impact industrial developments and ensuring future code language is clear and objective.

Market Assessment and Recommendations for Implementation

The Thimble Creek Market Assessment report emphasizes the importance of employment-ready land to a community's prosperity. It provides the City of Oregon City with a critical roadmap to a more economically secure future, with increased investment in our community and the creation of family-wage jobs.

This report identifies why employment is important to a city, such as more jobs for local residents, greater opportunity for sustainable wage jobs, and helping to reduce lengthy commutes for local residents. Employment land can improve the tax base and fiscal health which improves city services for residents and businesses.

Policy considerations for the Commission to consider include financing public infrastructure, reviewing allowed uses and code standards, and providing development incentives.

OPTIONS:

Staff requested the City Commission to identify two Commissioners to be project Champions. No other decisions are needed tonight.

BUDGET IMPACT:

Amount	\$44,000
Fiscal Year(s):	2024-2025

Funding Source(s): Metro 2040 Planning and Development Grant

RESOLUTION NO. 25-09

A RESOLUTION adopting the Thimble Creek Industrial Land Readiness Strategic Plan

WHEREAS, Oregon City was awarded a Metro Planning and Development Grant to further examine the barriers to industrial development in areas both in the Thimble Creek Concept Plan area and adjacent land west of Beaver Creek Road; and

WHEREAS, this project is a joint effort between Community Development, Economic Development, and Public Works to further examine the obstacles to industrial development in this area and identify potential strategies to realize the development of employment lands; and

WHEREAS, it is important that the Thimble Creek Concept Plan fulfill, as closely as possible, its intended vision, that is to establish greater sharing of housing and employment opportunities with adjoining cities, thereby creating an interconnected metro area; and

WHEREAS, the Thimble Creek Industrial Land Readiness Strategic Plan emphasizes the importance of employment-ready land to a community's prosperity and provides the City of Oregon City with a roadmap to a more economically secure future, with increased investment in our community and the creation of family-wage jobs; and

WHEREAS, for its part, Oregon City strives for more local diversification in jobs, housing and commerce that would allow more local residents to live and work in Oregon City; and

WHEREAS, the Oregon City Commission appoints two City Commissioners to serve as "Commission Champions" to help enhance communication, work alongside staff in developing strategies to help mitigate the various Obstacles impacting the successful implementation of the plan and provide recommendations to the full City Commission on further action steps.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

1. The City of Oregon City adopts the *Thimble Creek Industrial Land Readiness Strategic Plan* as its own.
2. This adoption fulfills the remaining requirement of the Metro Planning and Development Grant
3. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of May 2025

DENYSE C. MCGRUFF
Mayor

Attested to this 21st day of May 2025

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

MEMORANDUM

Thimble Creek Market Assessment and Development Scenarios

Date: January 27, 2025

To: Ann Griffin
Economic Development Coordinator
City of Oregon City

From: Brendan Buckley, Johnson Economics
Thuy Cao, HHPR



**JOHNSON
ECONOMICS**



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
PHONE: 503.221.1131 www.hhpr.com FAX: 503.221.1171

Thimble Creek Market Assessment Project Recommendations for Implementation

I. Introduction

Oregon City is working with Johnson Economics and Harper Houf Peterson Righellis (HHPR) to complete a market assessment and industrial readiness study for the employment-focused subareas within the Thimble Creek Concept Plan Area (plan area). The project included an assessment of existing conditions in the plan area from both the market and planning perspectives, and a review of the Concept Plan, applicable zoning, and development code.

Since its original adoption in 2008, the Thimble Creek plan area has experienced residential development, but very little commercial or industrial development as envisioned in the plan. The aim of this project is to identify the likely factors that may be hindering the pace of development in the employment subareas of the Concept Plan.

The purpose of this report is to provide an overview of key findings from this analysis, and to make recommendations on potential next steps for policy makers to consider that will lead to increased investment in the area and the generation of more jobs in the long-term

II. Executive Summary

The following is a summary of key findings and recommendations of the project. These points are outlined in more detail in the following report.

- The goal of the Thimble Creek concept planning effort was to create a complete and sustainable mixed-use community in southeast Oregon City, along Beavercreek Road. The roughly 450-acre area is planned to include housing, retail, and a mixture of employment uses. The Plan was adopted in 2008 and updated in 2020.
- The employment-focused subareas of the Concept Plan area include a North Employment Campus focused on light industrial and research and development, and an office- and retail-focused Mixed Employment Village.
- The approach of the Concept Plan is to largely let private developers or employers driven by market forces build out the employment areas as envisioned, but this has not happened in the ensuing 16 years.
- Having a supply of development-ready employment land is important to a City for several reasons:
 - More jobs for local residents;
 - Greater opportunities for industries offering sustainable wage jobs;
 - Provide a complete community with mix of uses in the Concept Plan area and the City;
 - Support a healthy jobs-to-household balance in the city;
 - Improve the tax base and the city's fiscal balance;
 - Provide improved city services for residents and businesses.
- This analysis identified several factors that have impacted the pace of development in the Thimble Creek employment areas. These include:
 - **Public Infrastructure Costs:** Most of the area has not been provided with new infrastructure of relevant capacity since plan adoption. The high cost of building future street, water, and sewer infrastructure is identified as one of the key barriers to development of employment uses.
 - **Buildable Land and Land Assembly:** The study area includes an estimated 60 separate tax lots with 42 distinct owners. The area is also divided by wide powerline easements which restrict development. Most development sites will involve assembling multiple tax lots.
 - **No Large-Lot Employment Sites:** If sites are assembled from multiple tax lots it is estimated that the largest possible site would be roughly 21 acres, with the remainder being smaller sites. (However, land recently consolidated by Clackamas Community College does present the opportunity for nearly 40 acres of development.)

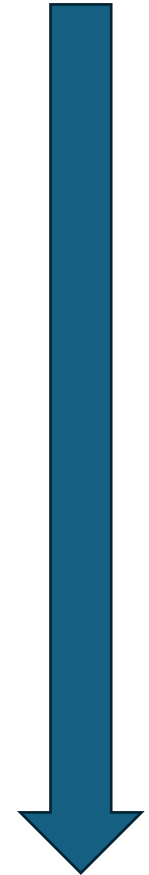
- **Transportation and Traffic:** Current plans are designed to accommodate the projected employment growth in Thimble Creek, but current facilities and intersections are under stress, and continued improvements will be costly.
- **Future Street Network:** The future street framework described in the Plan will further divide developable parcels. The need for an access road running parallel to Beavercreek Road at a diagonal through the Plan area will create more irregular sites and tax lot divisions.
- **Public and Private Utilities:** In general, the area is well served by sufficient utility capacity that can be extended into the area. This build-out does entail high costs as mentioned above. Areas under powerline easements may provide some opportunities for stormwater retention and wetland mitigation.
- **Permitted and Conditional Land Uses:** In keeping with the vision of an employment campus-like environment in the CI Zone, permitted uses include light manufacturing, research and development, laboratories, corporate headquarters, high tech development, and related uses. Many of these uses, such as high-tech manufacturing or corporate HQs are rarer and less frequent business recruitments. Common industrial development types in recent years such as multi-tenant flex space and warehouse and distribution are limited in the CI zone.
- **Development Code Standards:** The project included a review of zoning and development code standards that apply in the Thimble Creek area and CI zone. A few recommended changes to development standards are outlined in this report.
- **Development Incentives and Funding:** The Concept Plan area is included in the Oregon City Enterprise Zone program which offers incentives that are competitive with other industrial areas in the region. The plan area is not included in the Oregon City Urban Renewal Area (or TIF district). In recent years, TIF has become a more common tool for other cities in the region to fund infrastructure improvements to new industrial areas, to make sites accessible and development ready.
- More discussion of each of these factors is included in this report.

The final section of this report outlines some policy considerations to help address the development factors identified. The types of tools available to a local government range from continuing the status quo, to revising the Concept Plan and/or zoning code, to seeking sources of infrastructure funding and increased development incentives.

The following table presents a matrix of potential public action and the likely level of impact from each on the pace and character of development in the Thimble Creek plan area.

Policy Considerations: Level of Action and Level of Impact

Level of Effort and Investment	Description	Estimated Level of Impact
None	Market-driven change alone. Current zoning stays in effect. Higher costs of infrastructure fall on private developers.	Future development and investment will be largely residential. Little to no job generation. Minimum increase to tax base. Employment subareas will mostly remain in current state for indefinite period.
Minor/Incremental	Clarifications/modifications to development code. Address BPA restrictions.	Greater clarification for development community. Greater flexibility in land use and site design.
Moderate/High	Partner with CCC to attract research partners, future training opportunities.	Ability to influence and support CCC planning for newly acquired properties. ~ 40 acres west of Beaver Creek Road. Need to understand how skills training available on campus and future OSU Extension “Center of Excellence” connects with employer needs. Some uses envisioned in the Concept Plan may be a good fit for CCC priorities, such as skills training, research and development, and business incubation.
High	Public-private partnership to support infrastructure, land purchase, and assembly. Make the area “development ready” for private campus/job investment. Requires new funding sources.	City better able to attract new investment. Increases pace of infrastructure development that may never happen otherwise. Sets up work in conjunction with Business Oregon, other public sector partners to support recruitment efforts.



Contents

I.	Introduction	1
II.	Executive Summary	2
III.	Thimble Creek & Employment Lands: Overview	6
A.	History of the Thimble Creek Concept Plan Area & Goals	6
B.	Slow development of the Thimble Creek Employment Zones	7
C.	Why is Successful Employment Land Important to a City?	8
IV.	Factors Impacting Development	10
A.	The Thimble Creek Concept Plan Area – Competitive Position in the Region	10
B.	Factors Impacting Development of Thimble Creek Employment Area	10
V.	Policy Considerations	16
A.	Levers of Public Policy to Influence Development	16
B.	Public Infrastructure	16
C.	Permitted Land Uses	19
D.	Amendments to Code Standards	20

III. Thimble Creek & Employment Lands: Overview

A. History of the Thimble Creek Concept Plan Area & Goals

The Thimble Creek Concept Plan (Plan) was first adopted in 2008 (as the Beaver Creek Road Concept Plan) and updated in 2020 to provide clear and objective standards for housing, and update some of the transportation elements.

The goal of the concept planning effort was to create a complete and sustainable mixed-use community in southeast Oregon City, along Beaver Creek Road. The roughly 450-acre area is planned to include housing, retail, and a mixture of employment uses.

Figure 1.1: Thimble Creek Concept Plan Area, and Land Use Subdistricts

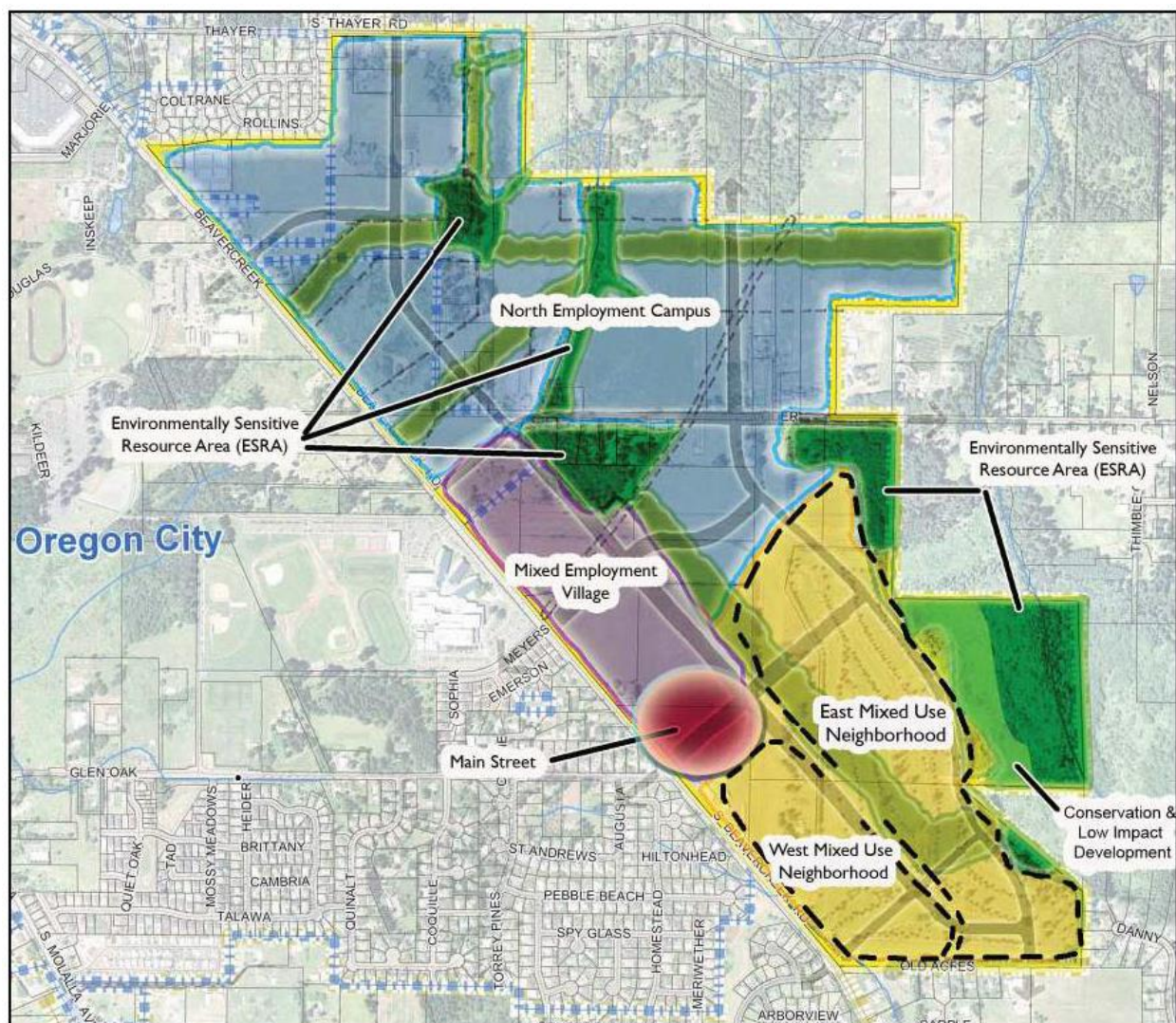


Figure 8 - Land Use Sub-districts

Source: Thimble Creek Concept Plan, City of Oregon City, 2020

The Thimble Creek Concept Plan includes a number of goals related to creating a “Complete and Sustainable Community” within the plan area, including housing, employment, and daily services in close proximity. The employment subareas serve an important function both within the plan area, and for the city and regionally. The Plan emphasizes the need to attract sustainable industries that offer living wage jobs, capable of supporting households to live in the area and afford the local cost of living.

The Concept Plan goals most related to the economy and development of the employment subarea are:

- Create a complete and sustainable community, in conjunction with the adjacent land uses, which integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center;
- Be a model of sustainable design, development practices, planning, and innovative thinking;
- Attract “green” jobs that pay a living wage;
- Maximize opportunities for sustainable industries that serve markets beyond the Portland region and are compatible with the site’s unique characteristics; ...
- Promote connections and relationships with Oregon City High School and Clackamas Community College.¹

The **North Employment Campus** subarea emphasizes light industrial, R&D, and corporate headquarters. Connections to Clackamas Community College (CCC) are encouraged. There is an emphasis on businesses making sustainable products and using sustainable services.

The **Mixed Employment Village** is intended to be transit supportive and allow a mix of office, retail, civic and residential uses. Pedestrian amenities and green development are encouraged, along with possible connections to CCC and Oregon City High School.

B. Slow development of the Thimble Creek Employment Zones

As of 2024, the Plan Area has seen some new, mostly residential development in some of the land use sub-areas (Figure 1.1), particularly the residential areas at the southern end of the plan area, while the employment-focused district at the north end of the plan area has not yet seen new investment and job growth as envisioned in the Plan, other than the development of a County facility.

The approach of the Concept Plan is to largely let private developers or employers driven by market forces build out the employment areas as envisioned, but this has not happened in the ensuing 16 years. The focus of this project is to study the Thimble Creek employment area to help identify barriers, challenges, and opportunities that have impacted the pace of industrial and commercial development.

¹ Thimble Creek Concept Plan, City of Oregon City, 2020, Pg. 7-8.

C. Why is Successful Employment Land Important to a City?

Cities are generally zoned for a mix of land uses that include housing, retail, office, industry, institutions (colleges or hospitals), public space, and many other uses. A complete city allows residents to meet a wide range of their needs locally, including employment.

