



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, January 12, 2026 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 ocplanning@orc.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)
 - Email ocplanning@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)
 - Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045
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1. CONVENE MEETING AND ROLL CALL

2. APPROVAL OF MINUTES

3. PUBLIC COMMENTS

Please see the public comment guidelines below.

4. PRESENTATIONS

- a. Clackamette Cove Water Quality Analysis

5. PUBLIC HEARINGS

- a. GLUA-25-00047 / MAS-25-00006: Clackamas Community College Athletics Complex Redevelopment - Continuance
- b. GLUA-25-00054 / LEG-24-00003 - OCMC 16.12 Code Amendments for Public Improvement Exemptions

6. DISCUSSION ITEMS

7. COMMUNICATIONS

8. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

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.



CITY OF OREGON CITY

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

Staff Report

To: Planning Commission

Agenda Date: January 12, 2026

From:

SUBJECT:

Clackamette Cove Water Quality Analysis

STAFF RECOMMENDATION:

No action needed. Information only.

EXECUTIVE SUMMARY:

Marcos Kubow, Public Works Stormwater Water Quality Coordinator, will provide a short presentation about the Clackamette Cove Water Quality Analysis.

BACKGROUND:

Please see attached presentation and report.

NEXT STEPS:

OPTIONS:



CITY OF OREGON CITY

625 Center Street
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503-657-0891

Staff Report

To: Planning Commission

Agenda Date: January 12, 2026

From:

SUBJECT:

Item 4.a. - Clackamette Cove Water Quality Analysis

STAFF RECOMMENDATION:

No action needed. Information only.

EXECUTIVE SUMMARY:

Marcos Kubow, Public Works Stormwater Water Quality Coordinator, will provide a short presentation about the Clackamette Cove Water Quality Analysis.

BACKGROUND:

Please see attached presentation and report.

OPTIONS:

BUDGET IMPACT:

GENERAL STAFF REPORT

Agenda Date: 1/12/2025

SUBJECT: Clackamette Cove Water Quality Analysis – Phase 2 Update

STAFF RECOMMENDATION:

Review the Clackamette Cove Water Quality Analysis and Provide Feedback and Direction for the Final Report.

EXECUTIVE SUMMARY:

The Clackamette Cove (Cove) has experienced cyanobacteria algal blooms in the past, but little water quality data was available. Potential sources of chemical constituents to the Cove include stormwater runoff, historical contamination (e.g., bottom sediments), and the Clackamas River. The goal of this program is to evaluate the current conditions in the Cove, develop alternatives for harmful algal blooms (HAB) and provide recommendations for improving water quality conditions to support recreational use, aesthetic qualities and future development of the Cove property.

Aquatic Insight, LLC has collected data for two years, evaluating conditions and using the gathered data to address concerns in relation to seasonal blue-green algae blooms that could impact recreational habitat uses of the Cove. The data is now being fed into a numerical Model (CE-QUAL-W2 model) to calibrate alternative analysis. In this presentation, Oregon City's Water Quality Coordinator, Marcos Kubow, will discuss similarities and differences between the two years of data to support the City's understanding of the project and the direction it is going for the model.

In conclusion, the Clackamette Cove's vicinity to the Clackamas River presents two potential approaches: treating the Cove as a lake or as an extension of the river. The Model is projected to be completed by January 2026 and will evaluate the effectiveness of six alternatives to determine the best options moving forward. Key questions under consideration include: "How much flushing would be necessary to lower the risk of HABs, if the Cove was treated as a river?", and "Would removal of invasive aquatic plants minimize the risk of HABs if the Cove were managed as a lake?". The final result will be presented to the Urban Renewal Commission and shared with the public in the Spring of 2026, along with recommendations for next steps.

BACKGROUND:

On July 28, 2023, Commissioner Frank O'Donnell met with the Urban Renewal Commission to discuss strategies for mitigating water quality concerns in Clackamette Cove (Cove) and addressing seasonal blue-green algae blooms that may affect its recreational and habitat uses.

At the September 12, 2023 work session, and at the direction of the Urban Renewal Commission, Commissioner O'Donnell facilitated a discussion that included a tour of the Oswego Lake site and an overview of the Lake Oswego Corporation's efforts to improve water quality. The discussion addressed strategies for managing and addressing the lake's water quality issues, including mitigation of blue-green algae blooms. Staff also provided updates on meetings with representatives from the Portland Permits Section of the US Army Corps of Engineers.

At the conclusion of the September meeting, staff initiated an initial scope of work to study and better understand existing conditions. This effort served as a basis for evaluating opportunities to improve water quality and identifying a plan to understand what may be impacting late-season water quality in the Cove.

On January 17, 2024, the drafted scope of work was submitted to the Urban Renewal Commission for consideration. Subsequently, on January 30, 2024, a small stakeholder group convened to provide final feedback that was needed for a Request for Proposals.

A public advertisement requesting proposals was published in the Daily Journal of Commerce on March 8 and 11, 2024. Two proposals were received on March 26, 2024. A five-person evaluation team met on April 3, 2024, and reached unanimous consensus to recommend Aquatic Insight, LLC for the project.

Between April 23, 2024, to March 12, 2025 (Phase 1), and again from July through October 2025 (Phase 2), data was collected on the Clackamette Cove and Clackamas River. The following data sets were gathered:

- Multi-parameter sonde data was collected from the cove and from the river.
- Water samples were collected from the cove at depths of two meters and five meters, and analyzed for total phosphorus, soluble reactive phosphorus, total nitrogen, nitrate and nitrite, ammonia, total Mn, total Fe, and alkalinity.
- Phytoplankton samples were collected from the Cove and the Clackamas River.
- Sediment cores were collected from three locations in the cove and analyzed for phosphorus content.
- Water surface elevation data was collected from the cove and river for model calibration.

Aquatic Insight, LLC has developed the baseline CE-QUAL-W2 model (Model), which collects data for water quality and is a hydrodynamic model in 2D (longitudinal-vertical), for rivers, estuaries, lakes, reservoirs and river basin systems. W2 models basic eutrophication processes such as temperature-nutrient-algae-dissolved oxygen-organic matter and sediment relationships.

The two years of monitoring data, combined with CE-QUAL-WA modeling, will inform the final evaluation of alternatives aimed to improving water quality and reducing the risk of harmful cyanobacteria blooms that could impact recreational use. Aquatic Insight will refine and finalize the list of six previously identified management alternatives and conduct comparative analysis.

This report represents a status update of the monitoring results and their role in informing the Model to date. No action is required by the Commission at this time, and there will be no changes to the budget for the remainder of the contract.

OPTIONS: (This auto populates the subject title so be sure the title fits the text)

1. Approve
2. Approve ___ with specific modifications.
3. Deny. If the Commission chooses to deny the _____ staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$0

Fiscal Year(s): 2025-26, 2026-27

Funding Source(s): Urban Renewal

Supporting documents, do not include this section in online staff report:

Clackamette Cove Phase 2 Alternatives Workshop – October 21, 2025



Clackamette Cove Water Quality & Alternatives Evaluation Phase 2

Oregon City Urban Renewal Commission – November 19, 2025
Draft and Preliminary

Today's Objectives

- Share what we have learned about Clackamette Cove
 - Water levels and hydrodynamics between the Willamette River, Clackamas River, and the Cove
 - Water quality
- Share next steps in the Phase 2 Project
- Questions and Discussion



Phase 2 Focus and Scope

- **Phase 2 Focus**

- Advance understanding of Cove hydrodynamics, water quality, and management options
- Develop and evaluate Alternatives using the CE-QUAL-W2 model
- Support the City's decision-making through workshops and technical documentation

- **Phase 2 Scope**

- Task A: Project Management
- Task B: Stakeholder Engagement
- Task C: Data Synthesis
- Task D: Monitoring Plan Refinement
- Task E: 2025–2026 Monitoring
- Task F: Data Interpretation
- Task G: Alternatives Evaluation
- *Tasks and workshops lead towards development of a Technical Report evaluating alternatives*