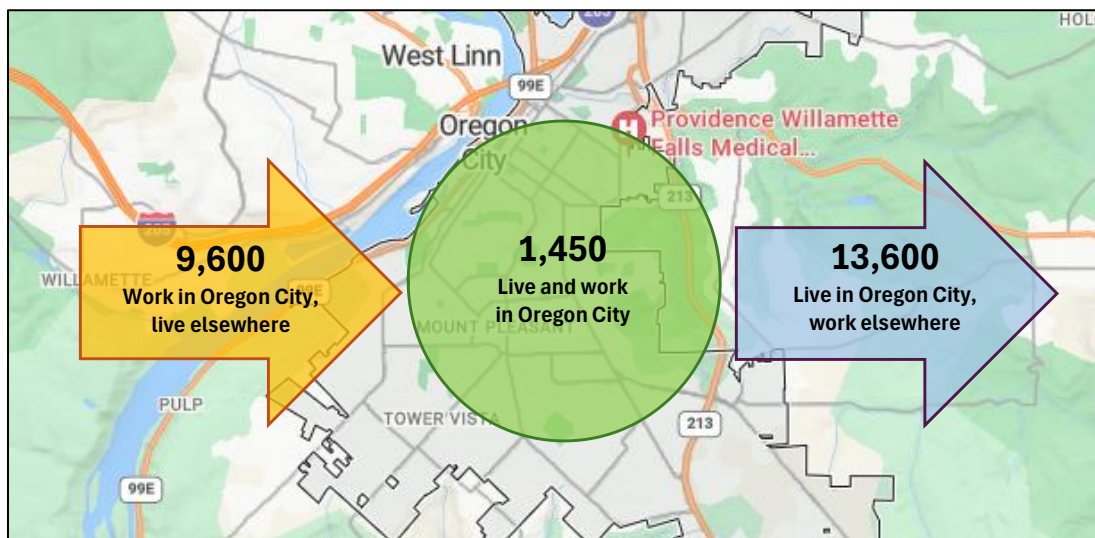
Though being in an interconnected metro area with adjoining cities may allow for some greater sharing of housing and employment, it is still generally considered important for a city to strive for local diversification and to be as “complete” as possible.

Some benefits of planned employment areas such as Thimble Creek include:

- **More jobs for local residents** at a full range of skill and income levels. A diversified employment market allows residents to live and work in town through different stages of their career cycle. Part-time or lower-skilled jobs are appropriate for some workers and essential to the local service sector and other parts of the economy. However, more skilled or educated workers may see limited opportunities locally causing residents to leave or not settle in the community in the first place. A full range of employment allows residents and their children to remain in the community.

As Figure 1.2 shows, the Census estimates that roughly 90% of employed Oregon City residents work outside of the community.

Figure 1.2: Commuting Trends, Oregon City



Source: Census Longitudinal Employer-Household Dynamics, 2022 data

- **Greater opportunities for sustainable wage jobs** that support a household’s cost of living and match local housing prices. On average, the types of jobs located at an industrial employment campus environment, as opposed to retail development, are more likely to provide higher wages.

- The mixed-use concept plan area is designed to **provide a complete community within the plan area itself, with housing, jobs, and shopping** all within walking or biking distance from each other. This reduces car trips and congestion and meets the sustainability goals of the area.
- Beyond the plan area, a city where residents can live and work in close proximity also **helps reduce traffic congestion and lengthy commutes for local residents**. The average commute time for an employed Oregon City resident is 27 minutes according to the Census.
- The **jobs-to-household balance** is an imprecise measure but can help a community visualize the availability of local jobs for local residents. In the Metro area this can be a gauge of how much a community functions largely as a “bedroom community” for those working elsewhere. Figure 1.2 shows the local jobs to local household ratio in Oregon City vs. other Metro area cities, based on the most recent Metro estimates prepared for the 2024 Urban Growth Report.

Figure 1.3: Jobs-to-Household Ratio, Metro Cities (2020)

City	Jobs/HH Ratio	City	Jobs/HH Ratio
Oregon City	1.3	Tigard	2.1
West Linn	0.5	Beaverton	1.6
Happy Valley	1.1	Hillsboro	2.0
Tualatin	3.1	Portland	1.7
Wilsonville	2.1	Metro Average	1.6

Source: Metro 2045 Distributed Forecast

Oregon City has a ratio of 1.3 jobs for each local household. This compares to a ratio of 1.6 Metro-wide. Employment centers such as Tualatin, Wilsonville, and Tigard have ratios above 2.0 jobs per household. Nearby bedroom communities which as West Linn, Happy Valley, and Lake Oswego have a lower ratio, but also have a higher property tax base due to higher average housing prices and property values.

The data shown in Figure 1.2 indicates that the number of available local jobs is roughly 70% the number of employed residents.

- **Improved tax base and fiscal health.** In any community, additional housing and residents tend to consume more in local government services than they contribute to residential property taxes, while non-residential land users are net contributors to local revenues, consuming less local government services than they pay in local taxes. A community with an imbalance of too much housing and not enough taxable commercial uses, can face fiscal challenges in providing the necessary services its residents and businesses expect. To compound this issue, Oregon City also features some major land users that are non-taxable such as college, government, and faith-based organizations. These types of uses are valuable

to the community but can often use large tracts of available non-residential land without contributing to the tax base.

- Improved fiscal health supports **improved city services for residents and businesses**. Employment land users in a city help build the tax base and fund services for the whole community, while improving the economy overall through increased income, local spending, and civic involvement.

IV. Factors Impacting Development

A. The Thimble Creek Concept Plan Area – Competitive Position in the Region

The Thimble Creek Concept Plan Area (plan area) is one of many comparable master planned communities and employment areas planned around the Metro area over the last two decades. Each area is unique, with its own advantages and competitive disadvantages.

This study identified some factors that may challenge the development of employment uses in Thimble Creek (outlined below). However, none of these factors are unique to Thimble Creek. In other words, there is no inherent disadvantage that prevents the plan area from building out that hasn't been faced by other employment areas in the region.

Commercial and industrial real estate brokers have expressed interest in this area, and do not see location or distance from the freeway as major barriers to viability. There is a high demand for buildable industrial sites across the region. Opportunities are in short supply and where land is available and serviced by infrastructure, there will likely be interest.

So, what remaining factors might be responsible for the slow rate of development in the concept plan area?

B. Factors Impacting Development of Thimble Creek Employment Area

The following is a summary of some factors that have and will continue to impact the viability and pace of development of the employment zones in the plan area. Not all of these factors carry equal weight, and not all are things that can be impacted through City policy.

1. **Public Infrastructure Costs:** The high cost of building future street, water, and sewer infrastructure is identified as one of the key barriers to the development of employment uses in the plan area. The area will require future streets to access and utilities to serve new users, particularly on “interior” sites without access to Beaver Creek Road.

Industrial real estate is generally one of the lower-value land classifications, relative to residential or retail land. While residential land may be able to incorporate the costs of building off-site public improvements to serve the development, it is more difficult for

industrial users to pay for extensive public improvements without making the project financially infeasible.

The Concept Plan included estimates of the cost of building the future infrastructure in the plan area at the time the plan was written. Those costs have risen an estimated 120% in the meantime, based on inflation (Figure 2.1). There are a variety of options available to pay for public infrastructure, but this will likely remain a barrier to market viability until a more detailed funding plan is identified (see following section of this report).

Figure 2.1: Thimble Creek Concept Plan, Estimated Infrastructure Costs

Category	Concept Plan Estimates	Construction Costs Inflation	2025 Cost Estimate	% of Total
Street Improvements	\$61,000,000 (2008 dollars)	107.1%	\$126,300,000	55%
Intersecton Improvements	\$5,250,000 (2008 dollars)	107.1%	\$10,900,000	5%
Stormwater Improvements	\$19,000,000 (2008 dollars)	107.1%	\$39,300,000	17%
Water Network (backbone)	\$5,400,000 (2003 dollars)	176.6%	\$14,900,000	7%
Cap improve extensions:	\$6,900,000 (2003 dollars)	176.6%	\$19,100,000	8%
Sanitary Sewer Improvements	\$4,400,000 (2003 dollars)	176.6%	\$12,200,000	5%
Cap improve extensions:	\$2,300,000 (2003 dollars)	176.6%	\$6,400,000	3%
TOTAL:	\$104,250,000	119.8%	\$229,100,000	100%

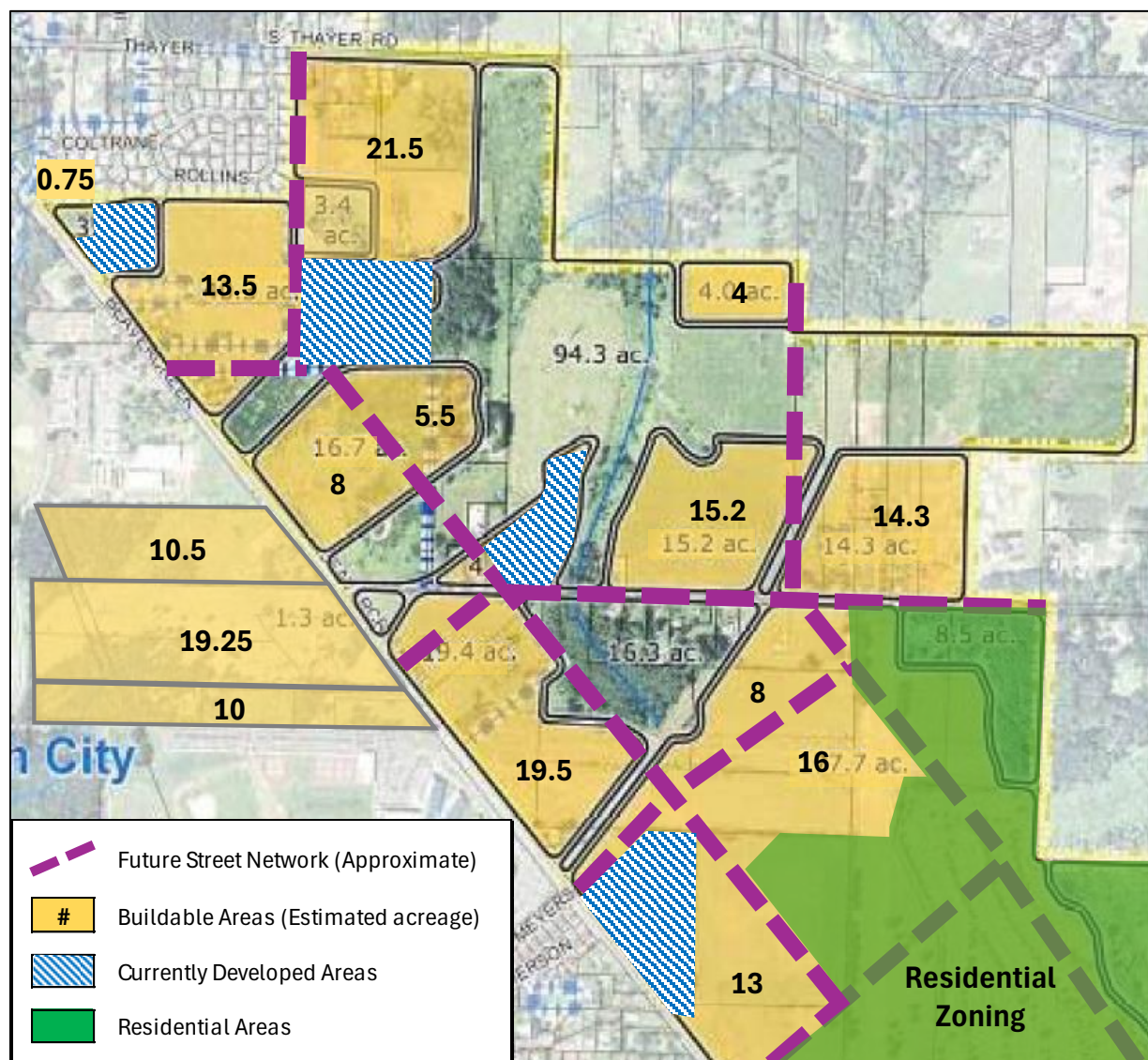
Source: Thimble Creek Concept Plan, RLB, Johnson Economics

2. **Buildable Land:** The plan area has a number of aspects that divide the available land into smaller buildable parcels. These include 60 separate tax lots with 42 distinct owners. The area is divided by powerline easements which restrict development and will greatly reduce the available land. In addition, environmental constraints and some parcels that are already developed, further constrict future development potential.

There is an estimated total of roughly 181 acres estimated in 15 different buildable areas (Figure 2.2, next page). Nearly all these buildable areas would entail assemblage of multiple tax lots to achieve the acreage estimated here. The assembly of larger development sites, often involving multiple owners who may have differing goals and timelines, will present an ongoing challenge to development in the study area.

3. **No Large-Lot Employment Sites:** The largest contiguous potential site is 21.5 acres, with the remainder being less than 20 acres. There are no contiguous large-lot industrial sites available in the study area. Large industrial sites have been identified as a need statewide and can be in higher demand due to scarcity. However, the small-to-mid sized sites that are available can still be attractive to employers of the right size and type.

Figure 2.2: Thimble Creek Concept Plan Area, Rough Buildable Areas & Acreage



Source: Thimble Creek Concept Plan, Johnson Economics

4. **Transportation and Traffic:** According to the Metro travel demand model, Beavercreek Road is expected to see significant traffic increases due to connections with major residential and/or employment growth areas in the City to the regional roadway network. Forecasts indicate that the current roadway and intersection capacity is insufficient to handle the influx of vehicles and will require improvements.

Developers are likely to face challenges related to the high costs of street and traffic management improvements required to accommodate additional demand and increased traffic. If the full burden of infrastructure improvements falls on developers, this could impact the economic viability of industrial uses in the area.

5. **Future Street Network:** The Plan outlines a comprehensive transportation strategy designed to support a mixed-use community that prioritizes internal trip-making, multimodal transportation, and sustainable infrastructure. The future street framework described in the Plan is expected to help accommodate some of the future traffic volume and alleviate congestion caused by additional growth.

The exact alignment of the future streets is flexible and currently depends on the sequence of development, with initial projects able to propose future street alignments that will bind subsequent developments. The future street plan calls for a street that runs parallel to Beaver Creek Road to serve as an access road and alleviate traffic on the main arterial. This street will create some irregular tax lot and buildable site shapes as currently found along Beaver Creek Road.

6. **Water/Sewer:** The current water supply system is fragmented, with some properties served by the city and others by Clackamas River Water (CRW). New infrastructure will be needed to serve the study area as it builds out. The City's Water Master Plan outlines planned improvements including increased pump station capacity, and pipeline project between Thayer Rd. and Beaver Creek Rd.

As with the extension of street infrastructure, the extension of public utilities has high estimated costs, and the division of the cost burden will impact the viability of private development in the area.

7. **Stormwater:** The Thimble Creek stormwater infrastructure plan is centered around the principles of low-impact development to manage stormwater in a way that closely mimics natural hydrological processes. Challenges include soils with low infiltration rates, capacity of green streets to handle extreme storm events, funding for implementation and maintenance. However, a significant portion of the study area under powerline easements may offer an opportunity for stormwater mitigation in these easements where little other development is allowed.

8. **Private Utilities:** The immediate vicinity of the plan area is served by ample power, gas, and internet service to meet the needs of the plan area as it develops. No significant hurdles were identified in building out the internal network of these services.

9. **Employment & Job Density Targets:** During the planning process, discussion around the employment subareas factored employment goals of Oregon City, Metro and the Citizen Advisory Committee (CAC). The goals call for the plan area to house thousands of new jobs providing sustainable wages (alternatively referred to as "family" or "living" wages.)

The employment forecast is in keeping with Metro findings at the time the area was included in the UGB and estimates in the Metro Urban Growth Report for the relevant Transportation Analysis Zones (TAZ).

The forecast calls for an estimated 5,000 new jobs created in the area upon build-out, with nearly 75% of these jobs to be found in the North Employment Campus subarea. An additional 22% are forecast for the mixed employment village (Figure 2.3).

Figure 2.3: Thimble Creek Concept Plan Employment Forecast (2020)

Land Use Category	Gross Acres	Net Acres	FAR/ Acre	SF/ Job	# of Jobs	% of Jobs
North Employment Campus	149	127	0.3	450	3,678	73%
Mixed Employment Village	26	21	0.44	350	1,139	22%
Main Street	10	8	0.44	350	219	4%
Employment Areas Totals:	185	156			5,036	99%
Mixed Use Neighborhoods	77	62			36	1%
All Areas Totals:	262	218			5,072	100%

Source: Thimble Creek Concept Plan, pg. 42. See Plan for methodology and assumptions.

This is an estimate of employment capacity based on the carrying capacity of the land with the proper zoning designations. It is not a demand-side projection of likely jobs growth, nor does it reflect other market conditions that may help, or hamper development as discussed in this report.

These employment targets are the result of fairly aggressive job density assumptions applied to the study area. The assumed floor area ratio (i.e. FAR or building coverage) is somewhat high for a suburban employment campus location, the average square footage per employee reflects more urban job densities.

While the City is not officially bound by these employment targets, they are reflected in the Concept Plan, both in the general vision adopted for the North Employment Campus subarea, and in the adopted Thimble Creek Campus Industrial (CI) zoning and development standards (see next section).

10. Permitted & Conditional Land Uses: The Plan's vision for the employment areas, and the job creation expectations discussed above, informed the allowed land uses in the CI zone. In keeping with the vision of an employment campus-like environment, permitted uses include light manufacturing, research and development, laboratories, corporate headquarters, high tech development, and related uses. Retail, professional office, and warehousing/distribution are limited in size and meant to be accessory uses to one of the main permitted uses.

Many of the permitted employer types, such as high-tech manufacturers, or corporate headquarters, are rarer and less frequent recruitments. While in recent years, the most common industrial development type based on market demand has been multi-tenant flex industrial developments and warehouse/logistics/distribution uses, which are limited in size in the CI zone and must be associated with a different primary use.

The CI zone is designed to limit the permitted types of users in the area to those that closely match the vision of a high-tech industrial campus. This approach has created a waiting game for the arrival of higher-value but lower-probability employers, while it may

be preventing some types of typical industrial development that have stronger market demand. Greater flexibility in permitted and conditional uses may improve the pace of development in the plan area (see next section).

11. Development Code Standards: This project included the review of zoning and development code standards that apply in the Thimble Creek area and CI zone. In addition to the permitted land use discussed above, several issues were identified that might impact development viability:

- a. **Strict outdoor storage limitations.** Outdoor storage is limited to 25% of the net developable area, which can pose significant constraints for industries requiring large storage spaces, such as manufacturing, construction, or distribution. This restriction could make the area less viable for industries with substantial storage needs.
- b. **Buffer zone and height restrictions.** The CI District enforces strict buffer zones for industrial uses abutting residential or commercial zones, as well as additional buffers for buildings over 45 feet. These setbacks may create restrictions on land use for industries that could benefit from vertical expansion or require more site coverage.
- c. **Sustainability requirements and associated costs.** Developments within the Thimble Creek Concept Plan area are required to incorporate six out of eight options for sustainability features, such as eco-roofs, permeable paving, and EV (electric vehicle) charging stations. Mandatory requirements to meet sustainability features could increase upfront development costs and complexity of projects that create financial challenges for industrial businesses.

12. Development Incentives: The Concept Plan area is currently included in the Oregon City Enterprise Zone program which offers tax incentives to new businesses that meet the criteria for job creation and wage levels. This incentive is competitive with other industrial areas in the region.

The plan area is not currently included in Oregon City's Tax Increment Finance (TIF, or Urban Renewal) district. This is one form of funding that other cities have used to help build the public infrastructure in employment areas, to serve properties and make them development ready. TIF funds can also be used for other types of development incentives on a project-by-project basis.

V. Policy Considerations

A. Levers of Public Policy to Influence Development

Not all of the factors discussed above can be impacted by public policy. Most notably, real estate and industrial market cycles, land costs and interest rates, fragmented property ownership, owner willingness to sell, and constraints like the extensive power line easements and some environmental features will be mostly beyond the ability of the City to influence.

In considering how to positively impact the pace and character of development of the employment subareas, policy makers have some levers of control. These levers are summarized here for reference, though not all of these are recommended based on the findings of this project:

- **The Concept Plan:** Public policy can impact the elements of the Concept Plan itself, for instance via updating or amending the Plan's major elements such as the vision, goals, transportation, utilities, or open space frameworks. Updating the plan is not strictly necessary to make changes that can be made directly in the Municipal Code.
- **The Zoning Code:** Policy makers can adopt new standards or land use permissions in the zoning code to address some of the factors identified in the prior section. Similarly, policy makers can consider adjusting the boundaries of the zones themselves, rezoning some properties or areas.
- **Public Infrastructure:** The City can prioritize the provision of public infrastructure such as transportation, water, sewer, open space, and other public goods to help make the area development ready.
- **Development Incentives:** The City can create or modify development incentives and/or funding sources to help build infrastructure or incentivize projects that meet public goals. The City can also ensure that the planning and permitting process is time and cost efficient, with good communication of expectations to provide certainty to developers.

This is a brief overview of public policy levers that exist for facilitating development in general. The following section provides recommended policy priorities for the employment subareas of the Thimble Creek plan area based on the findings of this project. These have been identified as the most important factors impacting the pace of development that are subject to changes of public policy.

B. Public Infrastructure

The high cost of building future street, water, and sewer infrastructure is identified as one of the greatest barriers to the development of employment uses in the plan area. The area will require future streets to access and utilities to serve new users, particularly on “interior” sites without access to Beaver Creek Road.

As noted, the cost estimates included in the Concept Plan for the whole infrastructure framework are estimated to have grown by at least 120% due to inflation to well over \$200M.

Developers are likely to be challenged by the high costs of public infrastructure improvements required to accommodate additional demand and increased traffic. If the full burden of infrastructure improvements falls on developers, this will likely render some industrial development in the area financially infeasible.

There are examples of other employment areas in the region that have faced this challenge. The most proactive approach is to seek sources of funding to help build infrastructure improvements early in the build out of the plan area. The infrastructure helps enable the successful development of the remainder of the employment area.

Given the high estimated cost of full build-out, an infrastructure strategy will prioritize, and sequence build out for the greatest impact. Potential funding sources include:

- 1. Tax Increment Financing (TIF, or Urban Renewal):** A TIF district is able to borrow against future property tax revenues in the district, in order to carry out projects in the adopted Plan. The tax revenues for the taxing jurisdictions remain at current levels, while the revenue from any property value appreciation after adoption (the new “tax increment”) goes to repaying bonds. Once the borrowed funds are repaid, the growth in property tax revenue from the new industrial development would flow back to the taxing jurisdictions. The idea is that without the public projects undertaken through the TIF district to help enable the property development and investment would, the growth would not otherwise happen, and tax revenue would remain little changed.

There are multiple examples of communities in the region using TIF districts to help fund infrastructure specifically in employment areas, which have responded with new development and investment. These include the North Hillsboro Industrial Renewal Area (2015, 2023), the Tualatin Leveton Tax Increment District (2021), and the Wilsonville Coffee Creek Urban Renewal Area (2016), and the Sherwood 2021 Urban Renewal Plan which covers the Tonquin Employment Area. All of these TIF plans were adopted with the goal of paying for infrastructure improvements within an underdeveloped employment area to make sites development ready. The property value of the new growth helps to pay for the public investment over time.

The adoption of a new TIF district is a planning process that typically includes the preparation of a district feasibility study, followed by the preparation of a TIF Plan and supporting Report that are adopted by the City Council. Statute allows a city the size of Oregon City to include a total of up to 25% of its land area, and 25% of its total assessed value in its combined TIF districts.

- 2. Local Improvement District:** Improvement districts assign all or a portion of the cost of infrastructure improvements to the properties that will directly benefit from them. These costs to property owners are in addition to the standard assessed property taxes but typically

substitute for SDCs. A local improvement district (LID) is a method for a group of property owners to pay for improvements that will provide collective benefits to them all. Oregon law authorizes local governments to establish LID's, and they are common in Oregon.

The South Hillsboro neighborhood is an example of a large, mostly residential, expansion area that used an LID to help finance improvements to open the area for development (2016). Property owners, including large land developers, were given the option to join the LID, paying an assessment at once, or over a set number of years. Property owners who opted not to join the LID would pay transportation SDCs at the eventual time of development of their property.

One challenge in utilizing a LID is that the cost of system development is ultimately borne by the property owners in addition to standard assessed property taxes. While it may be logical for the property owners to pay for improvements that will directly benefit them, it can nonetheless hamper future development in an area by adding burdensome costs prior to achieving the proposed development.

The cost of the LID is typically assessed immediately, and a lien placed on the impacted properties, though payments may be city-financed and paid off over time. This mechanism is likely to be burdensome to current landowners if they do not have an immediate buyer/future developer identified.

This funding method is unlikely to be a good approach to the Thimble Creek area and is not recommended here. The high-cost burden of the future infrastructure, combined with the lower relative value of industrial land, and the large areas of unbuildable land due to easements and environmental constraints, mean that the LID assessments would likely not be economically viable for property owners or new buyers. The South Hillsboro plan area included more high-value land uses and fewer unbuildable lands.

- 3. State Loans and Grants:** The State, via Business Oregon offers some grant programs meant to help communities finance infrastructure projects that facilitate business expansion and job growth. The main tool is the Special Public Works Fund which provides cities with loans of up to \$10M with favorable terms for “capital improvement (acquisition, preliminary and final design, & engineering) or planning projects (technical and financial feasibility studies) that assist in developing industrial lands, supporting an immediate job creation/retention/expansion opportunity, or replacement of essential community facilities.” Though modest in size compared to the total project list in Thimble Creek, this loan could be used to complete one or more key first projects to help unlock some development. The State also offers other programs to assist with industrial site readiness, technical and planning assistance, brownfield clean up, and water projects.

Metro administers various transportation funds for the region, including Federal funding sources such as the Surface Transportation Block Grant and Congestion Mitigation/Air Quality programs. Metro offers this funding through its Regional Flexible Funds three-year grant cycle.

C. Permitted Land Uses

Another obstacle to rapid development in the study area has been the rigidity of the land uses permitted outright, conditionally, or prohibited by the development code. The code is designed to encourage the type of high-tech employment campus envisioned in the plan by largely restricting uses that aren't seen as compatible with that development pattern. Uses permitted outright in the CI zone include:

- A. Experimental or testing laboratories;
- B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- C. Public and/or private educational or training facilities;
- D. Corporate or government headquarters or regional offices with fifty or more employees;
- E. Computer component assembly plants;
- F. Information and data processing centers;
- G. Software and hardware development;
- H. Engineering, architectural and surveying services;
- I. Non-commercial, educational, scientific and research organizations;
- J. Research and development activities;
- K. Industrial and professional equipment and supply stores, which may include service and repair of the same...;

- Chapter 17.37.020

Retail and office uses are generally restricted to accessory or secondary uses to one of the permitted units listed above. Warehousing and distribution uses are allowed in the general CI zone, but in Thimble Creek must be an accessory use, and may be no more than 50% of the total floor area. Independent standalone warehousing and distribution businesses are not allowed in Thimble Creek. Outdoor storage is limited to 25% of the net buildable area, which further limits the viability of some common users of industrial space such as construction companies.

Two examples of industrial zones that faced similar challenges of slow pace of development were the Employment Industrial zone in Sherwood, and the Manufacturing Park zone in Tualatin. In both cases, these zones were envisioned as similar high-tech, high wage employment areas with a campus-like feel that limited some traditional industrial users. The envisioned users were things like advanced manufacturing, software and hardware developers, clean technology, outdoor and active gear. In both cases, the zones have been reassessed based on slow development and perceived barriers to interested businesses.

After the initial adoption of the Tonquin Employment Area (TEA) and the accompanying Employment Industrial (EI) zone in Sherwood, there was little development activity or interest in the ensuing years. The perception and feedback were that the zone as written was too limited in allowed uses and development standards. In response, the zone was amended in 2016 to encourage more mid-sized

manufacturing and flex space. The amendment was intended to make the zone more flexible, including more such uses as warehousing and distribution and reducing restrictions on others. At the same time new restrictions were introduced to help limit the size of some uses such as distribution.

The changes are viewed as a success in attracting new development in the employment area including flex space and distribution users that would not have been allowed under the prior rules. Results have shown that many of the tenants in multi-tenant flex space are classic industrial users such as light manufacturers or small technology businesses.

In 2023, Tualatin followed suit in reassessing its Manufacturing Park (MP) zone and creating the new Basalt Creek Employment (BCE) zone in this employment area. Similarly, the area was planned for more high-tech and advanced industry that is slow in materializing. The BCE zone was updated from the MP zone, to allow more distribution as an accessory use (50% similar to Oregon City), but also allowing it to be a primary use *if 30% of the site is used by other types of industrial users*. This enables the development of flex space, where distribution is allowed, but requiring that other types of users also be on site. By not requiring that these be the same company, independent distribution and logistics buildings are allowed.

Oregon City might consider making the CI zone generally, and in Thimble Creek specifically, more flexible to allow for more of the typical industrial land uses that feature stronger demand today, rather than waiting for rarer or low-probability recruitments. This can be done by allowing what are currently conditional uses such as distribution, or small commercial uses, to be primary or accessory uses if they are part of a multi-tenant development (see below). An increase in outdoor storage allowance might also facilitate some types of businesses that are currently effectively limited.

Coordinate with Clackamas Community College (CCC) expansion: CCC has recently secured land on the west side of Beaver Creek Road to the east of the existing college campus. This roughly 40-acre consolidated site offers the opportunity to attract some of the types of employment uses envisioned in the original Thimble Creek Plan. For instance, employment skills training, research and development, software and high-tech development, engineering and scientific work related to the college and its programs. The city should seek to engage with CCC to discuss the vision of the Thimble Creek Plan and its employment areas and see how the city might partner to help work towards the vision as CCC expands.

D. Amendments to Code Standards

As noted, this project included the review of zoning and development code standards that apply in the CI zone and Thimble Creek specifically. The review found a few minor issues for consideration that might impact development viability:

- 1. Make “Warehousing and Distribution” an accessory use in the CI zone.** Changing "Warehousing and Distribution" from a conditional use to a permitted accessory use within the CI Zone would provide flexibility to industrial developers and streamline the approval process. This use could also be allowed as one component of a multi-tenant or “flex”

development, which would allow for flexible tenanting, but discourage large single-use distribution developments.

2. **Strict outdoor storage limitations.** Outdoor storage is limited to 25% of the net developable area, which can pose significant constraints for industries requiring large storage spaces, such as manufacturing, construction, or distribution. The City can consider increasing the permitted outdoor storage area to 50% to create more flexibility in the types of industrial businesses that can locate in Thimble Creek.
3. **Buffer zone and height restrictions.** The CI District enforces buffer zones for industrial uses abutting residential or commercial zones, as well as additional buffers for buildings over 45 feet. These setbacks may create restrictions on land use for industries that could benefit from vertical expansion or require more site coverage. These standards are more restrictive than in comparable industrial zones. The City can consider reducing the buffer from neighboring uses from 25 to 20 feet, and applying this buffer only to neighboring residential zones, not to commercial neighbors which typically require less buffering from other commercial or industrial uses.
4. **Sustainability requirements and associated costs.** Developments within the Thimble Creek Concept Plan area are required to incorporate six out of eight options for sustainability features, such as eco-roofs, permeable paving, and EV (electric vehicle) charging stations. While sustainability is a foundational element of the Concept Plan since it was written, mandatory requirements to meet sustainability features increase upfront development costs and complexity of projects that create financial challenges for industrial businesses, especially if the requirements are numerous.

The Code states:

- G. Sustainability Features. Each development must incorporate at least six of the following sustainability features:
 1. A vegetated eco-roof for stormwater management. An eco-roof covering twenty to forty percent of the total roof area shall count as one feature, and a roof covering more than forty percent of the total roof area shall count as two features;
 2. A white roof with a Solar Reflectance Index (SRI) of seventy-eight or higher if the roof has a 3/12 roof pitch or less, or SRI of twenty-nine or higher if the roof has a roof pitch greater than 3/12 covering a minimum of seventy-five percent of the total roof area;
 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by fifty percent of the total roof surface;
 4. An integrated solar panel system mounted on the roof or anywhere on site. A solar system with surface area equivalent to a minimum of twenty to forty percent of the total roof area shall count as one feature, and a solar system with surface area equivalent to forty percent or more of the total roof area shall count as two features;
 5. Use of native plant species selected from the Oregon City Native Plant List. Native plantings that cover twenty to thirty percent of the total landscaped area shall count as one feature, and plantings that cover thirty percent or greater of the total landscaped area shall count as two features;

6. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the community development director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations;
7. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer. Permeable paving totaling twenty to forty percent of all paved surfaces shall count as one feature, and permeable paving of forty percent or more of all paved surfaces shall count as two features; or
8. Buildings LEED-certified by the U.S. Green Building Council at any level shall be counted as three features.