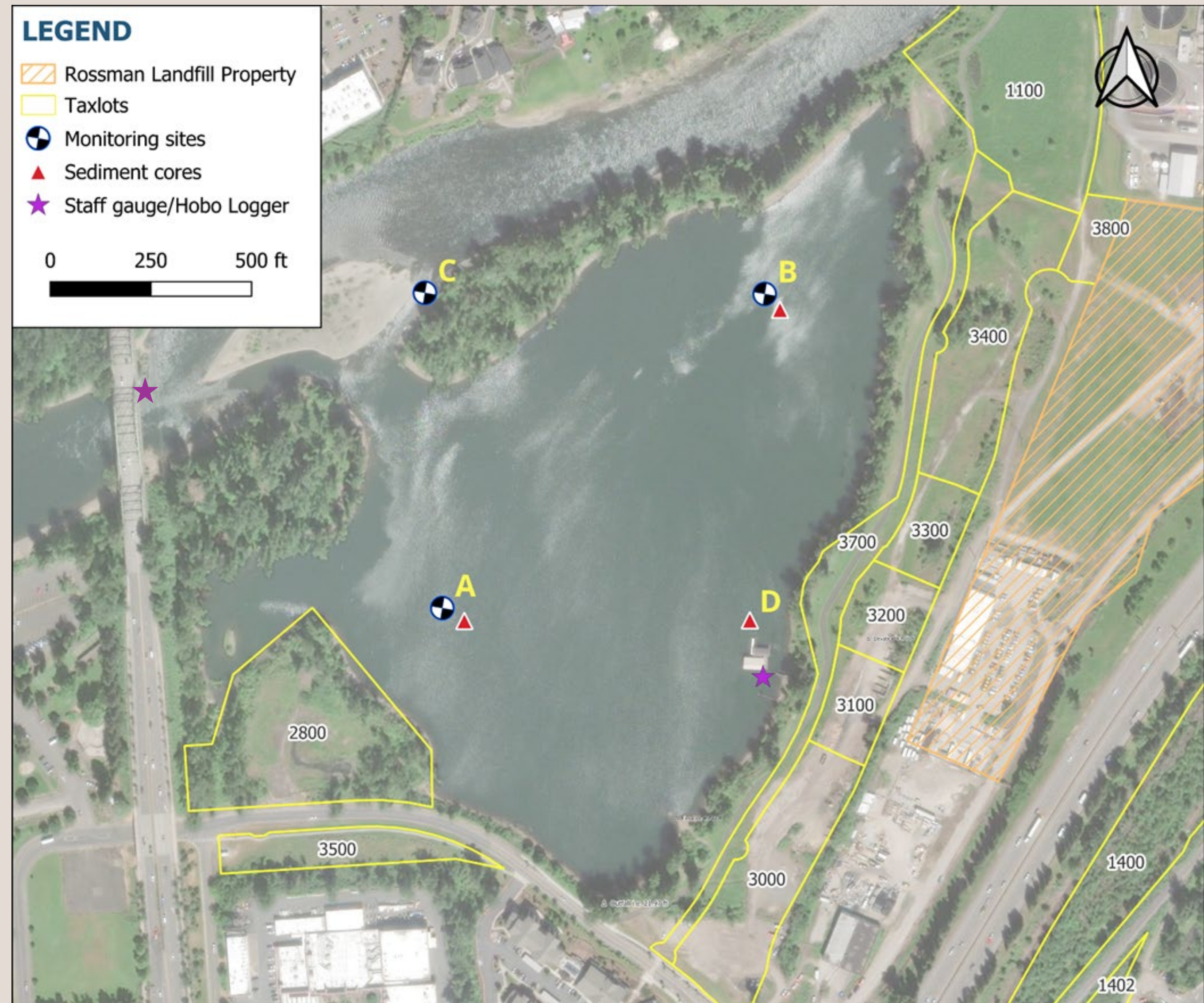
Progress Since Phase 2 Kickoff Meeting

- Draft reports submitted for comments
 - Phase I Water Quality Report (August 8)
 - Water Quality Monitoring Plan (August 8)
 - Potential for Pollutant Migration Through Groundwater Pathways Draft Technical Memo (August 12)
- Began monitoring on July 7 – Biweekly through October and monthly starting in November
- Completed vegetation survey on August 7
- Completed bathymetry survey of Cove and inlet on August 12
- Site visit by Lichen geomorphologist on August 25

2024–2025 Monitoring Overview

- Water Levels (★) – Cove and Clackamas River at Hwy 99 Bridge
 - To understand Cove hydrodynamics and inform modeling
- Water Quality (⊙) – Cove (Sites A, B*) and River (C)
 - Sonde profiles – dissolved oxygen, temperature, pH, conductivity, chlorophyll *a*
 - Nutrients – Phosphorus and Nitrogen species
 - Phytoplankton – algae species, cell counts and biovolume
 - Sediment cores (▲) from the Cove (Sites A, B, D)
 - To understand potential for phosphorous release from sediments

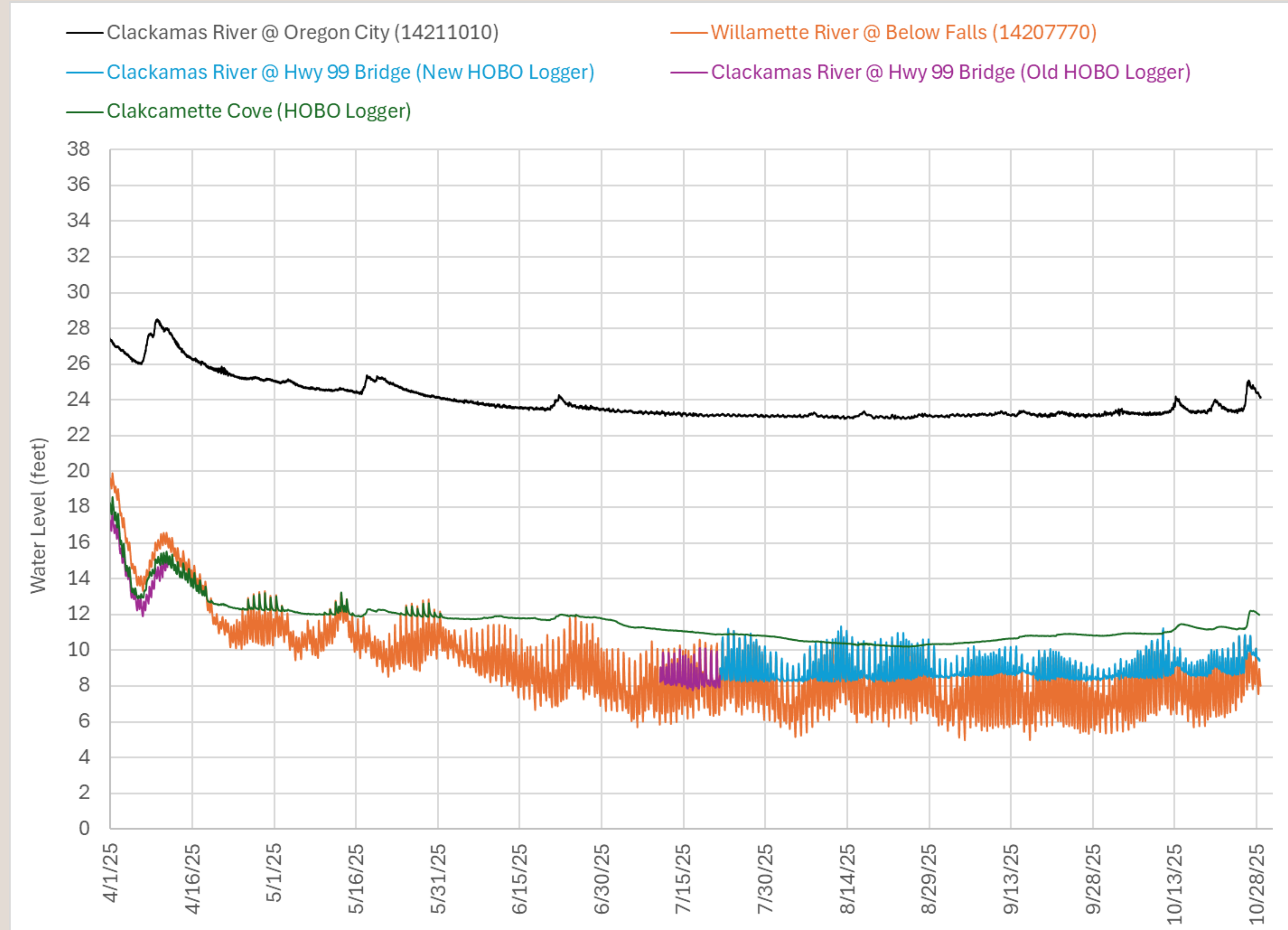
*Site B eliminated in 2025 since data was similar to Site A



Water Levels

The Cove is influenced by both the Clackamas River (CR) and Willamette River (WR) tidal fluctuations

- Hwy 99 bridge and Cove water levels have diurnal increases that match WR tidal fluctuations
- When CR elevation at the cove entrance is less than 12 feet, the Cove does not have diurnal fluctuations
- When CR flows decline in August, CR water does not flow into the Cove



Gravel Bar

- Relative water levels create gradients (head) that drive flows into and out of the cove