- Chapter 17.37.060(G)

Requiring the inclusion of six of eight options is a high bar that will add costs to a development and negatively impact the feasibility of some developments. The City can consider reducing this requirement to four or fewer of the options. Some of these requirements may also be appropriate for inclusion in the landscaping or other code.

In general, when given a menu of options to meet approval requirements, developers can be expected to select the least costly alternatives to meet the standard. This means that the costliest options will seldom if ever be selected.

MEMORANDUM

Thimble Creek Industrial Readiness Study



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

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Job No.: JOE-01

Date: January 29, 2025

To: City of Oregon City

Brendan Buckley, Johnson Economics

From: Thuy Cao AICP, Planner, HHPR

Subject: Task 3: Development Scenarios & Industry Needs

PURPOSE

Oregon City is working with Johnson Economics and Harper Houf Peterson Righellis (HHPR) to complete a market analysis and industrial readiness study for the Thimble Creek Sub-Area. The purpose of Task 3 is to provide strategies and recommendations for implementation, funding sources, and development scenarios for the Thimble Creek study area. Task 3.2 specifically focuses on potential development scenarios including general information on recommended property and the infrastructure requirements for certain industries. In addition, this memorandum discusses which development obstacles are greatest and provides additional strategies and recommendations to consider.

Contents

I.	ZONING COMPARISON.....	1
II.	DEVELOPMENT SCENARIOS.....	3
III.	INDUSTRIAL SITE NEEDS	13
IV.	INFRASTRUCTURE IMPROVEMENT NEEDS	15

I. ZONING COMPARISON

In order to evaluate how Oregon City's Campus Industrial (CI) zone compares to similar zones in nearby cities within the Portland Metropolitan Area, the following table focuses on the purpose, standards, and restrictions of similar employment-focused campus industrial zones. By examining development standards and notable barriers—such as infrastructure requirements and compatibility restrictions—this analysis highlights strategies used by different jurisdictions to attract industrial growth while addressing local priorities including environmental protections, community livability, neighborhood character, and long-term planning goals.

Table 1. Zone Comparison – Portland Metropolitan Area

City	Industrial Zones(s)	Allowed Uses (Industrial)	Development Standards	Barriers/Restrictions
Oregon City	Campus Industrial (CI)	Manufacturing, research facilities, office uses, warehousing (limited)	Setbacks: Front: 20 ft, Corner side: 20 ft, Rear: 10 ft Landscaping: 15% Building height: 45 ft	Limited outdoor storage allowed, stringent environmental review due to proximity to natural areas. Sustainability features required. Buffering from neighboring zones.

Tualatin	Manufacturing Park (MP)	Specialized manufacturing, and related uses and research facilities	Setbacks: Varies Landscaping: 25% Building height: 70 ft	Required buffering and height restrictions from residential zones.
Lake Oswego	Industrial Park (IP)	Industrial service and storage, light manufacturing, wholesale distribution, research and development, office uses	Setbacks: Front: 20 ft, Side: 10 ft, Rear: 10 ft FAR: 1.0:1 Landscaping: 15% Building Height: 45 ft	Limited industrial zones, strict design standards, limited outdoor storage and loading docks, requirements to maintain aesthetic standards.
Milwaukie	Business Industrial (BI)	Research and laboratories, manufacturing, warehousing and distribution, contractors and related businesses	Setbacks: Front: 20 ft, Corner side: 10 ft Landscaping: 15% Building Height: 45 ft	Outdoor storage prohibited if located adjacent to specified areas in the zone.
Happy Valley	Industrial Campus (IC)	Research and development, technology, professional services, processing, logistics, distribution, wholesale activities, manufacturing and production, offices	Setbacks: Front: 10 ft, Rear: 20 ft, Side: varies Landscaping: 15% Building Height: 45 ft	Compatibility with nearby residential zones, buffer requirements, and strict development standards.
Sherwood	Employment Industrial (EI)	Manufacturing and technology, distribution, warehousing, search and development, laboratories	Setbacks: Front: 20 ft, Corner side: 20 ft Landscaping: Based on point system Building Height: 50 ft	Minimum lot area for industrial uses: 3 acres, additional industrial design standards for new development.
Hillsboro	Station Community Industrial (SCI)	Industrial service, manufacturing and production, warehouse and freight, wholesale	Setbacks: Front: 30 ft FAR: 0.35 Landscaping: Variable Building Height: 60 ft	Additional site design requirements.
Beaverton	Office Industrial (OI)	Manufacturing, fabricating, processing, laboratory, warehousing, wholesale and distribution	Setbacks: Front: 35 ft, Abutting residential: 75 ft, Side: 10 ft Landscaping: N/A Building Height: 80 ft	Buffer requirements for adjacent residential zoning districts.

Portland	General Employment 1 (EG1)	Manufacturing, research and development, warehouse and freight movement, industrial service	Setbacks: Front: 5 ft FAR: 3:1 Landscaping: 15% Building Height: 45 ft	Exterior storage limited to 20%, exterior work activities are prohibited.
	General Employment 2 (EG2)	Manufacturing, research and development, warehouse and freight movement, industrial service	Setbacks: Front: 25 ft FAR: 3:1 Landscaping: 15% Building Height: No limit	Exterior work activities are prohibited.

Oregon City's Campus Industrial (CI) zone focuses on merging employment-focused industrial uses such as manufacturing, warehousing, and office spaces within a campus-like environment that integrates with surrounding uses. Similarly, other cities designate employment industrial zones to provide opportunities for light industrial development in carefully planned environments. These zones prioritize compatibility with surrounding residential or commercial uses by utilizing standards such as setbacks, landscaping, and height limitations to reduce visual impacts.

Development standards for these employment industrial zones generally aim to balance functionality, aesthetics, and compatibility with surrounding uses, but certain requirements can create barriers that go beyond typical expectations. Examples include environmental standards that require additional compliance steps and costs, enhanced landscaping or buffer requirements that reduce usable site area, and stringent design standards that limit flexibility in site layout and building design.

These types of restrictions can increase the complexity, expense, and time required for industrial developments, making some locations less marketable or attractive to certain industries. In addition to these standards, infrastructure readiness appears to be a consistent barrier to development with cities requiring industrial development to provide significant infrastructure improvements including upgrades to utilities, roadways, and transit systems.

II. DEVELOPMENT SCENARIOS

The Thimble Creek Concept Plan, formerly known as the Beaver Creek Road Concept Plan, is a comprehensive guide for the development of a 453-acre area in southeast Oregon City, Oregon. Adopted in 2008 and updated in 2020, this plan envisions a complete and sustainable community with a diverse mix of uses, including employment centers, mixed-use districts, residential neighborhoods, open spaces, and trails. The plan area was added to the regional urban growth boundary by Metro in 2002 and 2004, with the goal of creating a multi-use community that complements adjacent areas like Clackamas Community College and Oregon City High School.

Key features of the Concept Plan include:

- A North Employment Campus for tech flex and campus industrial uses
- A Mixed Employment Village along Beaver Creek Road
- A 10-acre Main Street area for local shops and services
- West and East Mixed-Use Neighborhoods with varying residential densities
- Sustainability strategies, including green building practices and stormwater management

- An extensive open space and trail network
- A connected street framework with emphasis on multi-modal transportation

The plan aims to balance regional employment needs with local community development, providing a transition between urban and rural areas while creating opportunities for future growth and connectivity. Despite the plan's vision for employment centers, there has been little interest in development. To address this issue, Oregon City is working with the consultant team to explore potential opportunities and locations in the Thimble Creek area to attract new employers, with the goal of identifying barriers to development and increasing the potential for regionally significant industry clusters. Adjusting dimensional and development standards can enhance the appeal of the Thimble Creek Concept Plan area by addressing current development needs and removing barriers. These recommended code amendments can be initiated by the City as a straightforward and simple solution to make development in the area more flexible and attractive to developers looking for industrial lands.

Proposed Changes to Use Table

To encourage industrial development in the Thimble Creek Concept Plan area, changing "Warehousing and Distribution" from a conditional use to a permitted accessory use within the CI Zone would provide several key benefits and would represent a significant shift in land use. This modification aims to enhance the flexibility and attractiveness of the CI Zone for industrial development while maintaining its primary focus on employment-intensive uses. The change could potentially attract new growth of diverse industrial activities into the area. These benefits include:

- **Increased flexibility.** Allowing warehousing and distribution as an accessory use would give industrial developers and businesses more flexibility in their operations. These functions could be incorporated into their facilities without going through an additional conditional use process, which could limit appeal in this area.
- **Streamlined approval process.** As a permitted accessory use, warehousing and distribution activities would face fewer regulatory challenges. This could speed up the development process and make the area more attractive to potential industrial businesses who are seeking a flexible industrial space that is desired by the Thimble Creek Concept Plan.
- **Support for primary industrial uses.** Warehousing and distribution often complement manufacturing and other industrial activities. Permitting these as accessory uses would allow companies to more easily integrate their production and logistics operations.
- **Alignment with employment goals.** The Thimble Creek Concept Plan emphasizes creating family-wage jobs and strengthening the local economy. Allowing warehousing and distribution as accessory uses could support the growth of industrial businesses that provide such employment opportunities.

It is important to note that the Thimble Creek Concept Plan also emphasizes creating a pedestrian-friendly environment and promoting sustainable development practices. Any change to permitted uses should be carefully balanced with these goals to ensure they do not conflict with the overall vision for the area. This can be considered when determining the maximum allowable area for warehousing and distribution on a given site. The following are recommendations for limitations on warehousing and distribution as an accessory use in the CI Zone:

- **Maximum square footage.** Warehousing and distribution facilities should be limited to no more than 50% of the floor area of the primary use. This ensures that these activities remain accessory to the primary use.

- **Use limitations.** The warehousing and distribution facilities not associated with an on-site industrial use should remain prohibited.
- **Design standards.** Locate warehousing and distribution areas to the rear of buildings or sites, away from street frontages. Provide adequate screening and landscaping to minimize visual impacts from public roads and adjacent properties.
- **Traffic considerations.** Limit the number and size of truck bays based on the scale of the primary industrial use. Require a traffic impact analysis to ensure the accessory use does not overwhelm local roads as planned for in the original plan.
- **Sustainable features.** Require green building practices for warehousing and distribution facilities, such as energy-efficient lighting and HVAC systems.

Proposed Dimensional Standards

In order to further promote industrial development in the Thimble Creek Concept Plan area, the proposed Campus Industrial (CI) Zone Standards introduce two key modifications while maintaining most existing standards:

- **Reduced buffer requirements.** The buffer requirements have been relaxed in two significant ways:
 - The buffer zone width has been reduced from 25 feet to 20 feet.
 - The buffer requirement now only applies to residential zones, removing the requirement for commercial zone buffers.
- **Expanded outdoor storage capacity.** The proposed standards double the allowable outdoor storage capacity from 25% to 50% maximum, providing more flexibility for industrial operations.
- **Maintained flexibility.** The proposed standards preserve several development-friendly aspects:
 - No minimum-lot area requirements.
 - No minimum interior side yard setback.
 - Allowable increase in maximum building height with additional buffer provided.

Table 2. Existing and Proposed CI Zone Standards.

Campus Industrial (CI) Zone Standards		
	Existing	Proposed
17.37.040 Dimensional Standards		
Maximum lot area	No minimum	No change
Maximum building height	45 feet	No change
Minimum required setbacks:		
Front yard	20 feet	No change
Interior side yard	No minimum	No change
Corner side yard	20 feet	No change
Rear yard	10 feet	No change
Buffer zone	If a use in this zone abuts or faces a residential use, a yard of at least 25-feet shall be required on the side abutting or facing the adjacent residential or commercial zone to provide buffer area	If a use in this zone abuts a residential use, a yard of at least 20-feet shall be required on the side abutting the adjacent residential zone to provide buffer area

Height of building > 45 ft. buffer	Every additional story built above 45 ft. requires an additional 25 ft. buffer	No change
17.37.050 Development Standards		
Landscaping	15% minimum	No change
Parking	No parking in front setback or within buffer areas without approved screening and landscaping	No change
Fences	Periphery fences not allowed	No change
Outdoor Storage	25% maximum	50% maximum

These changes collectively reduce development constraints while maintaining essential protections for adjacent residential areas, making the Thimble Creek Concept Plan area attractive for new industrial investment and expansion. Increasing the outdoor storage capacity from 25% to 50% maximum allows businesses to store more raw materials on-site, maintain larger inventory levels, and accommodate more equipment and product staging areas.

The proposed 5-foot reduction in buffer requirements (from 25 to 20 feet) provides more usable land for development, and eliminating buffer requirements for commercial zones allows for more efficient land use. These changes also translate to financial benefits as less land dedicated to buffers creates more productive use of available land and reduced landscaping requirements along commercial boundaries, along with greater site utilization potential through increased storage allowances.

Examples of Potential Development Scenarios

Providing visual examples of potential development scenarios helps to evaluate the impact that regulations have on industrial development opportunities. These scenarios provide a tangible and visual representation of how adjustments, such as modified buffer requirements, increased outdoor storage capacities, or streamlined accessory uses, can influence land utilization and operational flexibility. This includes visualizing trade-offs, such as balancing the need for increased industrial capability while maintaining community compatibility. The following conceptual scenarios serve several key purposes:

- **Demonstrating the impact of standards on land utilization:** The development scenarios show how dimensional standards, such as outdoor storage capacity and buffer requirements, influence the functional use of land. By comparing existing and proposed standards, the scenarios highlight the increased flexibility for industrial operations, such as expanding outdoor storage allowances and reducing buffers for non-residential uses.
- **Identifying opportunities for streamlined development:** The scenarios provide insights into how streamlined standards, such as relaxing certain buffer and storage limitations, can attract industrial investment by reducing constraints on site design and development costs. For example, allowing warehousing and distribution as accessory uses simplifies the approval process, making the area more attractive to prospective developers.
- **Supporting decision-making on policy amendments:** The scenarios provide concrete examples of how amendments to development standards, such as reducing buffer widths from 25 feet to 20 feet or doubling outdoor storage capacity, can address barriers to development. These visuals and analyses support informed policymaking to enhance industrial readiness in the area.

- **Illustrating flexibility for market needs:** The development scenarios emphasize adaptability to market needs by allowing industrial uses to maximize outdoor storage or streamline accessory uses without compromising the area's long-term goals. This flexibility is critical to balancing regulatory goals with attracting diverse industries.

These conceptual examples serve as a tool for assessing whether the proposed standards are both practical and effective in creating a more competitive and sustainable industrial landscape.

Recommended Site Characteristics

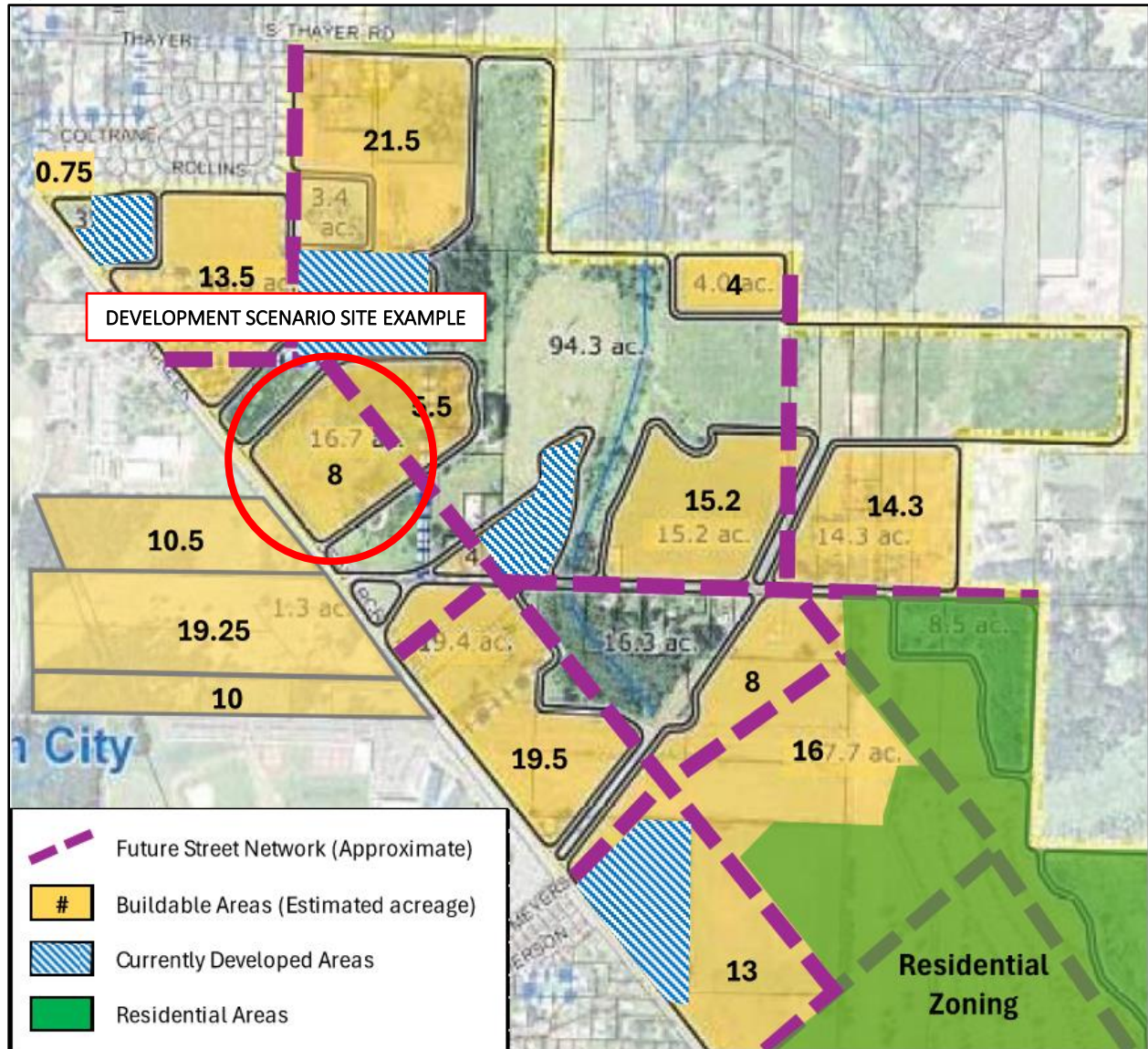
The criteria for recommended industrial development sites within the Thimble Creek Concept Plan Area focus on factors that support industrial development while aligning with the plan's broader goals of sustainability, economic growth, and land-use efficiency.