Summer Gravel Bar Dynamics



Majority of flow is confined to the channel north of the gravel bar

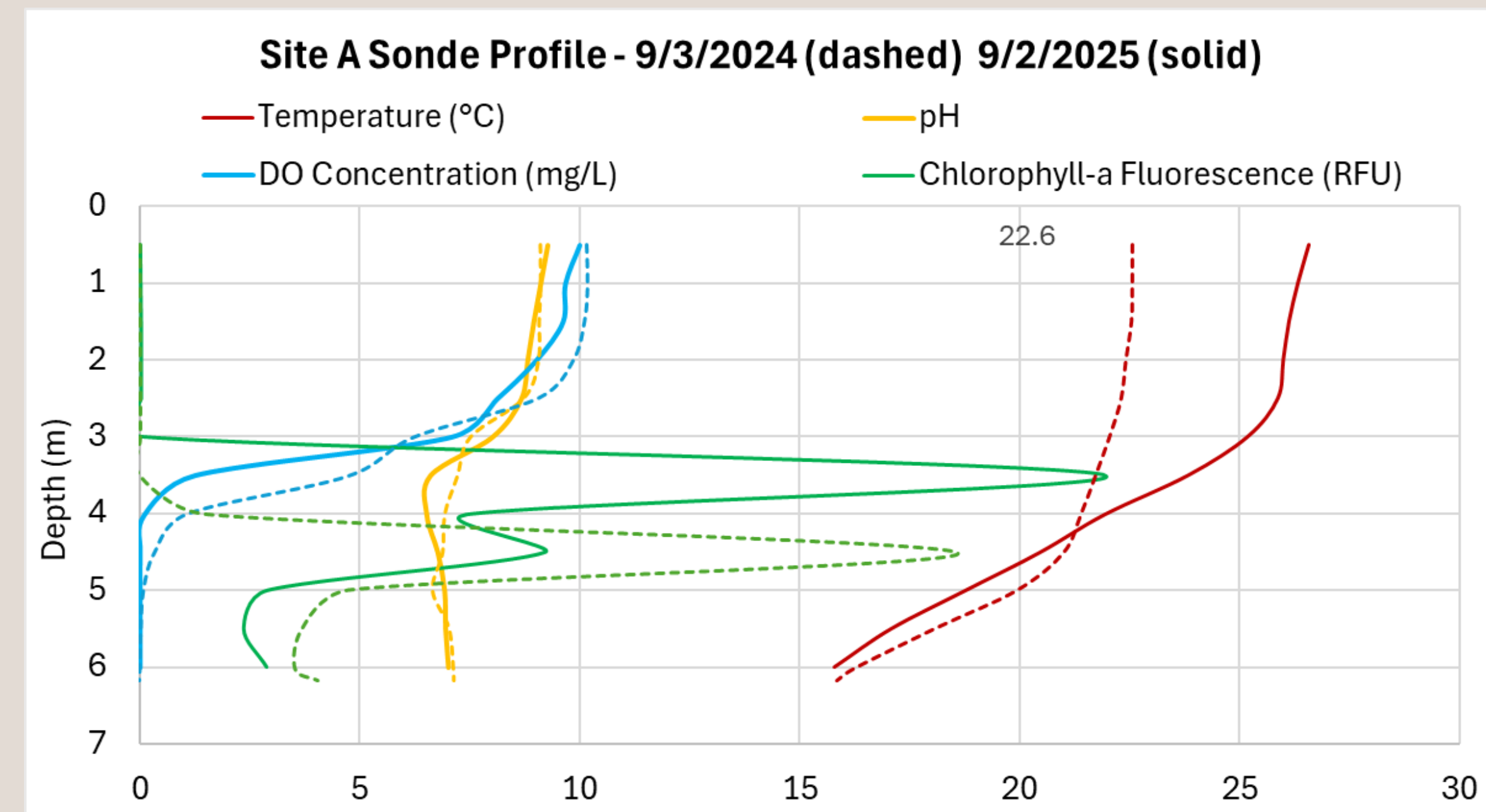
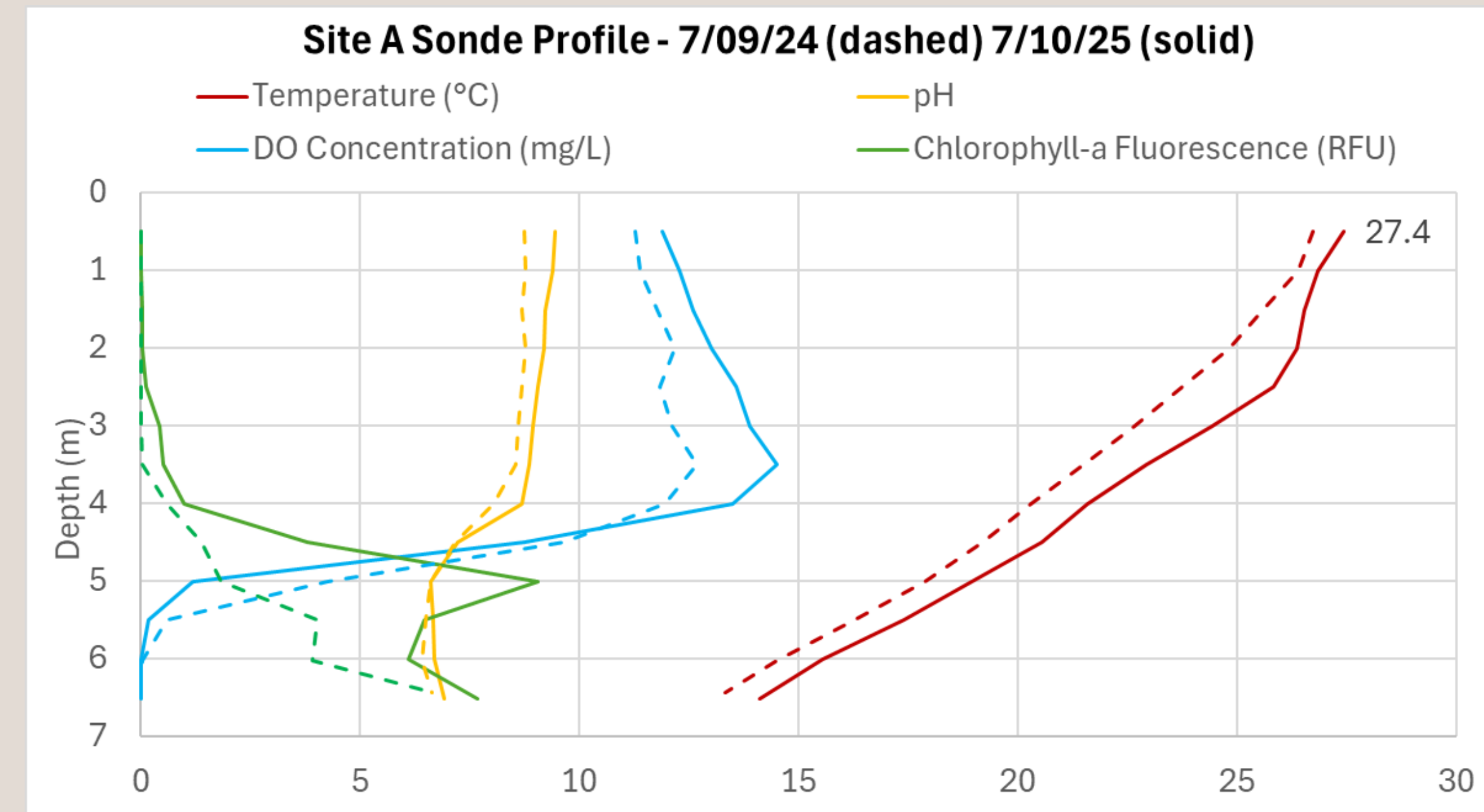
As river levels decline, the gravel bar becomes exposed, reducing and eventually cutting off inflow to the Cove

The gravel bar acts like a hydraulic control on Cove water levels and dampens tidal influence, while evaporation and seepage further lower levels

Cove functions as a losing system – water levels decline from about 12 ft to 10.2 ft (-1.8 ft)

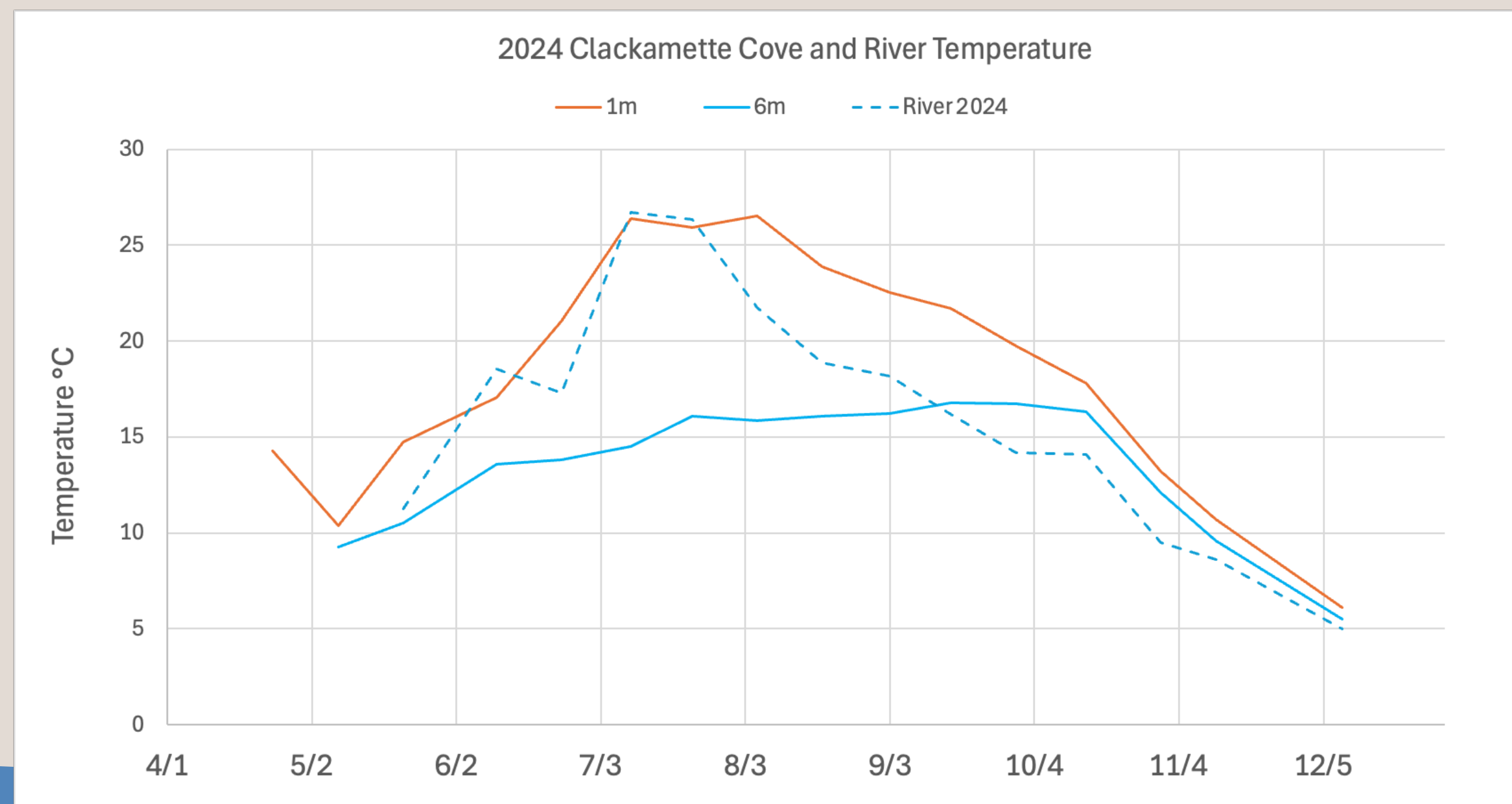
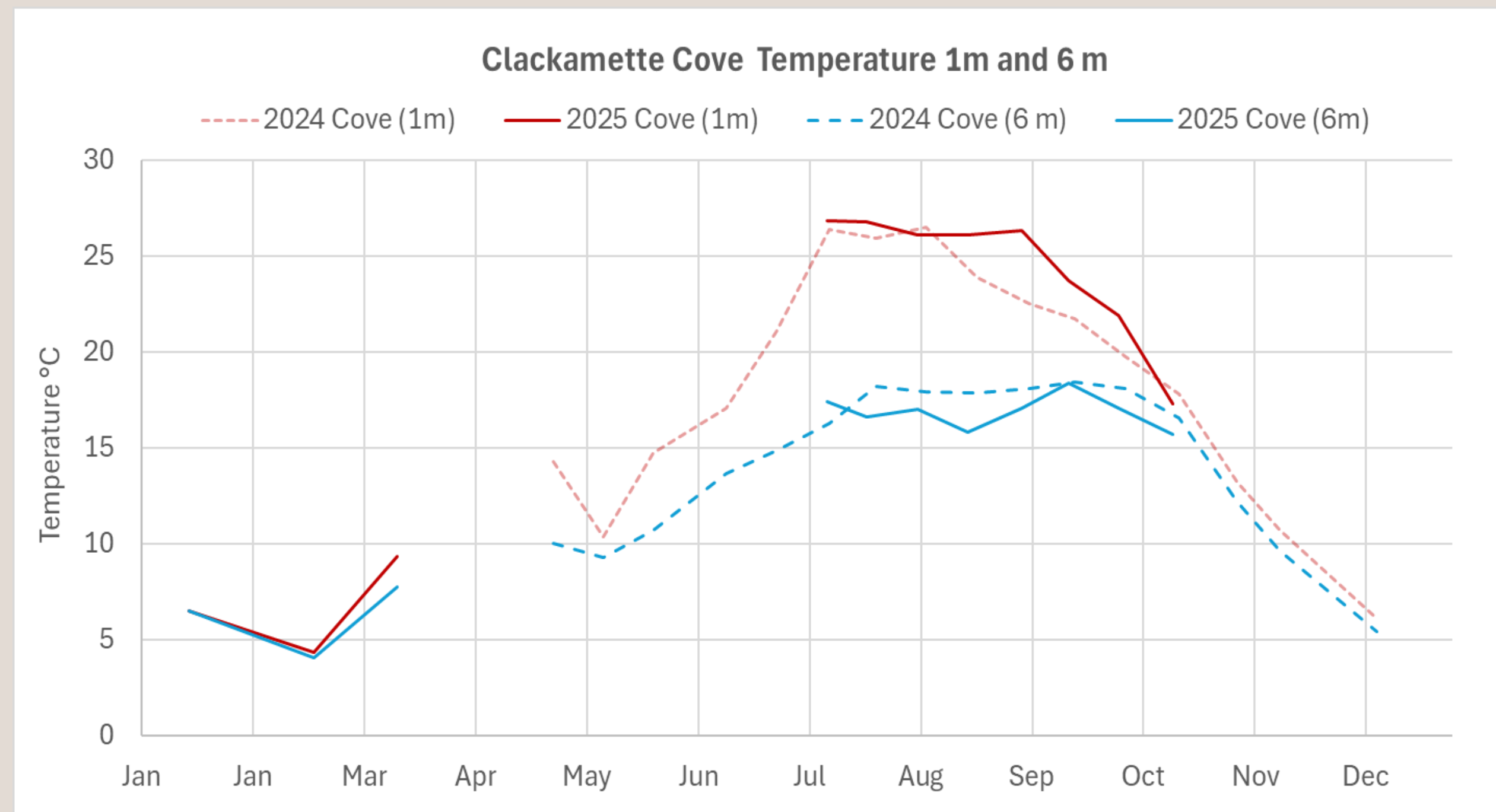
Dissolved Oxygen & Thermal Stratification

- Vertical profiles from early and late summer (July and September shown) illustrate development and persistence of thermal stratification, isolating bottom waters
- As stratification strengthens, oxygen is depleted at depth, promoting internal phosphorus release
- Year-to-year differences in the strength and timing of stratification reflect variable heating, mixing, and inflow, but seasonal stratification is a consistent pattern



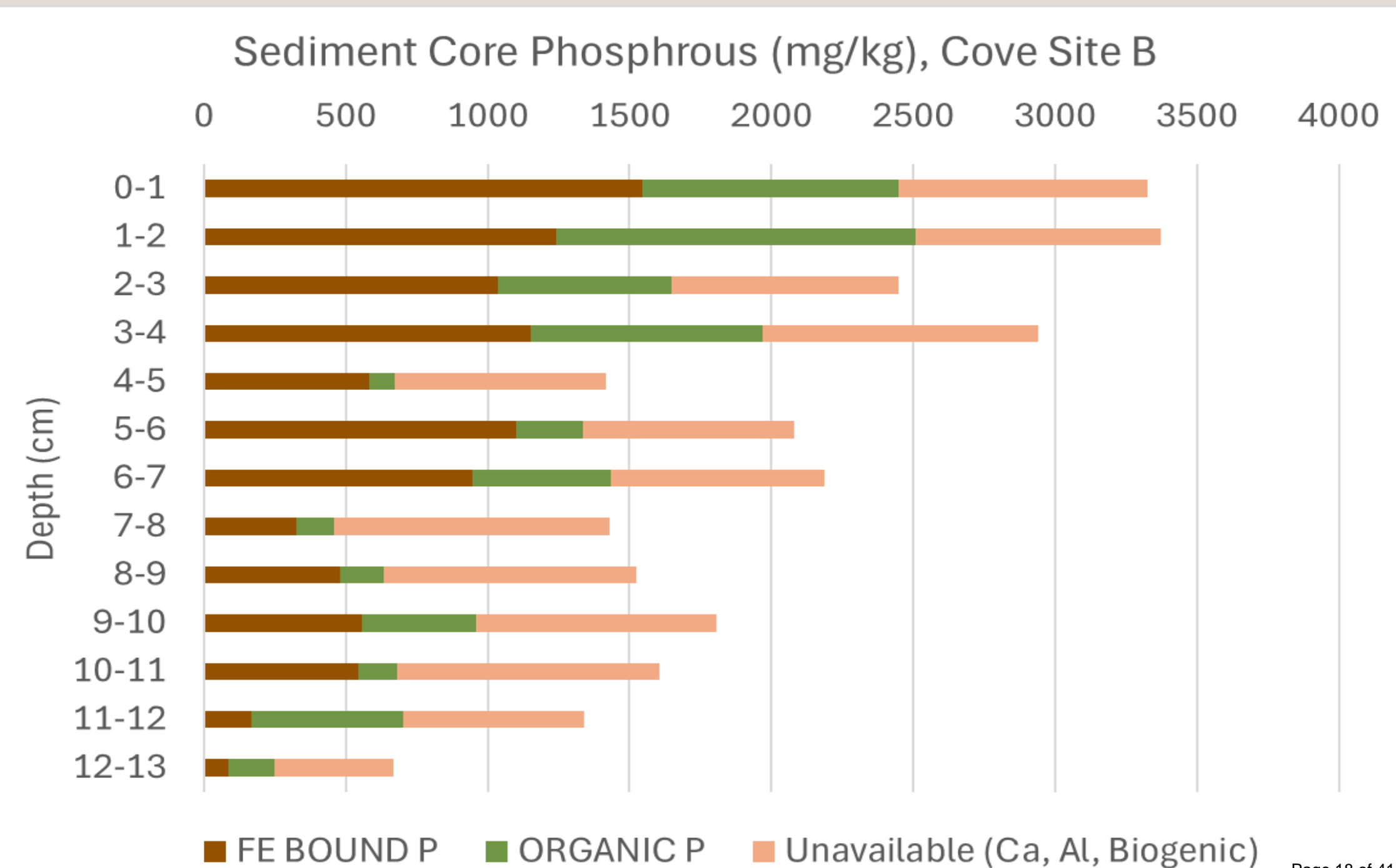
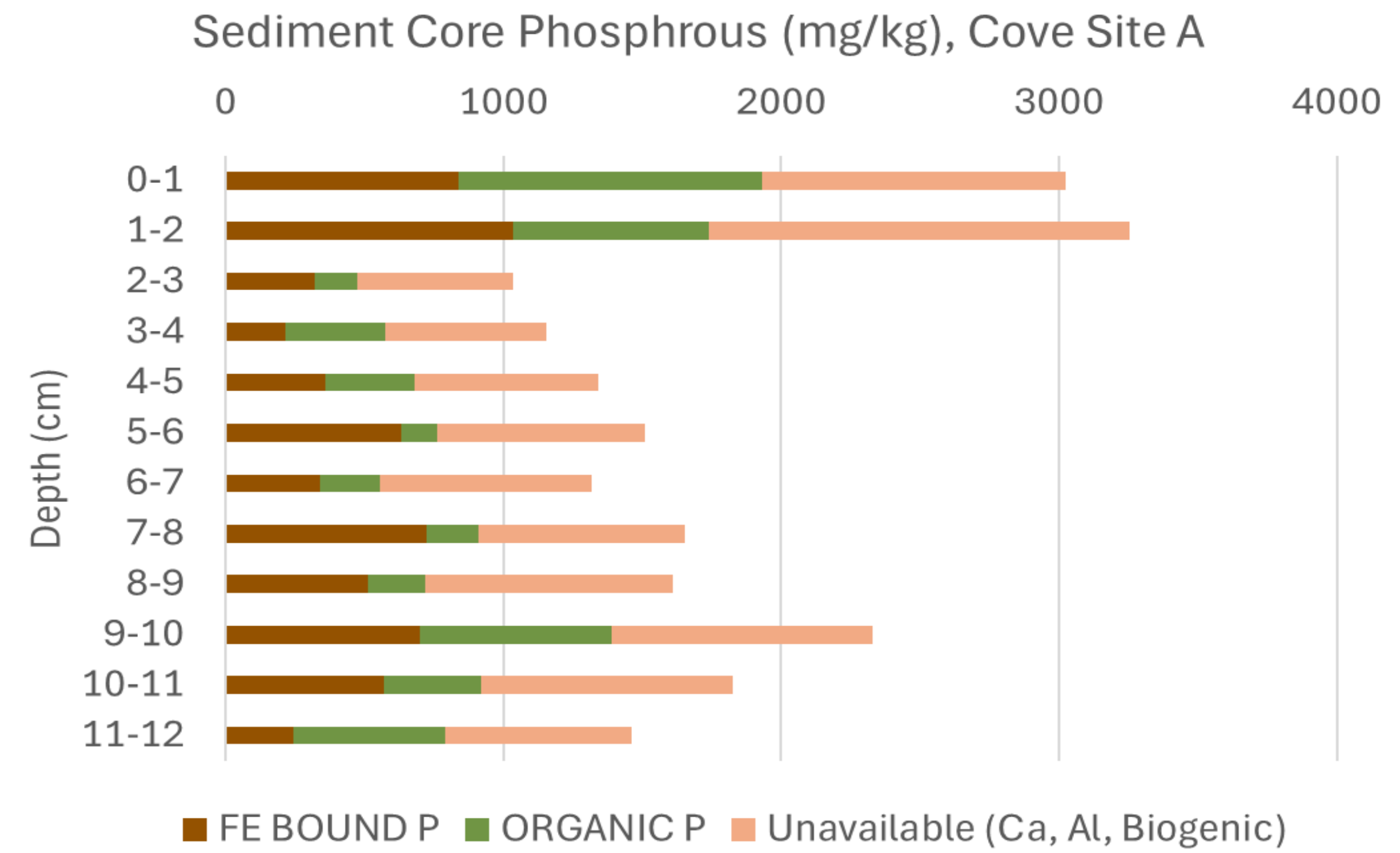
River and Cove Water Temperature