- **Property size.** Properties should generally be 5+ acres to accommodate a range of industrial uses, from smaller tech-flex developments to larger multi-tenant flex campuses that include manufacturing or warehousing facilities. Properties with rectilinear shapes (e.g. rectangular) are preferred to optimize the site layout and maximize usable area for building footprints, parking, and outdoor storage.
- **Utilities.** Sites must have adequate access to utilities to meet the needs of industries such as manufacturing, warehousing, or technology-based businesses. This includes being able to easily connect to water or sanitary sewer lines, having areas to accommodate on-site stormwater management systems such as detention ponds or green infrastructure, and having access to sufficient electrical capacity for energy-intensive industries.
- **Developable land.** Properties with relatively flat or gently sloping terrain are ideal as steep slopes can increase grading costs and reduce developable area. Properties should also have minimal encroachments on natural features (e.g. wetlands, riparian corridors, or other sensitive lands) to ensure maximum utilization of the property. Adequate buffering from adjacent residential areas is necessary but should not overly constrain developable land.
- **Transportation.** Sites within 10 miles of interstate highways (e.g., I-205) are highly desirable to support freight mobility. Properties should be located near major arterials or collectors, such as Beaver Creek Road, to ensure efficient movement of goods and employees.
- **Operational flexibility.** Zoning flexibility allows for diverse industrial uses, while development standards such as outdoor storage maximums may further accommodate additional industries. Properties that are close to residential areas or educational institutions, such as Clackamas Community College, also provide access to skilled and local labor force.
- **Financial feasibility.** Sites with existing or planned utility infrastructure reduce upfront development costs. Properties with minimal environmental remediation (e.g., no contamination or extensive wetland restoration) are preferred to reduce costs and timeframes for development.

Some example recommendations include parcels within the North Employment Campus designated for campus industrial use that benefit from its proximity existing infrastructure, transit options, and workforce access from nearby educational institutions, or along Beaver Creek Road as parcels with frontage or near intersections with planned extensions could benefit from direct access to transportation and utilities. Land located west of Beaver Creek Road and east of Clackamas Community College could also benefit from existing utility connections.

The hypothetical development site shown in **Figure 1** was selected due to its strategic location within the North Employment Campus, offering excellent access to major transportation routes like Beavercreek Road and proximity to workforce training resources at Clackamas Community College. The site's size and configuration allow for efficient industrial layouts, with minimal environmental constraints ensuring a high percentage of developable land. Existing and planned infrastructure, such as utility networks and roadway upgrades, further supports its viability for industrial use. This development scenario site example considers alignment with the above criteria for industrial development, while the scenarios themselves demonstrates how proposed changes to development standards (e.g. reduced buffers and increased outdoor storage), can enhance land utilization while aligning with the Thimble Creek Concept Plan goals of fostering sustainable, employment-driven growth.

Figure 1. Thimble Creek Market Assessment, Refined Estimated Buildable Areas



The following development scenarios are strictly conceptual and are intended to provide a high-level understanding of how the proposed changes to the development code standards could impact the design and functionality of industrial development within the CI Zone. These scenarios assume that new industrial

development would use the maximum percentage of outdoor storage allowed rather than prioritizing buildable area for an associated building on-site. The scenarios demonstrate how adjustments, such as increasing the allowable percentage of outdoor storage or reducing buffer requirements, could influence site layout, land utilization, and the feasibility of industrial operations.

By assuming that new industrial development would maximize the use of outdoor storage rather than focusing primarily on expanding building footprints, the scenarios highlight the potential trade-offs between operational flexibility and building density. This approach allows stakeholders to visualize how the proposed standards prioritize accommodating industries with large outdoor storage needs, such as manufacturing or logistics, while still aligning with the broader goals of the Thimble Creek Concept Plan.

Figure 2. Development Scenario – Existing Standards



Figure 3. Development Scenario – Proposed Standards



Figure 4. Development Scenario – Existing Standards (Abutting Residential)



Figure 5. Development Scenario – Proposed Standards (Abutting Residential)



Table 3. Technical Analysis for Development Scenarios

Scenario	Pros	Cons
Figure 2: Development Scenario with Existing Standards	– Limits outdoor storage to 25% to preserve aesthetic compatibility. – Preserves green space and buffers, enhancing visual appeal. – Clear restrictions create predictable land use outcomes, preventing over-intensive development in visible areas.	– Limited outdoor storage capacity restricts operational flexibility for industries requiring outdoor storage (e.g. warehousing or logistics). – Inflexible standards may lead industries to favor alternative locations with more flexible zoning.
Figure 3: Development Scenario with Proposed Standards	– Doubles outdoor storage capacity (50%), increasing operational flexibility for industries. – Reduced buffer to 20 feet, increasing usable land area for industrial operations, improving site layouts and increasing potential building footprints. – Streamlines approval processes for accessory uses like warehousing and distribution, allowing for faster project timelines and reduced permitting costs.	– Increased outdoor storage could impact visual and pedestrian-friendly character (will still have to meet landscaping and screening requirements). – Reduced buffers could lead to visual or noise impacts on residential areas. – Substitution of built space for outdoor yard space is likely to decrease employment density somewhat.
Figure 4: Development Scenario with Existing Standards (Abutting Residential)	– Limits outdoor storage to minimize potential conflicts with nearby residential uses and prevents overutilization of open spaces. – Maintains a 25-foot buffer, ensuring clear separation between industrial and residential or commercial uses, reducing conflicts from noise, visual impacts, and truck activity.	– Outdoor storage restrictions may discourage industries requiring flexibility. – Larger buffer and restricted storage reduce industrial readiness, constraining opportunities for potential industries looking to develop.
Figure 5: Development Scenario with Proposed Standards (Abutting Residential)	– Expands outdoor storage capacity (50%), enhancing flexibility for industrial operations. – Permits warehousing and distribution as accessory uses, which provides flexibility for potential multi-tenant developments that can accommodate e-commerce, manufacturing, or logistics. – Reduces residential buffer to 20-foot, offering strong noise and visual separation while allowing for more usable land.	– Reduced buffers and increase outdoor storage could negatively impact adjacent residential properties if not adequately screened. – Reliance on mitigation measures as effective buffering (e.g. landscaping, berms) will be necessary to reduce any impacts.

Critical Observations

- **Trade-offs between land use efficiency and compatibility.** The *existing standards* (Figures 2 and 4) prioritize compatibility by enforcing larger buffers and limiting storage but result in underutilized land and discourage industries with high outdoor space demands or that are in need of flexibility. The *proposed standards* (Figures 3 and 5) directly address industrial needs by increasing flexibility and potential utilization of land, but may introduce risks of impacts (noise, traffic, aesthetics) that may require additional mitigation.
- **Economic feasibility and attractiveness.** The proposed changes maximizes the developable area to accommodate industries with varying operational needs, potential improving economic feasibility for new developments. However, this may come at the cost of reduced appeal unless mitigated or designed effectively.
- **Mitigation is a key factor.** In both proposed scenarios, mitigation measures such as screening, enhanced landscaping, noise barriers, and stormwater management will be essential to balance industrial readiness with compatibility with the community.
- **Flexibility vs. the long-term vision.** While the proposed standards offer flexibility to attract a broader range of industries, careful planning must occur to ensure they align with the Thimble Creek Concept Plan's long-term goals of sustainability, employment density, and compatibility with surrounding uses.

Flexibility in development and land use standards is critical in meeting the diverse needs of modern industrial tenants. Developments such as “industrial multi-tenant flex” offer adaptable spaces that can accommodate varying uses, making them ideal for industries with evolving operational demands. Multi-tenant flex developments combine various uses, such as office, light industrial, R&D (research and development) within one facility or property. The “flex” refers to the adaptability of the space, which can support different uses depending on the tenant’s needs and current scale.

Industries like e-commerce, manufacturing, or logistics often require warehouse or distribution space for storage and shipping. Warehousing as an accessory use provides a key component for companies handling inventory, and having warehousing or distribution integrated with office or R&D spaces allows tenants to streamline operations, reduce their transportation costs, and improve their overall efficiency.

In areas where light industrial uses dominate, multi-tenant flex spaces provide a solution for tenants needing both office and storage needs. The proposed standards, which increase outdoor storage capacity and reduce buffer zones, enhance the feasibility of these developments by providing the flexibility needed to support these growing industries. Balancing this flexibility with mitigation measures ensures compatibility with community goals.

Ultimately, multi-tenant flex developments that prioritize this level of adaptability can drive economic growth, attract diverse tenants, and optimize land use in industrial zones like the Thimble Creek Concept Plan Area that has been eager for industrial growth.

III. INDUSTRIAL SITE NEEDS

The Thimble Creek Concept Plan outlines key industry needs to support industrial development in the Campus Industrial (CI) Zone. This includes robust utility infrastructure improvements, such as high-capacity water lines, sewer systems, and stormwater management facilities, to accommodate these industries. These infrastructure requirements aim to attract clean, employee-intensive industries while promoting economic growth in the region. To attract these industries into the Thimble Creek Concept Plan area, infrastructure improvements should be considered as they can create a significant barrier to development.

Table 4. Infrastructure Requirements for Industrial Industries.

Profile	Acreage (competitive)	Water (min. line)	Sewer (min. line)	Power (min. demand)	Transportation (miles to interstate)
Production Manufacturing					
Heavy Industrial / Manufacturing	10 - 100+	8" to 12"	6" to 8"	2 MW	Within 10 miles
High-Tech / Clean-Tech Manufacturing	5 - 100+	12" to 16"	12" to 18"	4-6 MW	Within 10 miles
Value-Added Manufacturing and Assembly					
Food Processing	5 - 25+	12" to 16"	10" to 12"	2-6 MW	Within 30 miles
Advanced Manufacturing & Assembly	5 - 25+	8" to 12"	10" to 12"	1 MW	Within 15 miles
Flight / Flex Industrial					
General Manufacturing	5 - 15+	6" to 10"	6" to 8"	0.5 MW	Within 20 miles
Industrial Business Park and R&D Campus	20 - 100+	8" to 12"	10" to 12"	0.5 MW	N/A
Business / Admin Services	5 - 15+	4" to 6"	6" to 8"	0.5 MW	N/A
Warehousing & Distribution					
Regional Warehouse / Distribution	20 - 100+	4" to 8"	4"	1 MW	Within 5 miles
Local Warehouse / Distribution	10 - 25+	4" to 6"	4"	1 MW	Within 5 miles
Specialized					
UVA Manufacturing / Research	10 - 25+	4" to 8"	6"	0.5 MW	N/A
Data Center	10 - 25+	16"	8" to 10"	5-25 MW	Within 20 miles
Rural Industrial	5 - 25+	4" to 8"	4" to 6"	1 MW	N/A

Source: State of Oregon – Infrastructure Finance Authority, Industrial Development Competitive Matrix 2015

Larger, more intensive industrial operations generally require more substantial infrastructure across all categories - from larger land parcels to more robust utility connections and better transportation access. Transportation access to major highways is a critical factor for many industrial uses. Water and sewer infrastructure needs are also substantial across all categories, reflecting the importance of reliable utility service for industrial operations. Power demands vary significantly based on the type of operation, with high-tech and data centers having particularly high requirements. The table demonstrates that successful industrial development requires careful infrastructure planning and significant upfront investment to create sites that can support modern industrial users.

The employment subareas of the Thimble Creek Concept Plan have adequate characteristics to meet the needs of many industrial sectors. The main limitation will be the availability of larger development sites and the cost of serving them. Smaller development projects will be practicable in the area, but medium and large industrial development of over 20 acres will be limited.

Utility and transportation infrastructure will be available in the immediate area but must be extended into the interior of the plan area at significant cost. Very high-capacity power users such as data centers may require additional power allocations to meet their needs.

IV. INFRASTRUCTURE IMPROVEMENT NEEDS

Key infrastructure improvements required for industrial development in the Campus Industrial (CI) Zone within the Thimble Creek Concept Plan area are summarized below. These improvements address transportation, utilities, sustainability, and site-specific needs to support the area's economic growth and employment objectives.

Transportation Enhancements

The Thimble Creek Concept Plan area currently lacks adequate transportation infrastructure to support new industrial developments. The existing road network is insufficient to handle increased traffic volumes and freight movement that would come with industrial growth. Key issues include a lack of arterial and collector road connections, inadequate road capacity on existing streets, and missing pedestrian and bicycle facilities.

These transportation deficiencies should be resolved to provide safe and efficient access to new industrial sites, accommodate higher traffic volumes and truck traffic, and offer multi-modal transportation options for employees. Addressing these issues through targeted transportation investments is critical to unlocking the economic development potential of this industrial concept plan area. Based on Oregon City's TSP and the existing conditions within the Thimble Creek Concept Plan area, several transportation improvements would need to occur for new industrial developments:

- **Roadway extensions and upgrades.**
 - Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial.
 - Extend Holly Lane South from Thayer Road to the Meyers Road extension as an Industrial Collector.
 - Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector.
 - Upgrade Beavercreek Road from Clairmont Drive to Meyers Road to an Industrial Major Arterial cross-section with a 5-lane configuration.
- **Intersection improvements.**
 - Install a traffic signal at the Beavercreek Road/Loder Road Extension intersection.
 - Install a roundabout at the Holly Lane/Maple Lane Road intersection.
- **Pedestrian and bicycle facilities.**
 - Add a shared-use path on the north side of the Meyers Road extension between the Holly Lane extension and the UGB.
 - Add a shared-use path on the south/east side of the Loder Road extension between Glen Oak Road and the Holly Lane extension.
 - Add bike lanes to both sides of Loder Road between the Holly Lane Extension and the UGB.

These transportation improvements are necessary to support industrial development for several reasons:

- **Increased capacity.** The roadway extensions and upgrades, such as extending Meyers Road and upgrading Beavercreek Road to a 5-lane configuration, will provide the increased road capacity needed to handle additional traffic generated by new industrial developments.
- **Improved connectivity.** The new road extensions like Holly Lane South and Meadow Lane will create better connections between the industrial areas and the existing road network, allowing for more efficient movement of goods and employees.

- **Enhanced safety.** Intersection improvements like new traffic signals and roundabouts will help manage increased traffic volumes safely as industrial development occurs.
- **Multi-modal access.** The addition of shared-use paths and bike lanes will provide transportation options for employees to access the new industrial areas besides just driving.
- **Freight mobility.** Upgrading roads like Beaver Creek Road to industrial arterial standards will better accommodate truck traffic associated with industrial uses.
- **Access to developable land.** The new road extensions will open access to previously undeveloped land designated for industrial use in the concept plan area.
- **Development requirements.** These improvements are necessary to satisfy transportation impact requirements and ensure adequate public facilities to support new industrial development.

By providing the transportation infrastructure to move people and goods efficiently and safely, these improvements create the conditions needed for industrial development to occur in the Thimble Creek area as envisioned in the concept plan.

Utility Infrastructure

Based on the Thimble Creek Concept Plan and existing conditions, the following utility infrastructure upgrades would be necessary to support new industrial development in the area:

- **Water Supply.**
 - Construction of a "backbone" network of water supply pipelines, including:
 - 8-inch and 12-inch water mains in the Upper Pressure Zone.
 - 8-inch water mains in the Fairway Downs Pressure Zone.
 - A 12-inch "spine" water main running parallel to Beaver Creek Road.
 - Additional local service water mains to serve individual lots as parcels are developed.
- **Sanitary Sewer.**
 - Construction of gravity sewer lines in planned roadways.
 - Installation of a sanitary lift station and pressure sewer in the northern half of the area.
 - A utility bridge to carry sewer pipes over Thimble Creek.
 - Retention of a sewer easement across the current Loder Road alignment.
- **Stormwater Management.**
 - Implementation of a three-tiered stormwater management approach:
 - Site-specific best management practices like rain gardens and pervious surfaces.
 - Green street facilities with vegetated swales or bioretention areas.
 - Seven regional stormwater detention ponds.
 - Construction of a combination of open channels, pipes, and culverts for stormwater conveyance.
- **Electrical.**
 - Enhance existing electrical infrastructure, including transformers and substations, to meet increased demand from industrial development.
 - Install new distribution lines to connect industrial sites to the power grid, incorporating both overhead and underground options as needed.
 - Implement smart grid technologies for improved energy efficiency and reliability, including advanced metering infrastructure.

- Engage local utility providers to assess current capabilities and plan for future power needs aligned with regional energy policies.

The plan emphasizes using low-impact development practices and integrating stormwater facilities within open spaces where possible. Implementation of these utility upgrades would be necessary to support new industrial and other development in the Thimble Creek Concept Plan area.

Additional Considerations

- **Power Line Corridors.** Dedication of a minimum 30-foot-wide public access easement along power line corridors for open space uses such as trails, urban agriculture, or solar farms.
- **Site-Specific Considerations.** Development within the CI Zone must comply with dimensional standards (e.g., setbacks, building height limits) and design requirements outlined in the Oregon City Municipal Code.
- **Coordination with Clackamas Community College and Oregon City High School.** Collaborative land use planning that supports workforce development and local employment opportunities.

These infrastructure improvements aim to create a well-connected, sustainable industrial zone that attracts clean industries while supporting Oregon City's broader economic development goals.

CI Zoning in Oregon City

Some of these barriers become apparent when comparing the Campus Industrial (CI) zones within the Thimble Creek Concept Plan Area to those outside it. Additional CI-zoned properties are located west of the plan area, including near the intersection of Beaver Creek Road and Loder Road, as well as around Meyers Road. Parcels zoned CI that are west of Beaver Creek Road and surrounding Meyers Road are more competitive than those in the Thimble Creek Concept Plan Area due to existing infrastructure, better land configurations, and access for regional connectivity. While proposed changes to development standards aim to increase flexibility, the Thimble Creek area is still faced with high infrastructure costs, fragmented parcels, and delayed site readiness.

Table 5. Key Difference between CI Zones

Aspect	Thimble Creek Concept Plan	West of Beaver Creek Road/Meyers Road
Infrastructure	Requires significant investments in roads and utilities.	Established infrastructure with lower costs or ready connections.
Parcels	Fragmented, irregular, and environmentally constrained parcels.	Larger, contiguous parcels with fewer environmental constraints.
Market Competitiveness	High costs and delayed industrial readiness make development challenging.	Ready for immediate development with higher market appeal.
Regional Connectivity	Limited access to major transportation corridors and in need of additional improvements.	Direct access to Highway 213 and proximity to I-205.

Infrastructure Strategies and Recommendations

To attract industrial and commercial development, several strategies and recommendations have been identified. These strategies aim to create a competitive environment for growth while considering sustainability and economic diversity:

- **Infrastructure improvements.** Ensure efficient access through arterial and collector roads, with adequate bike lanes, pedestrian pathways, and freight routes. Extend water, sewer, and stormwater systems to meet industrial needs. Find ways to utilize areas under power line corridors and make those potential uses be known (i.e. wide easements around powerlines could provide opportunities for district stormwater facilities to maximize the amount of developable land).
- **Capitalize on existing infrastructure improvements.** Developers can strategically align new projects with existing infrastructure improvements from other private developments and leverage these investments. Developments can extend or connect to utility systems (e.g. water, sewer, and stormwater) or transportation networks already upgraded by neighboring projects, reducing costs and accelerating readiness for industrial and commercial uses.
- **Phased development approach.** Implement a phased development strategy that aligns infrastructure improvements with market demands to ensure financial feasibility.
- **Update traffic analysis.** An updated traffic analysis for the Thimble Creek Concept Plan area would allow the City to assess whether the previously proposed transportation improvements are still appropriate or if adjustments are needed based on changing traffic patterns and development trends. This analysis would help identify any new infrastructure requirements or capacity upgrades necessary to support industrial growth, ensuring that the area can accommodate increased freight and employee traffic. An update would also provide developers with greater certainty about the transportation infrastructure they can expect, potentially reducing perceived risks and making the area more attractive for investment. By demonstrating a proactive approach to transportation planning, the City would signal its commitment to supporting industrial development in the Thimble Creek area, which could be a key factor in developers' site selection decisions.

MEMORANDUM

Thimble Creek Market Assessment and Development Scenarios



Date: October 17, 2024
To: Ann Griffin
Economic Development Coordinator
City of Oregon City
From: Brendan Buckley, Johnson Economics
Thuy Cao, HHPR
Subject: Task 1 - Stakeholder Outreach Summary

Stakeholder Engagement Summary

Introduction

This memo provides a summary of stakeholder engagement activities conducted as the first task of the Thimble Creek Market Assessment project. The outreach was conducted by the project consultant team and by City staff. The members of the consulting team participating in outreach were:

- Brendan Buckley – Johnson Economics
- Thuy Cao – Harper Houf Peterson Righellis (HHPR)

This overview provided here is followed by notes from the engagement meetings (attached). The engagement activities were conducted in August and September of 2024 and included the following contacts:

Oregon City Staff

- Christina Robertson-Gardner – Senior Planning
- Josh Wheeler – City Engineer
- Danya Webb – Public Works Director
- Pete Walter – Planning Manager
- John Lewis – Director of Public Works (former)
- Ann Griffin – Economic Development Coordinator
- James Graham – Economic Development Manager

DKS Associates, Transportation Contractors

- Reah Flisakowski, Senior Project Manager, DKS Associates
- Josh Wheeler – City Engineer

Property Owners

Industrial Land Real Estate Broker

Themes in Stakeholder Input

In discussing the Thimble Creek area and experience of individual property owners and City staff, some following themes were identified. An overview is provided here, and additional detail is included in the attached meeting summaries. These themes will be further detailed in Task 2 of this project.

1. Transportation

- Providing transportation infrastructure to the Concept Plan area while mitigating traffic impacts may be one of the greater challenges in this area. Beaver Creek Road is currently a Clackamas County facility and the intersection with State Highway 213 already faces some strain at peak PM hours, though currently allowed under an alternative mobility process that approved additional capacity projects such as a new northbound slip lane on 213 Northbound. Any deviation of the major street network on these roads and intersections will include County and ODOT input. Traffic modeling of the eventual build-out of the study area has been included in the city's transportation system plan (TSP) and is already incorporated in the Metro growth estimates for employment in the area's Travel Analysis Zone (TAZ), a central component of the regional transportation model. Clackamas County ownership and design control of Beaver Creek Road also creates a fair amount of complexity in development coordination between the city and potential developers.
- Mitigation of traffic impacts from future growth will rely on a future street pattern in the Concept Plan area that will help divert some traffic, including providing an access road parallel to Beaver Creek Rd. and a new access road from the north of the study area. The alignment of these roads as planned will likely cause further parcelization of tax lots in the area if individual tax lots are proposed for development rather than a lot consolidation approach. At this point, the exact alignment would be determined by individual developments in the area building segments of these roads.

2. Utilities

- Public utility capacity (water/sewer/storm) are not expected to be a major barrier to build out of the study area with employment uses. Utilities with sufficient capacity are located in the immediate area, and the future build out of this area is reflected in master plans. Parts of the area are served by the Clackamas River Water district, which the City would seek to add to the City water system as annexation and development occur.
- Private utility capacity (power/natural gas/telecom) are similarly not expected to be a major barrier to build out. This infrastructure is located in the immediate area with capacity to serve the study area. Private utility providers are Portland General Electric, NW Natural Gas, and multiple telecom services offering broadband data connections.
- The presence of multiple wide powerline easements through the study area is a complication that may further limit developable parcel sizes and development patterns. The use of land

under these easements is increasingly restricted and they may dictate the alignment of roads passing beneath them as well.

3. Property Owners

- The owners contacted are interested in selling and generally express a frustration with lack of progress in the build out of the Campus Industrial (CI) employment area envisioned in the Concept Plan. Many would like to sell their properties, but the small size of some of their holdings and continued access challenges make it difficult to attract buyers.
- Owners have been approached by investors about selling their properties, but the perception is that these offers are priced very low, and these buyers are not end users. Owners are interested in finding end users to purchase their land.
- There is a perception that the CI zoning is an impediment to development in the area and property owners being able to sell their properties. Owners feel like amending the zoning would be beneficial but have difficulty articulating what changes they would like to see. Some believe that residential zoning would be best but understand that this area is not planned for that.
- Some property owners are expectant that this project will bring some sort of quick resolution in the new year and perhaps even bring a developer to the table. Expectations may need to be tempered somewhat. However, if a path forward is not identified, multiple owners expressed that they would likely seek to sell quickly to whatever buyer is available.

4. Development Constraints

- In recent years, the most common industrial development type has been warehouse/logistics/distribution uses based on market demand. These uses are restricted in the study area. Other types of industrial users, such as high-tech manufacturers, are rarer and infrequent recruitments. This is one factor that has made buildout of the area a slow proposition.
- Parcelization of the area will remain a challenge. The future street plan will complicate this issue, in particular the planned access road parallel to Beavercreek Rd. This road will not follow tax lot lines and further divide parcels into smaller and irregular parcels. The powerline easements further exacerbate this problem by cutting across taxlots and creating broad corridors of unbuildable space.
- For these reasons, and fractured ownership, assembling large development parcels may remain a challenge.
- The cost of extending infrastructure into the area to development sites will remain a major challenge. Industrial zoning and development tends to command a lower land value relative to many commercial and residential uses. The cost of private infrastructure build-out and traffic mitigation for relatively small industrial developments will make many projects infeasible. It may be necessary for the public to help mitigate the costs of infrastructure build out to ready this employment area for development.

Oregon City -Thimble Creek Market Assessment Stakeholder Outreach Summary

Outreach

Comprehensive Meeting with Oregon City Staff

8/7/2024

Attendance

- Christina Robertson-Gardner – Senior Planning
- Josh Wheeler – City Engineer
- Danya Webb – Public Works Director
- Pete Walter – Planning Manager
- John Lewis – Director of Public Works (former)
- Ann Griffin – Economic Development Coordinator
- James Graham – Economic Development Manager
- Brendan Buckley – Johnson Economics
- Thuy Cao – Harper Houf Peterson Righellis (HHPR)

Contact

Ann Griffin, City of Oregon City

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agriffin@orc.org

Summary

The project Consultant Team and City's project manager met with a group of City Staff from the Public Works and Community Development department for a comprehensive discussion of the history of the study area, with focus on conditions that have prevented the development of the area as envisioned in the Thimble Creek Concept Plan. Staff provided information on factors including transportation, utilities, zoning, and market factors.

Meeting Notes

- Project management team reviewed the project and goals for the meeting.
- There is a history of studies in the area including original planning for the Concept Area, on-going traffic impact studies, recent infrastructure studies, and third-person site planning of parcels west of S. Beavercreek Road.

Transportation/Traffic

- Beavercreek Road is under the jurisdiction of Clackamas County, and county standards apply. The facility is planned for five lanes between Highway 213 to Meyers Rd., and three lanes south of Meyers Rd.

- There are four signalized intersections on Beavercreek Rd. through the study area. These signals are existing signals at Clairmont Dr. and Meyers Rd., and future signals at Loder Rd. and Glen Oak Rd. There may be additional unsignalized access points.
- City would like to explore control of Beavercreek Rd. in order to do own cross sections and apply own standards.
- The Concept Plan includes a new road network through the industrial area, including new local roads and access roads. The exact alignment of these roads is undecided and may depend on sequence of development of the area parcels.
- A parallel road to Beavercreek Rd. is planned that will serve as an access road due to limited access points to and from the highway. This parallel road will likely not follow parcel lines, and create irregular parcels and necessitate land assembly to create large sites. The parallel access road is also assumed to relieve some traffic congestion on the highway.
- The potential rerouting of Loder Rd. which exists to the east of Beavercreek Rd. with a possible extension on the west side and connection to High School Ave. creates difficult alignment problems and will likely conflict with powerline easements in the area.
- An extension of Loder Rd. west of Beavercreek is likely to carve up the parcels in the area, and along with the powerline easement, limit developability. Also, this extension might have limited utility. Loder Road is also a county road.
- Property owners may also be resistant to facilitating the Loder realignment to intersect with Beavercreek Rd. at a right angle. This realignment might leave “orphaned” portions of parcel or parcels on the east side of the highway. Part of Loder Rd. to the east will remain a county road.
- A new intergovernmental agreement with the County on roads in the study area may be advisable.
- Beavercreek Rd. is currently over capacity at certain times of day, and the intersection with 213 is stressed, with backups at certain times of the day. Studies estimate that the additional traffic from build out of the study area with employment and residential uses will be manageable if the new road network is built.
- Besides the parallel access road, a future road (Holly Land Rd.) that exits the study area to the north and connects to Maplelane Rd. will be necessary to mitigate traffic impacts. The eventual alignment of this road is currently unknown. Eminent domain can be used but must get closer to the need and must offer fair market value. This extension would also include acquiring right of way (ROW) in unincorporated county land.
- Currently any individual developments would create segments of the future road system and thus dictate to future developers the alignment. This would be piecemeal approach giving advantage to first movers.
- The intersection of Beavercreek with 213 NW of the study area will be a sticking point. These are highways out of City jurisdiction and ODOT dictates limits on this intersection. The intersection is already stressed, failing at PM peak hours. A traffic study will be required for any new development. If this intersection doesn’t work, a full-flow interchange would be required which would likely be prohibitively expensive.

- Solutions have been identified for AM peak traffic which includes commuters from south of the Metro area traveling into Metro area. Forecasted PM peak traffic is still an unresolved issue that will require new developers to pay into future improvements. There is CIP funding planned for some of these improvements.
- The City needs collaboration with the County. The County is reticent to make moves. There should be more collaboration on TSPs, and future planning. The City is trying to identify sticking points before they become crises.
- The City may want to spend money to take a fresh look at the traffic numbers in the study area, not just rely on developments that look at their specific trip generation. DKS is currently conducting traffic studies in the area, near the highway intersection and Maplelane Rd. A broader future transportation study may be necessary to be successful in this area. Could lane redesign/different cross-sections through the study area help alleviate some congestion?
- Currently the Metro model of build-out by TAZ zone provides the underlying assumptions of future employment in the Thimble Creek area. The 2023 RTP is the latest version.