- A strong temperature difference develops between surface and bottom waters in the summer, creating a stable density gradient that restricts mixing
- River water is typically cooler than the Cove surface but warmer than bottom waters, so any inflow may likely enter as a mid-depth interflow rather than reach the deepest layers
- Breaking stratification would require sufficient inflows to erode the thermocline and promote mixing in the Cove



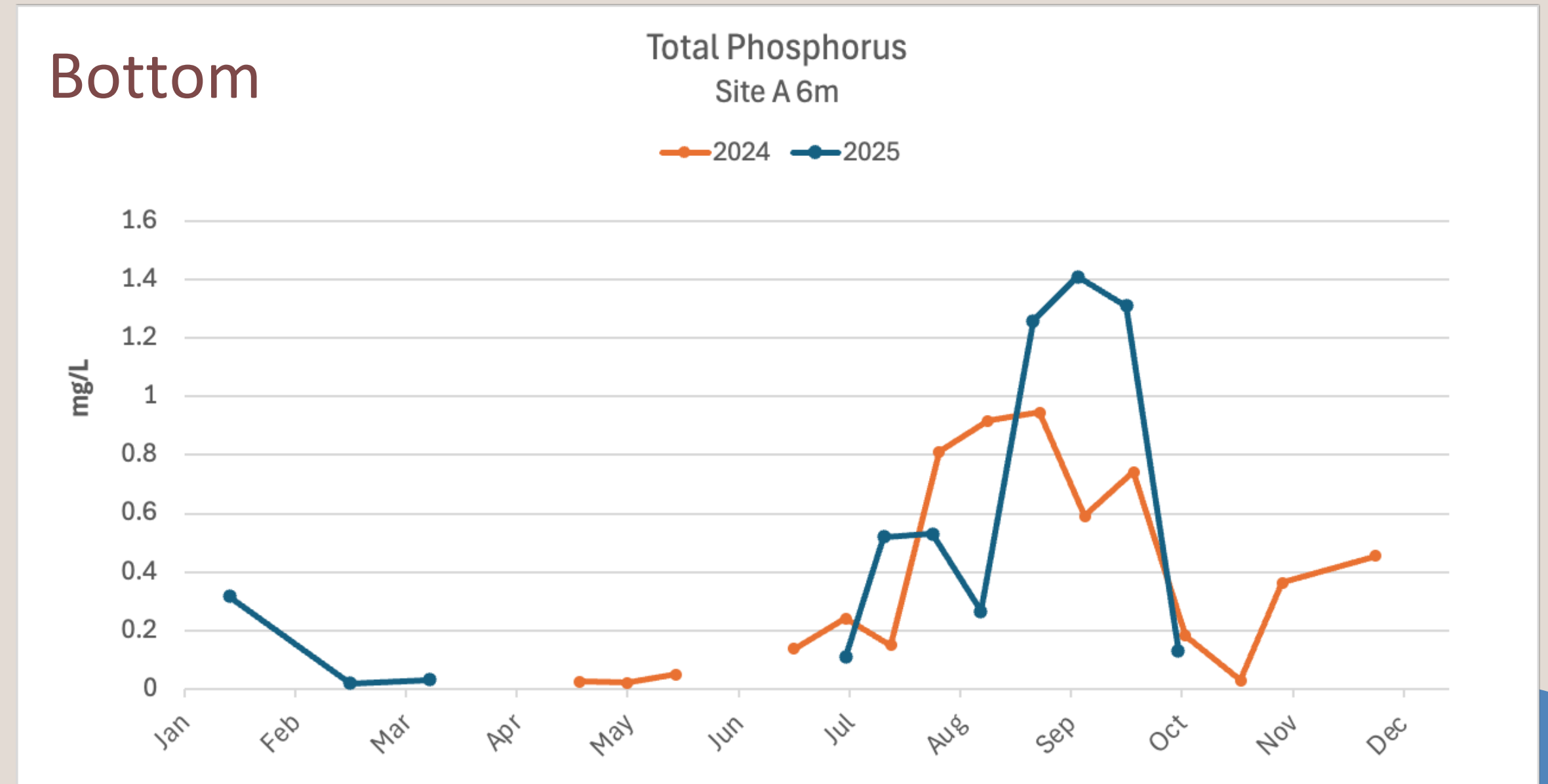
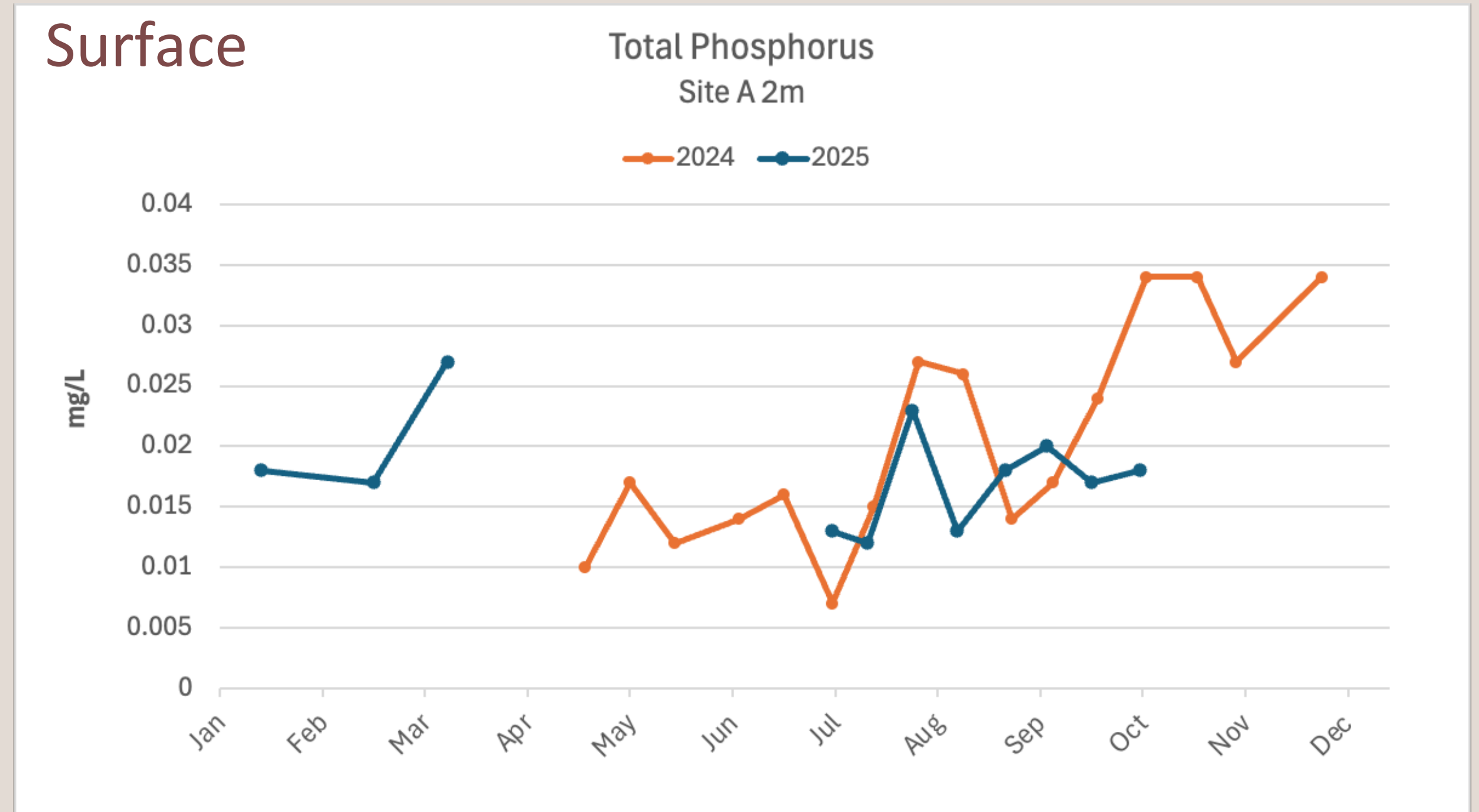
Sediment Phosphorus

- Sediment cores were collected at three locations in the Cove (Sites A and B shown here) and sectioned by depth
- Sediments contain reactive phosphorus that can be released under low-oxygen conditions
- Phosphorus released from sediments can act as a nutrient source for cyanobacteria and aquatic plants during summer



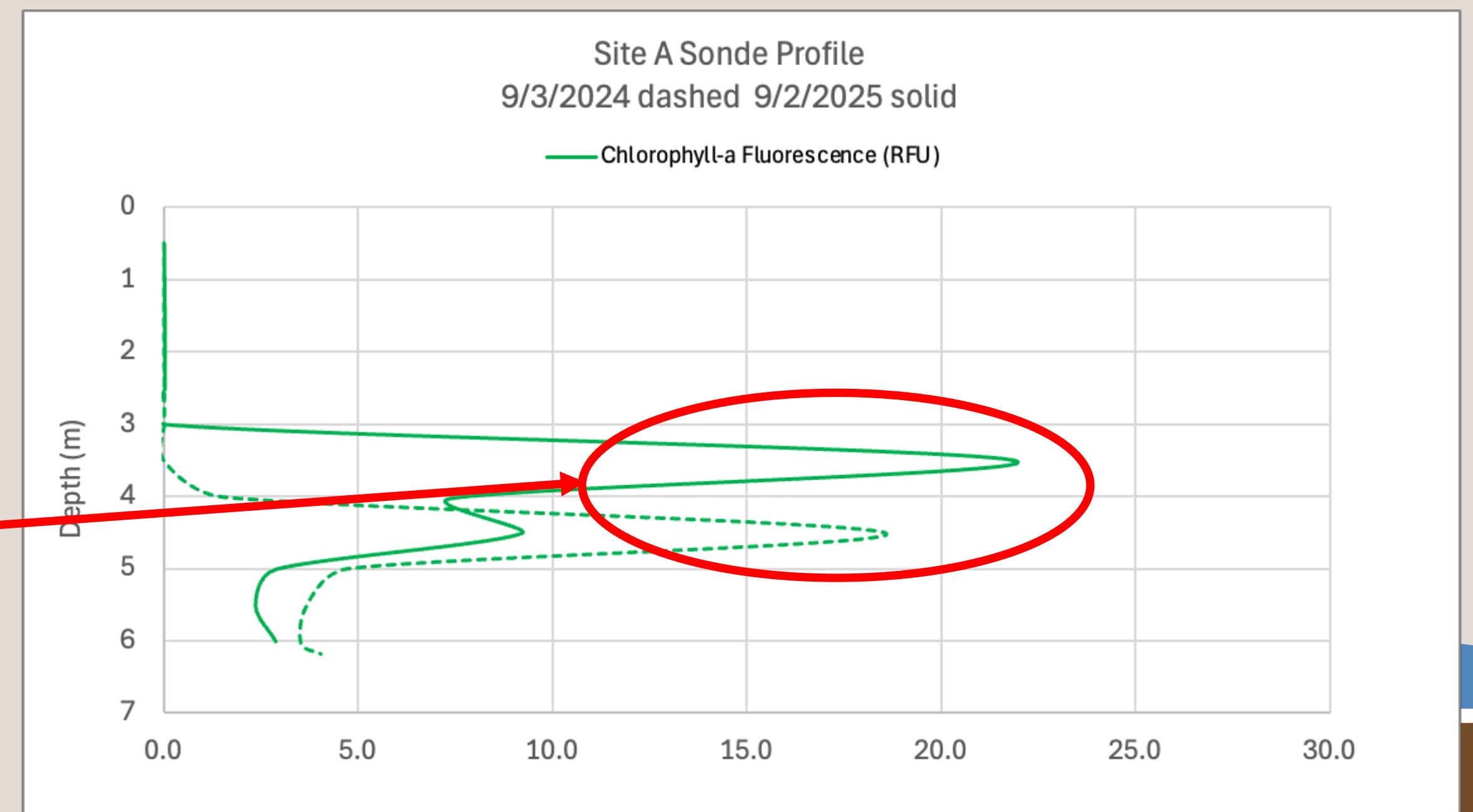
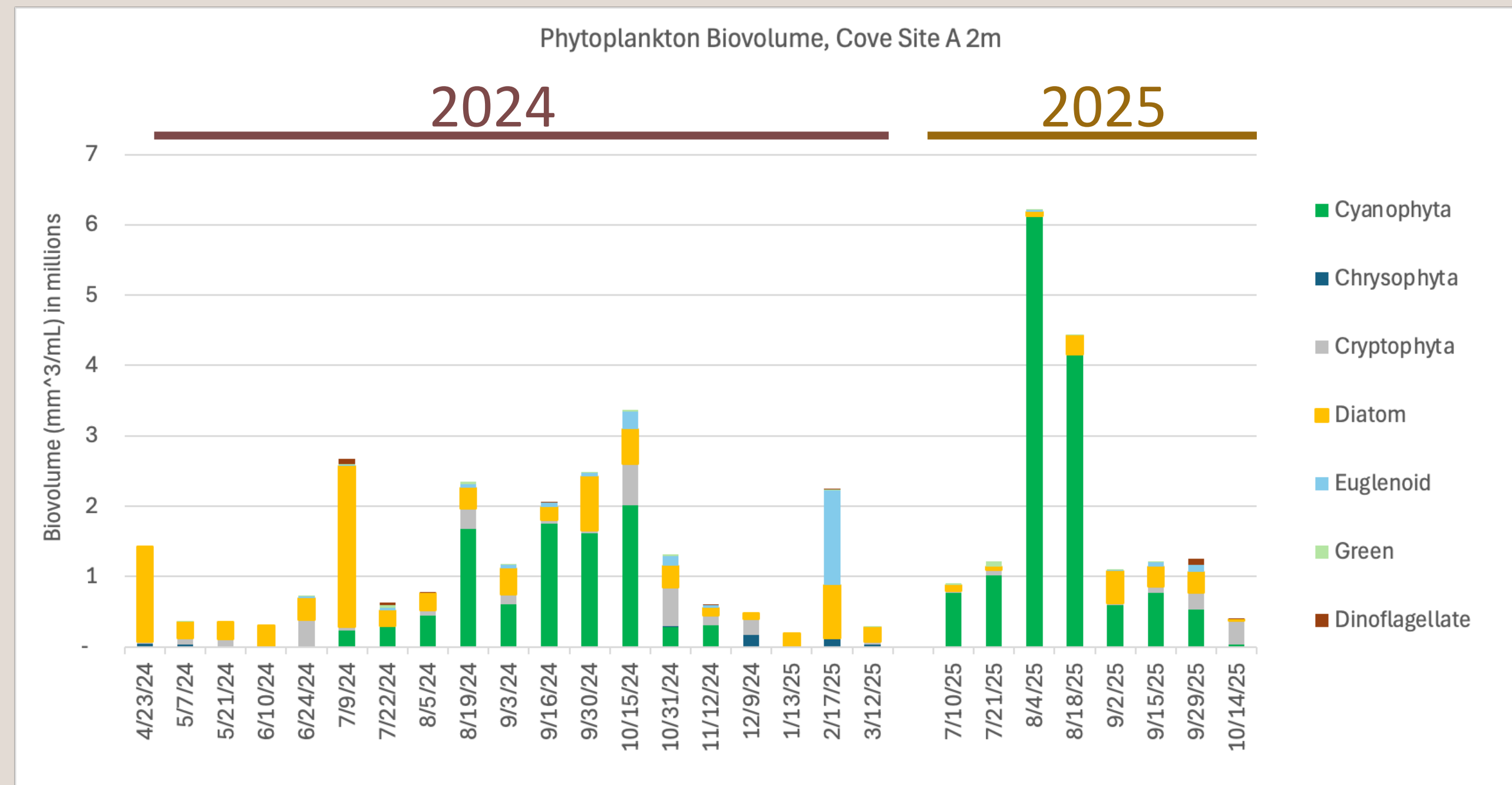
Phosphorus Dynamics

- Phosphorus accumulates at depth during summer.
 - consistent with internal release under low-oxygen conditions
- Surface concentrations remain low
 - Indicates limited external inputs during Cove isolation
- Phosphorus dynamics vary year to year
 - 2025 shows higher concentrations and earlier buildup than in 2024
- Temporal patterns at depth support internal nutrient cycling as an important process making phosphorus available for cyanobacteria in the summer



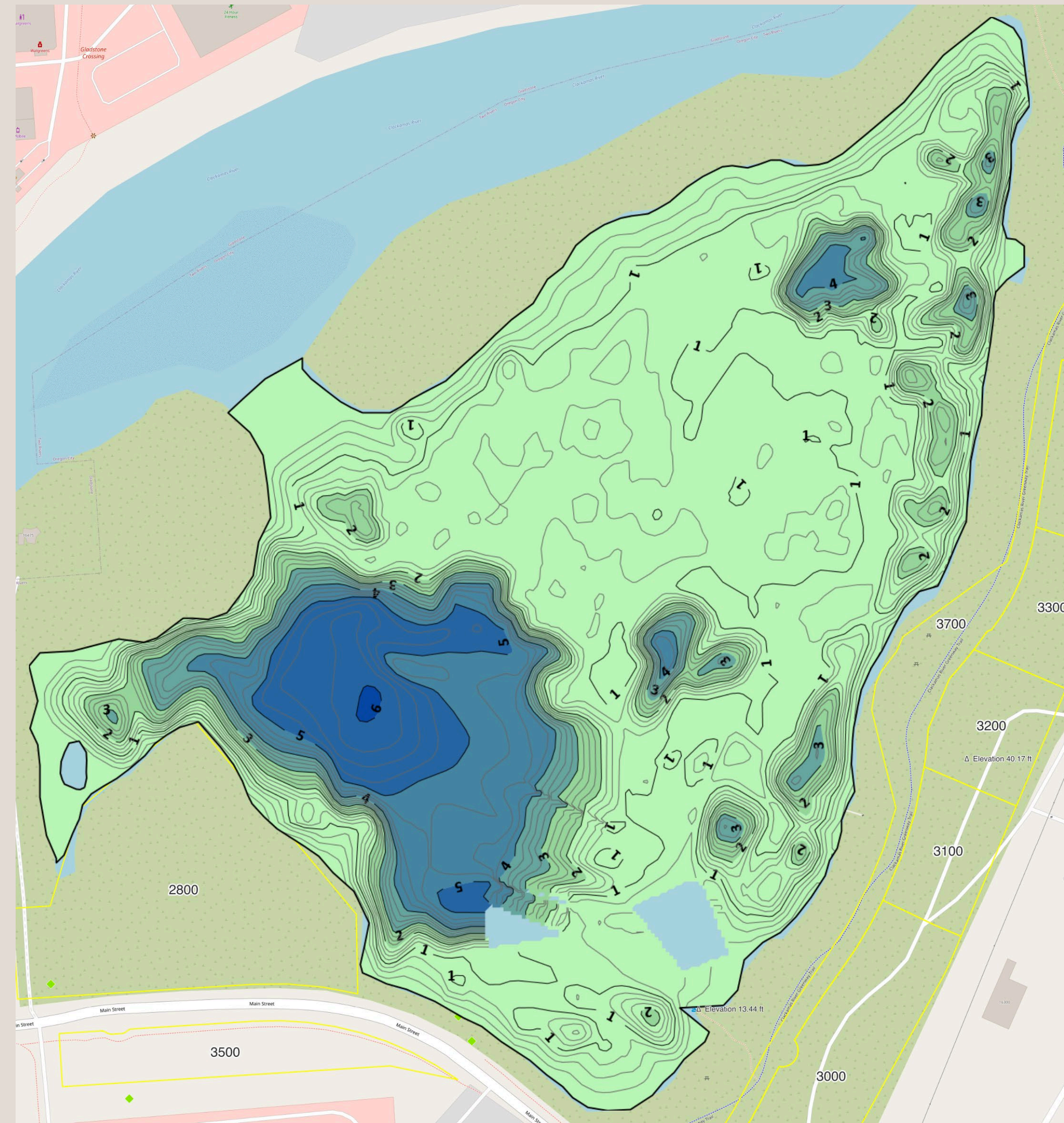
Algal Composition

- Biovolume
 - Cyanobacteria dominate algal volume in the summer of both years
 - Cyanobacteria dominance started earlier and reached 3x higher biovolume in 2025
- Cyanobacteria species
 - Dominated by *Anabaena planctonica* in both 2024 and 2025
 - This species can regulate buoyancy, moving vertically to access light and access nutrients from deeper water.
 - However, there were no surface films and most of the biomass was at mid-depth