Utilities (Water, Sewer, Power)

- In general, utilities are not expected to be a major deterrent for new development. Sufficient water, sewer, electricity, and communications are available to the study area.
 - *SEWER*
 - Claremont Drive down to Old Acres Lane, extended a sanitary sewer down to mid-road and then new development further extended sanitary sewer, and then golf course will extend the rest of the sanitary sewer down to the City Limits
 - Permits for the sewer extension will come in the next couple of months
 - If the golf course doesn't move forward, then they will not be extended the sewer
 - Sewer is planned to be at capacity to handle industrial use (sized appropriately)
 - There are other sewers stubbed out, many opportunities for sewer
 - Developers will just have to extend their main lines and connections
 - *WATER*
 - Water is more of a challenge. Some of the area has City water service but some properties are served by Clackamas River Water (CRW). The City's goal is to serve all properties within the city limits.
 - Lower capacity from CRW will be challenge to development until the City can assume service. Currently, there is some concern over demand during the hot season.
 - The City has complete Water Master Plan for the area.
 - The built-out water and sanitary network will follow the road network

Land Use (Zoning, Development Standards)

- In 2002, the study area was brought into the UGB and it was extended to include the golf course. The Concept Plan area is intended to be an integrated community of residential and employment uses.
- In 2019 clear and objective standards were adopted for residential and industrial use. The code needed to enable the Metro employment and housing targets.
- Non-industrial uses are limited in the area, including office and warehousing, with an emphasis on manufacturing users.
- There has been a lot of focus on the Thimble Creek area and the Campus Industrial (CI) zone. City needs to identify if anything in the code is putting barriers up to development.
- Green requirements may be creating an issue, and the code requirements on sustainability features should be reviewed.
- Rather than removing sections, potential ways to revise code while maintaining the spirit will be more palatable. Need to identify non-starters for developers.
- There used to be much more flexibility about what could be put under electric lines but now BPA has gotten much more strict. Perpendicular vehicle crossing is required under lines. Parking lots are becoming an issue because of a clearance height. Stormwater management tends to be allowed. PGE restrictions are somewhat less strict.
- Site design and review (in terms of time and process) are not seen as a major impediment to campus industrial projects. Type II process can get a developer through review if there is a real barrier and no other alternatives.
- The future road network is seen as a major issue. Future streets do not follow tax lot lines and will create irregular remnant parcels.
- Staff judges parking min/max requirements to be pretty standard for industrial. The City is working with DLCD to implement Climate Friendly Equitable Communities (CFEC) requirements by 2025, but they shouldn't impact Thimble Creek area.
- Thimble Creek does have an outdoor storage limit of 25%. Should it go back to 50%? Will it impact some types of companies such as construction companies with high equipment storage needs?

Economic and Market Considerations

- Property owners are interested in selling. Next generation is inheriting property from long-time owners and interested in selling. Property owners have a perception that the City has prevented them from selling due to zoning and other requirements that make property unmarketable.
- Developers have complained that the City is trying to “overplan” and not letting buyers and sellers determine the best uses for property. The study area is an untested market with fringe location and should be more flexible on things like warehousing. Developer opinion that this is a tough location for high-tech industry or manufacturing.

- There is fractured ownership in the area with few large parcels. Land assembly would be required to create large parcels. Developers would have to be involved in assembly.
- Developers do not recognize all of the potential obstacles, such as traffic.
- Market-driven infrastructure has very high costs and is likely to make projects infeasible. Other industrial areas, such as in Tualatin, have used tools like tax increment financing to fund infrastructure improvements and ready the area for development. If TIF is not viable locally, the City needs to be clear eyed about what they are giving up.
- Potential City pursuits include extending roads/water/sewer, acquiring ROW, and potentially land assembly.
- The reason why this area is getting more attention now is because the whole Metro area is running out of industrial areas for development.
- Property owners want to know what the City is doing. There is still confusion over the Concept Plan and zoning and what is allowed or disallowed.
- Owners feel the City is responsible for lack of movement on employment lands and needs to fix it. There is the perception that employment lands are harder to sell and capitalize on than residentially zoned areas.
- There is a perception that in the past, investors or developers have given owners estimates of value that may be unrealistic. Also there is some history among owners that may create conflict to coordinated action.

MEMORANDUM

Thimble Creek Industrial Readiness Study



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
PHONE: 503.221.1131 www.hhpr.com FAX: 503.221.1171

Date: September 27, 2024

To: Brendan Buckley, Johnson Economics

From: Thuy Cao, HHPR

Subject: DKS Expert Interview Notes

General Questions

1. Can you provide any significant traffic concerns for the Thimble Creek area plan that we should be aware of?
2. Are there specific traffic issues that will impact development or that developers will need to consider or mitigate?

Meeting Notes

- City's adopted TSP has completed the long-range work assuming that the area is built out based on the designated zones, these assumptions in place should help provide more information
 - Issues and projects are already identified within the TSP
 - Developers would just need to pay the SDCs
- There are pretty robust infrastructure costs, a bulk of construction costs will be street frontage
- AM and PM peaks both break, look at ITE and different potential users
- Metro model has been updated several times since the TZE assumptions
- Look at zoning, MUC2 and Industrial (subsections under the underlying zone)
 - i.e. warehousing is only 50% above, etc.
- Jobs assumption with Metro (City Council does not want trips they want jobs)
- This study will help determine if they need code changes
- No parks requirements only in residential area
- HHPR can figure out costs for transportation, high level trip estimate and figure out SDCs
 - Proportionate share for 213 and Beaver Creek
- Ask the City for the 2022-11-29, Loder Rd Alt Analysis
 - This report is for guidance only, going through property 34
 - Not necessary to connect Loder Rd to High School based on traffic related issues
 - Small industrial business area and joint common driveway
 - Not an actual roadway

- Christina feels that so many of the constraints are the parallel alignments through individual lots
 - Up end their trip distribution analysis, this is a big issue
 - Felt like they are left with the street configuration they have without any engagement with other organizations
 - Connectivity and connector choices should not affect 213 and Beavercreek as long as they always have Thayer Road as a future connection
 - Alternative mobility standards would stay
 - Concerned ODOT, Oregon City is allowed to make their own local decisions
- All the parcelization and the diagonal road that isn't following any tax lots is going to be extremely challenging
- Is it helpful for the City to spend money on local street networks OR just wait for applicants to come in?
- When a developer comes in, they are required to show circulation (shadow plat)
 - They are only required to show how they connect to neighbors
 - Some City's require developers to look at overall connections
- Assumptions are still part of this plan, that connections up to Thayer Road will make this area work (Reah said that it will help a little bit, 213 and Beavercreek will still have issues)
- Concept Plan and TSP are still preferred development as long as the zones are developed as assumed (freight for industrial uses are handled by these designations)

Oregon City -Thimble Creek Market Assessment Stakeholder Outreach Summary

Outreach

Thimble Creek Area - Property Owners

8/10/2024 – 9/20/2024

Participants

- Multiple study area property owners
- Brendan Buckley – Johnson Economics

Summary

The Consultant held phone conversations with multiple property owners in the study area to discuss their experience and perceptions in trying to sell their land in the study area. Owners expressed some frustration and uncertainty with how to proceed. All the properties under discussion have Campus Industrial zoning. City staff had previously contacted these owners to discuss these matters and inform them that the consultant would be contacting them.

The summary of comments from these property owners are comingled below in order to give some anonymity to the respondents. Many of the comments were voiced by multiple property owners.

Meeting Notes

- All of these owners are actively interested in selling their properties. At this stage, none of them has contacted a broker to advise and help sell their properties.
- Owners have been approached by investors and realtors about their properties, but not any developers with specific plans. The perception is that people want to broker or flip the properties but are not end users, and this is who they would like to hear from.
- There is the perception that investors and cash buyers are making very low offers. Some owners or family members with influence believe that offers are too low and that sellers can get a higher price. Some of these buyers may be looking to flip the home for continue residential use.
- The City needs to have more incentives for developers and do more to attract them to the area.
- The City has a reputation for being slow to work with. It used to be easier to work with the City, but there are more rules and things take a long time. Staff often times do not have ready answers and do not get back to them. This is the individual experience of owners and have also heard from others.
- Owner doesn't really agree with the Campus Industrial zoning. They believe that the zone should have more flexibility and open it up to more types of users. They appreciate that the

City would like more tax base and high-end employment, but this makes it difficult on the sellers because it is a waiting game. If residential zoning is not appropriate, maybe something else would be: warehousing, retail, wholesale, more commercial options.

- There is the impression that the City has the ability to veto any proposal on a property.
- The location and access aren't great for an employment center. It is not an easy place to get to. Owners had trouble envisioning the study area as an employment center.
- Realtors have stated that it could take a couple of years to sell the property. Some of these owners have neighbors that could be interested in selling at the same time, allowing for some larger land assembly.
- Owners expressed that the powerlines and wetland delineations complicate use of property in the area if not their specific property.
- There is hope that the current study of the Thimble Creek area will bring clarity and perhaps a developer to the area. The City needs to decide what it wants to do before owners can decide. There is hope for answers in the new year but if not owners will seek to sell quickly.
- The zoning is complex and hard to understand. Feel willing to go along with City's plan but worried it isn't working.
- Selling to neighbors or other active investors in the immediate area may make sense, but they are also perceived as making very low offers. Some neighbors and the history of the area may complicate coordination among property owners who have had conflict in the past. The circumstances around the land sale and development of the County facility were noted by multiple owners.
- Owners voice reticence to work with brokers at this point, but this may be hampering their ability to correctly assess and value their properties.
- Some owners expressed hope that this study would present a ready solution in the new year, including bringing a developer to the table. Consultant made an effort to help adjust expectations, but owners may soon seek to sell quickly rather than wait for collaborative solutions.

Oregon City -Thimble Creek Market Assessment Stakeholder Outreach Summary

Outreach

Commercial Real Estate Broker

8/26/2024

Participants

- Associate Broker, Commercial Real Estate Brokerage Firm
- Brendan Buckley – Johnson Economics

Summary

The Consultant held a phone call conversation with a broker who has been representing a property owner selling roughly 20 acres in the study area. The parcel is encumbered by power line easements on the western side. The conversation covered context the broker has garnered from working with the seller, thoughts on the location and area for industrial development.

Meeting Notes

- The property has been inherited by second generation who are interested in selling.
- They have not done extensive pre-development studies, such as wetland evaluation or site planning. Buyer will have to do due diligence. They know the site is flat and has powerline easements, but that is about it.
- Very rough site planning done prior show two buildings of roughly 50k s.f. each with parking.
- Broker reached out to every developer active in the regional industrial market (ProLogis, Trammell Crow, Pannatoni). Most were looking for opportunities to do built-to-suit logistics/distribution development (i.e. warehousing). This is where the market is right now. The City discouraged pure distribution.
- Some reservations voiced about the property were that the City discourages pure distribution, the site would likely only allow a right-in, right-out access, uncertainty regarding the future possible extension of Loder Rd. through the parcel. However, developers were happy enough with the general location, and distance to freeway network was not an objection.
- Some buyers were interested in the usable parts of the parcel, but not the whole site (e.g. the easements). Possibly for investment/resale. Sellers are unwilling to do the front-end studies and want to sell the whole property.
- However, at the time of conversation, there was a purchase and sale agreement moving forward with a buyer. The buyer is described as a “logical buyer for that area”, but it is implied that it is not an industrial user.

- There is demand for usable industrial sites across the region. Opportunities are in short supply and land is just not available.
- General thoughts on the Thimble Creek study area: the highway (Beavercreek Road) has gotten pretty high-traffic. Zoning continues to be a challenge. The market is strong on warehousing and distribution at this time.
- High-tech manufacturing is not clustered in this area, and these companies can be few and far between. Manufacturers do not tend to do a lot of build-to-suit development.
- Manufacturers and particularly high-tech will assess the local workforce and skillsets.
- These users may need public incentives lined up and infrastructure in place. The industrial area needs to be more ready for them.
- Greater zoning flexibility would help this area.



CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	May 21, 2025
From:	Scott Archer, Parks and Recreation Director Thomas Kissinger, Assistant Parks and Recreation Director		

SUBJECT:

Item 9.b. - Resolution No. 25-12, 2025 Cemetery Fees Update

STAFF RECOMMENDATION:

Staff recommend approving the resolution to increase or add fees at Mountain View Cemetery effective July 1, 2025 according to the table outlined in Exhibit A. Staff also recommend establishing a cemetery perpetual endowment fund with associated fees.

These fees will be tied to an appropriate inflationary index and increased annually moving forward.

EXECUTIVE SUMMARY:

Fees for services at Mountain View Cemetery have not been updated since 2009 and are not currently tied to inflation. As such our fee structure has not kept pace with staff costs as wages have increased over time. In addition, we have added service options that necessitate new fees to cover staff costs associated with providing these services. A market comparison of similar cemeteries shows the new fees are more closely aligned with the surrounding market for comparable services. The new perpetual endowment fees will be set aside to pay for future maintenance when the Cemetery no longer has lots for sale. Staff presented these options to PRAC over two meetings (January and February 2025) and received good feedback on the proposals. Staff discussed the proposals with City Commission at the April 2 regular meeting, where Commission directed staff to adjust pricing with a goal of reaching 75% cost recovery.

BACKGROUND:

Mountain View Cemetery is a 55-acre municipally owned cemetery with a variety of structures and uses. Facilities on site include a small office building, a public restroom, a maintenance shop, and several mausoleums. The cemetery grounds are divided into three main categories:

- The Pioneer Cemetery, which represents 11 acres, was first established in 1854 and is primarily a historic cemetery.
 - The Veterans Memorial and Parents of Murdered Children Memorial, which is included in the 11 acres of the Pioneer Cemetery, primarily serves as a gathering and reflection space for the public to enjoy year-round, with specific events also held in these locations. The Veterans Memorial was recently reconstructed with project completion in 2024.

- The Main Cemetery, which represents 29 acres, primarily serves the community as a final resting place for loved ones. This section includes cremation, ground burial, and mausoleum lots that are available to the public for sale. It also includes various maintenance facilities utilized by the Parks and Cemetery Division.
- The Scattering Canyon, which represents 17 acres, primarily serves as forestland and an option for families interested in scattering cremains. There are some developed trails that allow for public access into the forest.

Staff provide a variety of end-of-life services at Mountain View Cemetery, including ground burials, cremains placements, mausoleum and niche placements, and cremains scattering. Parks Maintenance Specialists perform the operational work associated with maintaining the cemetery grounds and providing services. Administrative staff provide support to families, assist with paperwork and scheduling, and answer questions over the phone and in-person.

OPTIONS:

1. Approve Resolution No. 25-12, 2025 Cemetery Fees Update.
2. Approve Resolution No. 25-12, 2025 Cemetery Fees Update with Amendments.
3. Deny Resolution No. 25-12, 2025 Cemetery Fees Update and provide further direction.

BUDGET IMPACT:

Amount	\$158,830 (Estimated)
Fiscal Year(s):	FY25-26
Funding Source(s):	311-Cemetery Fund

RESOLUTION NO. 25-12

A RESOLUTION ADOPTING NEW MOUNTAIN VIEW CEMETERY FEES

WHEREAS, The City of Oregon City operates Mountain View Cemetery; and

WHEREAS, Mountain View Cemetery provides a modern, well-maintained & manicured, urban cemetery setting; and

WHEREAS, fees are set by the City for the sale of lots, mausoleum units, services, and other items; and

WHEREAS, the fees at Mountain View Cemetery have not been increased since 2009; and

WHEREAS, the proposed fee increases are more in-line with the market for this type of cemetery; and

WHEREAS, the proposed fee increases will generate additional revenues, thereby reducing the City's subsidy of the Mountain View Cemetery operations; and

WHEREAS, a perpetual endowment fund to care for the cemetery grounds after all lots have been sold has not been previously established; and

WHEREAS, fees at Mountain View Cemetery have not been indexed to an appropriate inflationary measure.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission adopts the proposed new fees and fee increases for Mountain View Cemetery effective July 1, 2025, as described in Exhibit A. The City also resolves to establish a perpetual endowment fund for long-term care of the cemetery, funded by charges on each lot sale as described in the Exhibit A. Fees shall be increased annually using an appropriate inflationary index, as determined by the City's Finance department.

Section 2. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of May 2025.