Aquatic Vegetation Survey

- Approximately 70% of the Cove was covered in dense vegetation, comprising all areas shallower than 8 feet
- Shallow areas (green) dominated by milfoil, coontail, and native elodea.
 - Some curlyleaf found late in the season
 - Areas in green are thick with vegetation
 - Milfoil topped out most of the summer, with entangled debris and algae
- Deeper areas (blue) mostly coontail



Aquatic Vegetation Survey

Should consider role of vegetation management to improve:

- Circulation and water quality
- Aesthetics
- Recreation opportunities



Synthesis: Water Levels and Hydrodynamics

- The Cove behaves as a semi-connected system – influenced by the river most of the year, but functionally isolated in summer
- Cove hydrodynamics are governed by river stage and tidal exchange, alternating between connected and isolated states throughout the year
- The gravel bar establishes hydraulics control, limiting exchange
 - The upstream side limits inflow from the Clackamas River
 - The downstream side sets summer water levels and limits tidal influence
- Cove water levels decline gradually through evaporation and seepage, leading to reduced mixing and increased residence time
- Aquatic vegetation can significantly impact Cove water circulation
- While seasonal patterns are now well characterized, the rate of inflow needed to sustain mixing during summer will be important for evaluating management options

Synthesis: Water Quality

- Summer thermal stratification creates low-oxygen conditions near the bottom, triggering internal phosphorus release from sediments
- Reactive sediment phosphorus provides a recurring nutrient source, supporting cyanobacteria growth during warm, stagnant periods
- Aquatic vegetation traps heat and intensifies stratification
- Phosphorus buildup and cyanobacteria response can vary year to year, indicating sensitivity to hydrologic and climatic conditions
- Cyanobacteria dominance by *Anabaena planctonica* reflects adaptation to low-mixing – this species can move vertically to access light and nutrients
- Overall, summer conditions reinforce a feedback loop between stratification, internal loading, and algal response

Management Implications and Pathways

Two strategic approaches to reducing summer impairment

**Manage Cove in
the summer like
a lake**

**Enhance exchange
with Clackamas
River**

The current work phase is using what we have learned through data collection to refine Alternatives for each path

Next Steps and Timeline

- **Now:** Refine model calibration based on updated understanding – key to simulating Alternatives
- **November-December:** Run model scenarios and post-process outputs
- **January:** Alternatives Workshop #2 – Present initial results of model simulations
- **April:** Alternatives Workshop #3 – Present management alternatives that can result in improved water quality
- **April-May:** Draft Alternatives Evaluation Technical Report
- **June:** Present Final Alternatives Evaluation Technical Report



CITY OF OREGON CITY

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

Staff Report

To: Planning Commission **Agenda Date:** January 12, 2026
From: Pete Walter, Planning Manager
 Jude Thaddaeus, Assistant Planner

SUBJECT:

GLUA-25-00047 / MAS-25-00006: Clackamas Community College Athletics Complex Redevelopment - Continuance

STAFF RECOMMENDATION:

Due to unforeseen circumstances, Staff requests that the Commission open the public hearing for this agenda item and continue it to the next Planning Commission hearing, a date certain of January 26, 2026.

EXECUTIVE SUMMARY:

Clackamas Community College has submitted a Detailed Development Plan (DDP) proposal for Phase 2 of the redevelopment of the campus Athletic Fields Complex. This project includes track replacement and widening, installation of a turf soccer field in the track median, addition of grandstands, storage facilities, plaza spaces, a baseball viewing area, and vehicular circulation improvements. Under OCMC 17.65.070, the applicant is requesting adjustments to OCMC 17.54 for retaining wall height and OCMC 17.62 for building materials and building design elements. Under the existing General Development Plan (file # GLUA-24-00020 / MAS-24-00001), these adjustments require review by the Planning Commission.

Public Notices indicating a hearing date of January 12, 2026 were sent to residents and taxpayers within 300 feet of the Clackamas Community College property at 19600 Molalla Ave. However, due to unforeseen circumstances, Staff is requesting this hearing be postponed to a date certain of January 26, 2026. By opening the public hearing and postponing it to a certain date, no additional notification will be required. As of the date of agenda publication, no public comment has been received on this agenda item.

BACKGROUND:

In 2024, Clackamas Community College submitted a new General Development Plan (GLUA-24-00020 / MAS-24-00001) to cover anticipated new development onsite for 20 years. One of the specific projects covered in that General Development Plan was the redevelopment of the Athletic Fields Complex. In 2025, the applicant attended a Pre-Application Conference and determined that splitting this project into two phases was the most appropriate course of action. Phase one (approved through a Type I process under file # MAS-25-00005) would respond to the more immediate need to change the surfaces of the baseball and softball areas for drainage considerations. Phase 2, which this Detailed Development Plan covers,

relates to the larger aspects of the project that involve track expansion, turf installation, a new grandstand, and other new structures and vehicle circulation changes. The new grandstand structure requires installation along a 12-foot high retaining wall that is taller than OCMC 17.54 permits, and certain accessory building details and construction elements in OCMC 17.62 that require adjustments to the code under OCMC 17.65.070.

The January 26, 2026 Planning Commission agenda will include a complete staff report with the required findings and conditions for consideration.

NEXT STEPS:

Open the public record and receive any in-person public comments related to this application. Continue the hearing to a date certain of January 26, 2026.

OPTIONS:

1. Continue to hearing to a date certain of January 26, 2026.



CITY OF OREGON CITY

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

Staff Report

To: Planning Commission **Agenda Date:** January 12, 2026
From: Pete Walter, Planning Manager
Josh Wheeler, Assistant City Engineer

SUBJECT:

GLUA-25-00054 / LEG-24-00003 - OCMC 16.12 Code Amendments for Public Improvement Exemptions

STAFF RECOMMENDATION:

Based on the findings in the attached staff report and recommendation, staff recommends that the Planning Commission recommend approval of Planning files LEG-25-03 / GLUA-25-054 to the City Commission.

EXECUTIVE SUMMARY:

The proposed amendments implement House Bill (HB) 2658 (2025) relating to frontage improvements by amending Oregon City Municipal Code section 16.12.011 – Applicability.

Per (HB) 2658, municipalities may not require public street frontage improvements for accessory dwelling units (ADUs), any improvement where the total building square footage does not increase, and any improvement where the total cost of alteration is less than \$150,000. This proposal amends the Applicability section of Chapter 16.12 of the Oregon City Municipal Code, Minimum Public Improvements and Design Standards for Development.

BACKGROUND:

Please see the attached legislative staff report and recommended findings.

NEXT STEPS:

OPTIONS:

1. Approve the proposal as recommended.
2. Approve the proposal with changes recommended by the Planning Commission.
3. Do not approval the proposal and provide direction to city staff,

16.12.011 Applicability.

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single-family detached residential and middle housing units' living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. ~~Accessory dwelling units are not subject to compliance with this chapter.~~ All single-family detached residential and middle housing units shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
 - 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
 - 2. Plant street trees.

The cost of compliance with the standards identified in subsections 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

- C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:
 - 1. Minor site plan and design review applications.
 - 2. Work within the right-of-way.
 - 3. Lot line adjustments and abandonments.
 - 4. Public capital improvement projects.
 - 5. [Accessory dwelling units](#)
 - 6. [Any improvement where the total building square footage does not increase.](#)
 - 7. [Any improvement where the total cost of alteration is less than \\$150,000.](#)

(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; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

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

HEARING DATE: **January 12, 2026** - Planning Commission
7:00 pm, Commission Chambers, Robert Libke Public Safety Building
1234 Linn Ave, Oregon City, OR 97045

FILE NUMBERS: **LEG-25-03 / GLUA-25-054**

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: Josh Wheeler, Oregon City Public Works Assistant City Engineer
City of Oregon City - Planning Division,
PO Box 3040, Oregon City, OR 97045

REVIEWER: Pete Walter, Planning Manager

REQUEST: Implement House Bill (HB) 2658 (2025) relating to frontage improvements by amending Oregon City Municipal Code section 16.12.011 – Applicability, through the legislative review process.

PROJECT WEBPAGE: <https://www.orcity.org/3494/GLUA-25-054-LEG-25-03-Code-Amendments>

LOCATION(S): City Wide

I. BACKGROUND:

This legislative proposal will amend OCMC 16.12.011.B and OCMC 16.12.011.C.

Chapter 16.12 of the municipal code contains development requirements for public improvements for new development, including streets, sidewalks, sanitary sewer, stormwater, and water requirements. This chapter applies when new development is proposed and implements the city's various master plans for infrastructure. The City's adopted public infrastructure plans with their most recent adoption year indicated in parentheses below include:

- Transportation System Plan (2013)
- Sanitary Sewer Master Plan (2014)
- Water Master Plan (2021)
- Stormwater Master Plan (2019)
- Trails Master plan (2004)
- Parks Master Plan (2025)

- Additional ancillary plans related to public improvements are part of the Comprehensive Plan.¹

The term “frontage Improvements” refers to the construction of new or upgraded sidewalks, curbs, gutter, road pavement, street trees, planting areas, utilities, etc. along the public street frontage of new residential and commercial development. "Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

HB2658² was passed by the 83rd Oregon Legislative Assembly on June 24, 2025 and was made part of ORS 455.410 to 455.740. HB2658 requires cities to exempt development from frontage improvements when the cost of the development is less than \$150,000 and where the total building square footage does not increase.

Existing Oregon City Municipal Code currently does not require frontage improvements for projects where the total building square footage does not increase; however, to implement HB2658, the exemption is being added to be explicitly stated.

Additionally, as a clarification to code, the existing exemption for Accessory Dwelling Units (ADUs) is being moved from OCMC 16.12.011.B to OCMC 16.12.011.C.

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.

Public Involvement, Notice and Comment

Staff attended the Citizen Involvement Committee (CIC) on December 1, 2025. CIC members had no comments about the proposed code change.

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 is also required to provide the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development 35 days prior to the first evidentiary hearing on the proposal.