DENYSE C. MCGRUFF
Mayor

Attested to this 21st day of May 2025:

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney

2025 Mountain View Cemetery Price RESOLUTION- EXHIBIT A

Ground Options		Current Price	Price for 75% Cost Recovery (25% Subsidy)*	Average Comparable Price	Comments
Cremation Lots					
	Double Cremation - Section M & N	\$600.00	\$900.00	\$1,715.00	
	Single Cremation - Section M & N	\$300.00	\$450.00	\$1,030.00	
	Double Cremation - Nature's Pathway	\$1,200.00	\$1,800.00	\$2,750.00	
Casket Lots					
	Casket Lot Sales - Sections A-K	\$5,000.00	\$7,500.00	\$5,298.00	
	Casket Lot Sales - Section L	\$3,800.00	\$5,700.00	\$5,298.00	
	Casket Lot Sales - Section M & N	\$2,200.00	\$3,300.00	\$5,298.00	
Mausoleum Options					
Niche for Cremains					
	Single Cremation - Ground Level and Upper Rows	\$1,400.00	\$2,100.00	\$2,180.00	
	Single Cremation - Mid-Level Rows	\$1,600.00	\$2,400.00	\$2,180.00	
	Double Cremation - Ground Level and Upper Rows	\$2,800.00	\$4,200.00	N/A	No direct comparables
	Double Cremation - Mid-Level Rows	\$3,200.00	\$4,800.00	N/A	No direct comparables
Crypt for Casket					
	Single Crypt - Ground level and Upper Rows	\$3,200.00	\$4,800.00	\$4,078.00	
	Single Crypt - Mid-Level Rows	\$4,400.00	\$6,600.00	\$4,078.00	
	Tandem Crypt - Ground Level and Upper Rows	\$5,200.00	\$7,800.00	\$12,848.00	
	Tandem Crypt - Mid-Level Rows	\$6,700.00	\$10,050.00	\$12,848.00	
	Quad Crypt	\$9,500.00	\$14,250.00	N/A	Only one other cemetery offers this service, difficult to compare
Internment and Staff-related Fees		Current Price	Price for 75% Cost Recovery (25% Subsidy)*	Average Comparable Price	
Internment/Entombment Fees					
	Ground Cremains	\$250.00	\$380.00	\$821.00	
	Ground Casket	\$750.00	\$1,130.00	\$1,630.00	
	Niche Cremains	\$350.00	\$530.00	\$262.00	
	Crypt Casket or Cremains	\$450.00	\$680.00	\$618.00	
Staff Labor and Administrative Fees					
	Locate/Inspect (outside HS order)	\$85.00	\$130.00	N/A	
	Saturday Burial Service - Casket (Overtime)	\$700.00	\$1,050.00	\$454.00	
	Saturday Burial Service - Cremains (Overtime)	\$400.00	\$600.00	\$394.00	
New Fee	Service Setup in Mausoleum (Casket)		\$200.00	N/A	
New Fee	Service Setup in Mausoleum (Cremains)		\$100.00	N/A	
	Miscellaneous Work Requests (hourly)	\$40.00	\$60.00	N/A	
New Fee	Admin Fee - Charged for burial recording	\$250.00	\$380.00	\$423.00	
	Second Right to Internment		\$400.00	\$818.00	
	Admin Fee - Record change fee	\$50.00	\$80.00	N/A	
	Outside Headstone Order - Cemetery Staff Setting Fee				
	- Cremation Markers	\$175.00	\$200.00	N/A	
	- Casket Single Markers	\$250.00	\$350.00	N/A	
	- Casket Double Markers	\$375.00	\$450.00	N/A	
	Outside Headstone Order - Outside Vendor Sets				
	- Locating and Inspection Fee	\$85.00	\$180.00	N/A	
	- Perpetual Care Fund Fee	\$100.00	\$200.00	N/A	
Endowment Fees		Current Price	Average New Price*		
New Fee	Ground Casket Lots - 9%	\$0.00	\$500.00	N/A	
New Fee	Ground Cremation Lots - 9%	\$0.00	\$100.00	N/A	
New Fee	Niche in Mausoleum - 5%	\$0.00	\$170.00	N/A	
New Fee	Crypt in Mausoleum - 5%	\$0.00	\$440.00	N/A	
Vendor Services and Products					
Headstones - Flat Granite		Current Price	2.5% Markup *		
	Single Cremation - Color option 1	\$920.00	\$950.00		
	Double Cremation - Color option 1	\$1,200.00	\$1,230.00		
	Casket Single - Color option 1	\$1,750.00	\$1,800.00		
	Casket Double - Color option 1	\$3,560.00	\$3,650.00		
	Single Cremation - Color option 2	\$970.00	\$1,000.00		
	Double Cremation - Color option 2	\$1,410.00	\$1,450.00		
	Casket Single - Color option 2	\$2,170.00	\$2,230.00		
	Casket Double - Color option 2	\$3,650.00	\$3,750.00		
	Single Cremation - Color option 3	\$1,060.00	\$1,090.00		
	Double Cremation - Color option 3	\$1,490.00	\$1,530.00		
	Casket Single - Color option 3	\$2,460.00	\$2,530.00		
	Casket Double - Color option 3	\$3,970.00	\$4,070.00		
Natural Stone Engraving Services					
	Natural Stone - Small Stone Size	\$1,370.00	\$1,410.00		
	Natural Stone - Medium Stone Size	\$1,610.00	\$1,650.00		
	Natural Stone - Large Stone Size	\$1,900.00	\$1,950.00		
Final Date, Bricks, and Memorial Wall Engraving					
	Final Date on Existing Stone	\$410.00	\$420.00		
	Bricks around Memorial Fountain	\$500.00	\$520.00		
	Memorial Wall - Name and Dates	\$500.00	\$520.00		
Niche & Crypt Memorial Options					
	Niche Memorial Plate - Essential	\$690.00	\$710.00		
	Niche Memorial Plate - Preferred	\$1,040.00	\$1,070.00		
	Niche Memorial Plate - Premium	\$1,380.00	\$1,420.00		
	Niche Memorial Plate - Vase Add-On	\$110.00	\$120.00		
	Niche Memorial Plate - Color Portrait Add-On	\$340.00	\$350.00		
	Niche Bronze Name Bar & Vase	\$800.00	\$820.00		
	Crypt Bronze Name Bar & Vase	\$1,040.00	\$1,070.00		
Concrete Liners & Vase Options					
	Bronze Inscription Vases with Name/Date	\$1,170.00	\$1,200.00		
	PermaVase Sets	\$140.00	\$150.00		
	Concrete Liner	\$1,000.00	\$1,030.00	\$1,323.00	

*All prices rounded to the nearest \$10.00

2025 Mountain View Cemetery Price Review

Ground Options		New Price	Estimated Revenue FY25-26
Cremation Lots			
	Double Cremation - Section M & N	\$900.00	\$8,100.00
	Single Cremation - Section M & N	\$450.00	\$5,400.00
	Double Cremation - Nature's Pathway	\$1,800.00	\$30,600.00
Casket Lots			
	Casket Lot Sales - Sections A-K	\$7,500.00	\$15,000.00
	Casket Lot Sales - Section L	\$5,700.00	\$5,700.00
	Casket Lot Sales - Section M & N	\$3,300.00	\$75,900.00
Mausoleum Options			
Niche for Cremains			
	Single Cremation - Ground Level and Upper Rows	\$2,100.00	\$2,100.00
	Single Cremation - Mid-Level Rows	\$2,400.00	\$4,800.00
	Double Cremation - Ground Level and Upper Rows	\$4,200.00	\$8,400.00
	Double Cremation - Mid-Level Rows	\$4,800.00	\$4,800.00
Crypt for Casket			
	Single Crypt - Ground level and Upper Rows	\$4,800.00	\$4,800.00
	Single Crypt - Mid-Level Rows	\$6,600.00	\$6,600.00
	Tandem Crypt - Ground Level and Upper Rows	\$7,800.00	\$0.00
	Tandem Crypt - Mid-Level Rows	\$10,050.00	\$10,050.00
	Quad Crypt	\$14,250.00	\$0.00
Internment and Staff-related Fees			
Internment/Entombment Fees			
	Ground Cremains	\$380.00	\$17,860.00
	Ground Casket	\$1,130.00	\$36,160.00
	Niche Cremains	\$530.00	\$7,950.00
	Crypt Casket or Cremains	\$680.00	\$8,160.00
Staff Labor and Administrative Fees			
	Locate/Inspect (outside HS order)	\$130.00	\$130.00
	Saturday Burial Service - Casket (Overtime)	\$1,050.00	\$3,150.00
	Saturday Burial Service - Cremains (Overtime)	\$600.00	\$2,400.00
New Fee	Service Setup in Mausoleum (Casket)	\$200.00	\$8,000.00
New Fee	Service Setup in Mausoleum (Cremains)	\$100.00	\$4,000.00
	Miscellaneous Work Requests (hourly)	\$60.00	\$180.00
	Admin Fee - Charged for burial recording	\$380.00	\$42,940.00
New Fee	Second Right to Internment	\$400.00	\$400.00
	Admin Fee - Record change fee	\$80.00	\$800.00
	Outside Headstone Order - Cemetery Staff Setting Fee		
	- Cremation Markers	\$200.00	\$1,000.00
	- Casket Single Markers	\$350.00	\$3,500.00
	- Casket Double Markers	\$450.00	\$4,500.00
	Outside Headstone Order - Outside Vendor Sets		
	- Locating and Inspection Fee	\$180.00	\$4,500.00
	- Perpetual Care Fund Fee	\$200.00	\$5,000.00
Endowment Fees			
New Fee	Ground Casket Lots - 9%	\$500.00	\$13,000.00

New Fee	Ground Cremation Lots - 9%	\$100.00	\$3,800.00
New Fee	Niche in Mausoleum - 5%	\$170.00	\$1,020.00
New Fee	Crypt in Mausoleum - 5%	\$440.00	\$1,320.00
Vendor Services and Products			
Headstones - Flat Granite			
	Single Cremation - Color option 1	\$950.00	\$11,400.00
	Double Cremation - Color option 1	\$1,230.00	\$11,070.00
	Casket Single - Color option 1	\$1,800.00	\$27,000.00
	Casket Double - Color option 1	\$3,650.00	\$40,150.00
	Single Cremation - Color option 2	\$1,000.00	
	Double Cremation - Color option 2	\$1,450.00	
	Casket Single - Color option 2	\$2,230.00	
	Casket Double - Color option 2	\$3,750.00	
	Single Cremation - Color option 3	\$1,090.00	
	Double Cremation - Color option 3	\$1,530.00	
	Casket Single - Color option 3	\$2,530.00	
	Casket Double - Color option 3	\$4,070.00	
Natural Stone Engraving Services			
	Natural Stone - Small Stone Size	\$1,410.00	\$31,020.00
	Natural Stone - Medium Stone Size	\$1,650.00	
	Natural Stone - Large Stone Size	\$1,950.00	
Final Date, Bricks, and Memorial Wall Engraving			
	Final Date on Existing Stone	\$420.00	\$9,240.00
	Bricks around Memorial Fountain	\$520.00	\$1,040.00
	Memorial Wall - Name and Dates	\$520.00	\$520.00
Niche & Crypt Memorial Options			
	Niche Memorial Plate - Essential	\$710.00	
	Niche Memorial Plate - Preferred	\$1,070.00	
	Niche Memorial Plate - Premium	\$1,420.00	
	Niche Memorial Plate - Vase Add-On	\$120.00	
	Niche Memorial Plate -Color Portrait Add-On	\$350.00	
	Niche Bronze Name Bar & Vase	\$820.00	\$12,300.00
	Crypt Bronze Name Bar & Vase	\$1,070.00	\$13,910.00
Concrete Liners & Vase Options			
	Bronze Inscription Vases with Name/Date	\$1,200.00	\$12,000.00
	Permavase Sets	\$150.00	\$1,350.00
	Concrete Liner	\$1,030.00	\$25,750.00

***All prices rounded to the nearest \$10.00**

Total Revenue (Minus Endowment Fees)	\$529,630.00
FY25-26 Expenses	\$681,900.00
Cost Recovery	78%



CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	May 21, 2025
From:	Jakob Wiley, City Recorder Matt Zook, Finance Director		

SUBJECT:

Item 9.c. - First Reading of Ordinance No. 25-1007, Declaring the Oregon City Municipal Court as a Court of Record

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 25-1007, which will allow the Oregon City Municipal Court to become a "court of record."

EXECUTIVE SUMMARY:

A "court of record" is a status that is granted by the Oregon Supreme Court and regulated by ORS 221.342. This status alters the path for appeals, elevating the Oregon City Municipal Court's decisions. ORS 221.342 requires that the City pass an ordinance to enable the Municipal Court to request to become a court of record.

BACKGROUND:

One of the benefits of being a court of record is related to appeals of the Oregon City Municipal Court's decisions. Currently, decisions of the Court are reviewed *de novo* by a circuit court. This means that any appeal essentially starts over and the appellant may bring new evidence, new arguments, and the reviewing court does not defer to the Municipal Court's decision or findings.

After becoming a court of record, the Oregon City Municipal Court's decisions will be appealed to the Court of Appeals rather than the Circuit Court. Further, the Court of Appeals is limited to the record developed at the Municipal Court's trial.

The City had not pursued becoming a court of record in the past due to a lack of reliable recording technology. With the recent updates to the Libke Chambers, recording technology provided by For the Record was installed to enable reliable recording of trials as part of the update. There is no additional cost to become a court of record.

OPTIONS:

1. Approve First Reading of Ordinance No. 25-1007, Declaring the Oregon City Municipal Court as a Court of Record
2. Approve First Reading of Ordinance No. 25-1007, Declaring the Oregon City Municipal Court as a Court of Record

with Amendments.

3. Deny First Reading of Ordinance No. 25-1007, Declaring the Oregon City Municipal Court as a Court of Record and provide further direction.

BUDGET IMPACT:

Amount	\$0
Fiscal Year(s):	2024-25
Funding Source(s):	N/A

ORDINANCE NO. 25-1007

AN ORDINANCE OF THE CITY OF OREGON CITY DECLARING THE OREGON CITY MUNICIPAL COURT TO BE A COURT OF RECORD

WHEREAS, ORS 221.342, provides that a municipal court may become a court of record upon a passage of an ordinance by governing body of the city; and;

WHEREAS, an appeal from a judgment following a trial in a municipal court that is not a court of record results in a trial *de novo* in circuit court; and;

WHEREAS, appeals from judgments of courts that are courts of record are made directly to the Oregon Court of Appeals; and;

WHEREAS, the City Commission finds that eliminating the option of multiple trials for matters heard by the Municipal Court will promote efficient and fair administration of justice, will promote respect for the rulings of the Municipal Court, and will reduce prosecution expense for the City.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Oregon City Municipal Court is hereby declared to be a court of record, within the meaning of ORS 221.342 effective July 4, 2025.

Section 2. Article 02 of Chapter 2 of the Oregon City Code is amended by adding Section 2.10 as follows:

2.10 Municipal Court

2.10.010 – Court of Record

A. As authorized by ORS 221.342 the Oregon City Municipal Court is hereby declared to be a court of record, effective July 04, 2025.

Section 3. Staff is authorized to file a declaration with the Oregon Supreme Court as required by ORS 221.342(1)(b).

Read for the first time at a regular meeting of the City Commission held on the 21st day of May 2025, and the City Commission finally enacted the foregoing ordinance this 4th day of June 2025.

DENYSE C. MCGRUFF
Mayor

Attested to this 4th day of June 2025

Jakob S. Wiley, City Recorder

Approved as to legal sufficiency:

City Attorney



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** May 21, 2025
From: Alexandra Rains, Assistant City Manager

SUBJECT:

Item 9.d. - Former Commission Chambers Name Change, Commission Chambers Name Discussion

STAFF RECOMMENDATION:

Please provide guidance to staff on the desired names for the chambers located at City Hall and the Robert Libke Public Safety Building.

EXECUTIVE SUMMARY:

Staff is proposing renaming the chambers at City Hall to the Mt. Hood Room. Additionally, we are requesting guidance on the desired name for the chambers at the Robert Libke Public Safety Building.

BACKGROUND:

City Commission Meetings are currently held at the Robert Libke Public Safety Building (Libke Building) where municipal court is also conducted. Prior to the completion of the Libke Building, City Commission meetings were held in the room referred to as the Commission Chambers located at City Hall.

This change, without subsequent renaming of the Commission Chambers at City Hall and an official name for the chambers located at Libke, has caused occasional confusion regarding the location of City Commission meetings. To address this issue, staff is proposing renaming the chambers at City Hall to the Mt. Hood Room.

Additionally, we are requesting guidance on the desired name for the room at Libke. Prior Commissions had expressed an interest in honoring George Hanlon, an OCPD officer who lost his life in the line of duty, by naming the room the Hanlon Commission Chambers. Please direct staff on your preference.

Once the Commission has made their determination on the preferred names for both spaces, the website, all applicable signage and any other city materials that reference these spaces will be updated. Finally, a plaque honoring George Hanlon will be located in the lobby of the Libke Building.

OPTIONS:

1. Approve renaming the chambers at City Hall to the Mt. Hood Room and select a name for the chambers at the Robert Libke Public Safety Building.

2. Approve renaming the chambers at City Hall and the Robert Libke Public Safety Building with amendments.
3. Deny renaming of the chambers at City Hall and the Robert Libke Public Safety Building and provide further direction.

BUDGET IMPACT:

Amount \$

Fiscal Year(s):

Funding Source(s):



CITY OF OREGON CITY

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

Staff Report

To: City Commission

Agenda Date: May 21, 2025

From:

SUBJECT:

Item a. - Appointment of Christopher Nolte to the Citizen Involvement Committee

STAFF RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Hazel Grove - Westling Farm Neighborhood Association has officially reactivated and has requested the appointment of Christopher Nolte as a neighborhood representative on the Citizen Involvement Committee.

BACKGROUND:

N/A

OPTIONS:

N/A

BUDGET IMPACT:

N/A