Notice of the public hearing is also required to be provided to the Citizen Involvement Committee, Neighborhood Associations, and affected service districts, agencies and parties. This was done by email on December 23rd, 2025, at least 20 days prior to the hearing.

II. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed annexation code amendments are consistent with applicable approval criteria.

¹ <https://www.orcity.org/DocumentCenter/View/3895/Adopted-Appendix--Ancillary-Plans-PDF>.

² <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/HB2658/Enrolled>

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: This amendment to the code was initiated by an application to the Planning Division.

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, Planning Commission, and City Commission where applicable.

17.68.020 - Criteria.

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

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

Finding: 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).

Conformity of the proposal with the city's 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.

Finding: the proposed amendments in this legislative proposal continue to meet the applicable OC2040 Goals for Health and Welcoming Communities. This legislative action followed the procedures found in OCMC 17.50.170 including meetings with the Citizen Involvement Committee, Planning Commission, and City Commission where applicable.

Chapter 2: Diverse Economy

GOAL 1 Provide opportunities for a variety of goods, services, and employment options to work toward a dynamic, ecologically sound, and socially equitable economy.

GOAL 2 Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.

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

Finding: the proposed amendments in this legislative proposal continue to meet the applicable OC2040 Goals for a Diverse Economy, in particular Goal 2, which is to provide housing options that are attainable for the full range of Oregon City households. HB2658 requires cities to exempt development from frontage improvements when the cost of the development is less than \$150,000 and where the total building square footage does not increase. This means that smaller projects such as home remodels, commercial projects, upgrades for plumbing, electrical, or mechanical (HVAC) projects etc. will be cheaper to implement for homeowners, property owners and businesses as they will not trigger frontage improvements.

Chapter 3: Connected Infrastructure

- GOAL 1** Provide a safe, comfortable, and accessible transportation network that serves all modes of travel, including non- motorized modes.
- GOAL 2** Ensure public utilities and infrastructure are maintained and improved to adequately serve all existing areas of Oregon City and can be extended to serve newly developing areas in a logical and fiscally responsible manner.
- GOAL 3** Serve the health, safety, and welfare of all Oregon City residents through provision of comprehensive public facilities and services.
- GOAL 4** Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

Finding: The proposed amendments in this legislative proposal continue to meet the applicable OC2040 goals for Connected Infrastructure. Code requirements and standards for connections to sewer, water and stormwater requirements will still apply. HB2658 requires cities to exempt development from frontage improvements when the cost of the development is less than \$150,000 and where the total building square footage does not increase. This means that smaller projects such as a home remodels, commercial tenant improvements, or plumbing project etc. will be easier to implement for property owners and businesses as they will not trigger frontage improvements but will still comply with applicable building code, life and safety standards and zoning requirements.

Chapter 4: Protected Environment

- GOAL 1** Provide and maintain a comprehensive system of parks, trails, natural resource areas, and recreation amenities that is accessible to residents of all ages and abilities, enhances the environmental and aesthetic quality of the community, and encourages healthy living.
- GOAL 2** Conserve, protect, and enhance the function, health, and diversity of the City’s natural resources and ecosystems.
- GOAL 4** Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region.

Finding: the proposed amendments in this legislative proposal continue to meet the applicable OC2040 goals for a Protected Environment. Code requirements and standards for connections to sewer, water and stormwater requirements will still apply. The proposal makes no changes to the requirements of the City’s overlay districts which protect natural resources such as the Natural Resources Overlay District (OCMC 17.49), Geologic Hazards Overlay District (OCMC 17.44), Willamette River Greenway (OCMC 17.48) and Flood Management Overlay District (OCMC 17.48). Construction site runoff standards will continue to apply (OCMC 17.47) HB 2658 requires cities to exempt development from frontage improvements when the cost of the development is less than \$150,000 and where the total building square footage does not increase. This means that smaller projects such as a home **remodel**, commercial tenant **improvement**, or plumbing project etc. will be easier to implement for property owners and businesses as they will not trigger frontage

improvements. The exemption from frontage improvements will include not having to plant street trees.

Statewide Planning Goals

Finding: The code amendments proposed are the results of state mandated housing rules. No changes to the Comprehensive Plan, zoning districts, or land use designations for lands within the Urban Growth Boundary are proposed currently. The City's Comprehensive Plan and its ancillary documents are already acknowledged by the Oregon Department of Land Use and Conservation (DLCD). No further analysis for consistency with Statewide Planning Goals is required.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 2. *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 3. *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Staff held the required pre-application conference meeting (File PA-25-00049), on November 12, 2025. The pre-application conference notes are attached to the application.

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: As this is a legislative proposal that affects the code city-wide and is not site specific development, no meeting with a specific neighborhood association is required. Staff presented the amendments to the Citizen Involvement Committee on December 1, 2025. A copy of the proposed code revisions was presented.

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: not applicable. Legislative actions are not subject to the 120-day deadline.

III. RECOMMENDATION

Based on the findings in this report, staff recommends approval of Planning files LEG-25-03 / GLUA-25-054. 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 plan.

Enrolled
House Bill 2658

Sponsored by Representative EVANS; Representative ANDERSEN, Senator SMITH DB (Pre-session filed.)

CHAPTER

AN ACT

Relating to conditions of development.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 455.410 to 455.740.

SECTION 2. (1) As used in this section:

(a) "Alteration" means any construction or renovation to an existing structure other than a repair or addition to the existing structure.

(b) "Construction permit" means a building permit or a permit for electrical work, mechanical work or plumbing work in a building.

(c)(A) "Frontage improvement" means repairs to or construction or renovation of roadway surfaces, curbs, gutters, sidewalks and similar or related infrastructure that is:

- (i) Privately constructed;
- (ii) Located within a public right of way; and
- (iii) Adjacent to property for which a municipality has issued a construction permit.

(B) "Frontage improvement" does not include repairing damage that a holder of a construction permit caused.

(2)(a) Except as provided in paragraph (b) of this subsection, a municipality with a population of 15,000 or more may not require in, or as a condition of obtaining, a construction permit to renovate or otherwise alter an existing building that the holder of the construction permit install a frontage improvement, or have a frontage improvement installed, if:

(A) The alteration does not result in an increase to the building's square footage or footprint;

(B) The cost of the alteration does not exceed the amount the Director of the Department of Consumer and Business Services specifies under subsection (3) of this section; and

(C) Existing or proposed uses for the building do not result in a change to the occupancy classification group that applied to the building at the time the municipality received an application for the construction permit.

(b) The prohibition described in paragraph (a) of this subsection does not apply:

(A) To any of the following conditions a municipality may impose upon a construction permit:

- (i) A dedication of right-of-way;
- (ii) An assessment or required payment of a system development charge;
- (iii) A waiver of remonstrance to the formation of a local improvement district; or

(iv) An assessment or collection of fees for a local improvement district or charges in lieu of a local improvement district assessment; or

(B) If the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., as in effect on the effective date of this 2025 Act, requires the municipality to include the installation of a frontage improvement as a condition in, or as a condition of obtaining, a construction permit.

(3) The director shall set the initial cost that an alteration may not exceed under subsection (2)(a)(B) of this section at \$150,000 and each year shall adjust the cost to reflect changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) If a municipality or the Department of Transportation requires a person to install a frontage improvement along a state highway as a condition in, or a condition of obtaining, a construction permit or obtaining final action on a permit or zone change under ORS 215.427 or 227.175, the municipality and the department shall coordinate with the person to determine if design, engineering or construction plans already exist for the required frontage improvement.

SECTION 3. Section 2 of this 2025 Act is amended to read:

Sec. 2. (1) As used in this section:

(a) "Alteration" means any construction or renovation to an existing structure other than a repair or addition to the existing structure.

(b) "Construction permit" means a building permit or a permit for electrical work, mechanical work or plumbing work in a building.

(c)(A) "Frontage improvement" means repairs to or construction or renovation of roadway surfaces, curbs, gutters, sidewalks and similar or related infrastructure that is:

(i) Privately constructed;

(ii) Located within a public right of way; and

(iii) Adjacent to property for which a municipality has issued a construction permit.

(B) "Frontage improvement" does not include repairing damage that a holder of a construction permit caused.

(2)(a) Except as provided in paragraph (b) of this subsection, a municipality [*with a population of 15,000 or more*] may not require in, or as a condition of obtaining, a construction permit to renovate or otherwise alter an existing building that the holder of the construction permit install a frontage improvement, or have a frontage improvement installed, if:

(A) The alteration does not result in an increase to the building's square footage or footprint;

(B) The cost of the alteration does not exceed the amount the Director of the Department of Consumer and Business Services specifies under subsection (3) of this section; and

(C) Existing or proposed uses for the building do not result in a change to the occupancy classification group that applied to the building at the time the municipality received an application for the construction permit.

(b) The prohibition described in paragraph (a) of this subsection does not apply:

(A) To any of the following conditions a municipality may impose upon a construction permit:

(i) A dedication of right-of-way;

(ii) An assessment or required payment of a system development charge;

(iii) A waiver of remonstrance to the formation of a local improvement district; or

(iv) An assessment or collection of fees for a local improvement district or charges in lieu of a local improvement district assessment; or

(B) If the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., as in effect on the effective date of this 2025 Act, requires the municipality to include the installation of a frontage improvement as a condition in, or as a condition of obtaining, a construction permit.

(3) The director shall set the initial cost that an alteration may not exceed under subsection (2)(a)(B) of this section at \$150,000 and each year shall adjust the cost to reflect changes in the

Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) If a municipality or the Department of Transportation requires a person to install a frontage improvement along a state highway as a condition in, or a condition of obtaining, a construction permit or obtaining final action on a permit or zone change under ORS 215.427 or 227.175, the municipality and the department shall coordinate with the person to determine if design, engineering or construction plans already exist for the required frontage improvement.

SECTION 4. The amendments to section 2 of this 2025 Act by section 3 of this 2025 Act become operative on January 1, 2031.

Passed by House April 15, 2025

Received by Governor:

Repassed by House June 24, 2025

.....M.,....., 2025

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2025

.....
Julie Fahey, Speaker of House

.....
Tina Kotek, Governor

Passed by Senate June 23, 2025

Filed in Office of Secretary of State:

.....M.,....., 2025

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Rob Wagner, President of Senate

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Tobias Read, Secretary of State